

I_133_0567-4

133rd General Assembly
Regular Session
2019-2020

Sub. S. B. No. 3

A BILL

To amend sections 109.572, 128.04, 177.01, 1
1901.186, 1901.20, 1907.02, 2152.021, 2152.18, 2
2743.60, 2901.13, 2923.01, 2923.02, 2923.13, 3
2923.241, 2923.31, 2923.41, 2925.01, 2925.02, 4
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 5
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 6
2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 7
2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 8
2929.18, 2929.25, 2929.34, 2931.03, 2933.51, 9
2935.36, 2941.1410, 2945.71, 2951.041, 2953.31, 10
2953.32, 2953.52, 2967.18, 2967.19, 2967.28, 11
2981.01, 3301.32, 3301.541, 3313.662, 3319.31, 12
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 13
3721.121, 3734.44, 3767.01, 4112.02, 4510.17, 14
4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 15
5119.93, 5119.94, 5120.53, 5153.111, and 5502.13 16
and to enact sections 181.27, 2925.031, 17
2925.032, 2925.111, and 2925.112 of the Revised 18
Code to modify the controlled substance 19
possession and trafficking prohibitions and 20
penalties, modify the drug and alcohol abuse 21
civil commitment mechanism, and require the 22



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State Criminal Sentencing Commission to study 23
the impact of those changes. 24

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

Section 1. That sections 1901.186, 1901.20, 1907.02, 25
2901.13, 2923.02, 2923.13, 2925.01, 2925.03, 2925.11, 2929.01, 26
2929.13, 2929.14, 2929.15, 2931.03, 2941.1410, 2945.71, 2953.31, 27
2953.32, 2953.52, 2981.01, 5119.93, and 5119.94 be amended and 28
sections 181.27, 2925.031, 2925.032, 2925.111, and 2925.112 of 29
the Revised Code be enacted to read as follows: 30

Sec. 181.27. (A) In addition to its duties set forth in 31
sections 181.23 to 181.26 of the Revised Code, the state 32
criminal sentencing commission is hereby designated a criminal 33
justice agency, as defined in section 109.571 of the Revised 34
Code, and as such is authorized by this state to apply for 35
access to the computerized databases administered by the 36
national crime information center or the law enforcement 37
automated data system in Ohio, and to other computerized 38
databases administered for the purpose of making criminal 39
justice information accessible to state criminal justice 40
agencies. 41

(B) In addition to its duties set forth in sections 181.23 42
to 181.26 of the Revised Code, the state criminal sentencing 43
commission shall do all of the following: 44

(1) Within ninety days after the effective date of this 45
section, pursuant to section 181.23 of the Revised Code, 46
commence a study of the impact of sections relevant to the act 47
in which this section is enacted, including but not limited to, 48

changes to sections 1901.20, 1907.02, 2925.01 to 2925.51, 49
2941.1410, 2953.31, 2953.32, 2953.52, 5119.93, and 5119.94 of 50
the Revised Code, and continue studying that impact on an 51
ongoing basis. 52

(2) Not later than December 31, 2020, and biennially 53
thereafter, submit to the general assembly and the governor its 54
findings regarding the study described in division (B)(1) of 55
this section, in a report that contains the results of the study 56
and recommendations. 57

Sec. 1901.186. (A) As used in this section: 58

(1) "Felony sex offense" has the same meaning as in 59
section 2967.28 of the Revised Code. 60

(2) "Offense of violence" has the same meaning as in 61
section 2901.01 of the Revised Code. 62

(3) "Informant" means a person who is assisting a law 63
enforcement agency in a criminal investigation by purchasing 64
controlled substances from others in return for compensation 65
from the law enforcement agency. 66

(B) In addition to all other jurisdictions granted a 67
municipal court in this chapter, except as provided in division 68
(C) of this section, the Tiffin-Fostoria municipal court has 69
concurrent jurisdiction with the Seneca county court of common 70
pleas in all criminal actions or proceedings to which both of 71
the following apply: 72

(1) The court finds that the offender's addiction to a 73
drug of abuse was the primary factor leading to the offender's 74
commission of the offense charged. 75

(2) The offender is admitted to participate in the 76

participating in victory of transition (PIVOT) drug recovery 77
program. 78

(C) The Tiffin-Fostoria municipal court does not have 79
concurrent jurisdiction with the Seneca county court of common 80
pleas in a criminal action or proceeding when any of the 81
following applies: 82

(1) The defendant is not a resident of Seneca county. 83

(2) The defendant is charged with a felony offense of 84
violence. 85

(3) The defendant is charged with a felony sex offense or 86
has a duty to comply with sections 2950.04, 2950.041, 2950.05, 87
and 2950.06 of the Revised Code. 88

(4) The defendant is charged with a felony violation of 89
section 2925.04 or 2925.041 of the Revised Code. 90

(5) The defendant is under a community control sanction or 91
post-release control sanction imposed by another court or is on 92
parole or probation under the supervision of another 93
jurisdiction. 94

(6) Criminal proceedings are pending against the defendant 95
for a felony offense in another jurisdiction. 96

(7) The defendant is serving a prison term imposed by 97
another court. 98

(8) The defendant is engaged as an informant for a law 99
enforcement agency. 100

(9) The defendant is charged in the Tiffin-Fostoria 101
municipal court with a reclassified misdemeanor drug possession 102
offense, as defined in section 1901.20 of the Revised Code, and 103

the case is transferred to the Seneca county court of common 104
pleas under division (A) (3) of that section. If the case is not 105
transferred to the Seneca county court of common pleas under 106
division (A) (3) of that section, the Tiffin-Fostoria municipal 107
court has exclusive jurisdiction over all actions or proceedings 108
in the case. 109

(D) The concurrent jurisdiction granted by this section 110
shall expire five years after ~~the effective date of this section~~ 111
August 1, 2018, unless renewed or made permanent by the general 112
assembly prior to its expiration. 113

Sec. 1901.20. (A) (1) The municipal court has jurisdiction 114
to hear misdemeanor cases committed within its territory, 115
subject to division (A) (3) of this section, and has jurisdiction 116
over the violation of any ordinance of any municipal corporation 117
within its territory, including exclusive jurisdiction over 118
every civil action concerning a violation of a state traffic law 119
or a municipal traffic ordinance. The municipal court does not 120
have jurisdiction over a violation that is required to be 121
handled by a parking violations bureau or joint parking 122
violations bureau pursuant to Chapter 4521. of the Revised Code. 123
However, the municipal court has jurisdiction over the violation 124
of a vehicle parking or standing resolution or regulation if a 125
local authority, as defined in division (D) of section 4521.01 126
of the Revised Code, has specified that it is not to be 127
considered a criminal offense, if the violation is committed 128
within the limits of the court's territory, and if the violation 129
is not required to be handled by a parking violations bureau or 130
joint parking violations bureau pursuant to Chapter 4521. of the 131
Revised Code. 132

The municipal court, if it has a housing or environmental 133

division, has jurisdiction over any criminal action over which 134
the housing or environmental division is given jurisdiction by 135
section 1901.181 of the Revised Code, provided that, except as 136
specified in division (B) of that section, no judge of the court 137
other than the judge of the division shall hear or determine any 138
action over which the division has jurisdiction. In all such 139
prosecutions and cases, the court shall proceed to a final 140
determination of the prosecution or case. 141

(2) A judge of a municipal court does not have the 142
authority to dismiss a criminal complaint, charge, information, 143
or indictment solely at the request of the complaining witness 144
and over the objection of the prosecuting attorney, village 145
solicitor, city director of law, or other chief legal officer 146
who is responsible for the prosecution of the case. 147

(3) If a person commits a reclassified misdemeanor drug 148
possession offense within the territory of a municipal court 149
and the person is charged with the offense, the charges shall be 150
filed in the municipal court. After the charges are filed in the 151
municipal court, the municipal court, on the motion of the 152
prosecutor in the case, on the motion of the defendant, or on 153
its own motion, may transfer the case to the court of common 154
pleas of the county in which the offense was committed. If the 155
municipal court transfers the case to the court of common pleas, 156
the court of common pleas has exclusive jurisdiction over all 157
actions or proceedings in the case. If the municipal court does 158
not transfer the case to the court of common pleas, the 159
municipal court has exclusive jurisdiction over all actions or 160
proceedings in the case. 161

(4) As used in division (A) (3) of this section, 162
"reclassified misdemeanor drug possession offense" means any 163

violation of section 2925.11, 2925.111, or 2925.112 of the 164
Revised Code committed on or after the effective date of this 165
amendment or of the version of section 2925.11 of the Revised 166
Code that was in effect prior to the effective date of this 167
amendment and was committed prior to that effective date, and to 168
which all of the following apply: 169

(a) Prior to the effective date of this amendment, the 170
conduct constituting the violation was a felony under the 171
version of section 2925.11 of the Revised Code that then was in 172
effect. 173

(b) On the effective date of this amendment, the offense 174
classification of the felony violation referred to in division 175
(A) (4) (a) of this section was reduced to a misdemeanor under the 176
version of section 2925.11, 2925.111, or 2925.112 of the Revised 177
Code that took effect on that date. 178

(c) If the offense is a violation of the version of 179
section 2925.11 of the Revised Code that was in effect prior to 180
the effective date of this amendment and was committed prior to 181
that effective date, the penalty, forfeiture, or punishment for 182
that violation has not been imposed as of the effective date of 183
this amendment. 184

(B) The municipal court has jurisdiction to hear felony 185
cases committed within its territory. In all felony cases, the 186
court may conduct preliminary hearings and other necessary 187
hearings prior to the indictment of the defendant or prior to 188
the court's finding that there is probable and reasonable cause 189
to hold or recognize the defendant to appear before a court of 190
common pleas and may discharge, recognize, or commit the 191
defendant. 192

(C) A municipal court has jurisdiction over an appeal from 193
a judgment or default judgment entered pursuant to Chapter 4521. 194
of the Revised Code, as authorized by division (D) of section 195
4521.08 of the Revised Code. The appeal shall be placed on the 196
regular docket of the court and shall be determined by a judge 197
of the court. 198

(D) As used in this section, "violation of a state traffic 199
law or a municipal traffic ordinance" includes, but is not 200
limited to, a traffic law violation recorded by a traffic law 201
photo-monitoring device, as defined in section 4511.092 of the 202
Revised Code. 203

Sec. 1907.02. (A) (1) In addition to other jurisdiction 204
granted a county court in the Revised Code, a county court has 205
jurisdiction of all misdemeanor cases, subject to division (A) 206
(3) of this section. A county court has jurisdiction to conduct 207
preliminary hearings in felony cases, to bind over alleged 208
felons to the court of common pleas, and to take other action in 209
felony cases as authorized by Criminal Rule 5. 210

(2) A judge of a county court does not have the authority 211
to dismiss a criminal complaint, charge, information, or 212
indictment solely at the request of the complaining witness and 213
over the objection of the prosecuting attorney, village 214
solicitor, city director of law, or other chief legal officer 215
who is responsible for the prosecution of the case. 216

(3) If a person commits a reclassified misdemeanor drug 217
possession offense within the territory of a county court and 218
the person is charged with the offense, the charges shall be 219
filed in the county court. After the charges are filed in the 220
county court, the county court, on the motion of the prosecutor 221
in the case, on the motion of the defendant, or on its own 222

motion, may transfer the case to the court of common pleas of 223
the county in which the offense was committed. If the county 224
court transfers the case to the court of common pleas, the court 225
of common pleas has exclusive jurisdiction over all actions or 226
proceedings in the case. If the county court does not transfer 227
the case to the court of common pleas, the county court has 228
exclusive jurisdiction over all actions or proceedings in the 229
case. 230

(4) As used in division (A) (3) of this section, 231
"reclassified misdemeanor drug possession offense" has the same 232
meaning as in section 1901.20 of the Revised Code. 233

(B) A county court has jurisdiction of the violation of a 234
vehicle parking or standing ordinance, resolution, or regulation 235
if a local authority, as defined in division (D) of section 236
4521.01 of the Revised Code, has specified that it is not to be 237
considered a criminal offense, if the violation is committed 238
within the limits of the court's territory, and if the violation 239
is not required to be handled by a parking violations bureau or 240
joint parking violations bureau pursuant to Chapter 4521. of the 241
Revised Code. A county court does not have jurisdiction over 242
violations of ordinances, resolutions, or regulations that are 243
required to be handled by a parking violations bureau or joint 244
parking violations bureau pursuant to that chapter. 245

A county court also has jurisdiction of an appeal from a 246
judgment or default judgment entered pursuant to Chapter 4521. 247
of the Revised Code, as authorized by division (D) of section 248
4521.08 of the Revised Code. Any such appeal shall be placed on 249
the regular docket of the court and shall be determined by a 250
judge of the court. 251

(C) A county court has exclusive jurisdiction over every 252

civil action concerning a violation of a state traffic law or a 253
municipal traffic ordinance, if the violation is committed 254
within the limits of the court's territory. 255

(D) As used in this section, "violation of a state traffic 256
law or a municipal traffic ordinance" has the same meaning as in 257
section 1901.20 of the Revised Code. 258

Sec. 2901.13. (A) (1) Except as provided in division (A) 259
(2), (3), or (4) of this section or as otherwise provided in 260
this section, a prosecution shall be barred unless it is 261
commenced within the following periods after an offense is 262
committed: 263

(a) For a felony, six years; 264

(b) For a misdemeanor other than a minor misdemeanor, two 265
years; 266

(c) For a minor misdemeanor, six months. 267

(2) There is no period of limitation for the prosecution 268
of a violation of section 2903.01 or 2903.02 of the Revised 269
Code. 270

(3) Except as otherwise provided in divisions (B) to (J) 271
of this section, a prosecution of any of the following offenses 272
shall be barred unless it is commenced within twenty years after 273
the offense is committed: 274

(a) A violation of section 2903.03, 2903.04, 2905.01, 275
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 276
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 277
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 278
section 2903.11 or 2903.12 of the Revised Code if the victim is 279
a peace officer, a violation of section 2903.13 of the Revised 280

Code that is a felony, or a violation of former section 2907.12 281
of the Revised Code; 282

(b) A conspiracy to commit, attempt to commit, or 283
complicity in committing a violation set forth in division (A) 284
(3) (a) of this section. 285

(4) Except as otherwise provided in divisions (D) to (L) 286
of this section, a prosecution of a violation of section 2907.02 287
or 2907.03 of the Revised Code or a conspiracy to commit, 288
attempt to commit, or complicity in committing a violation of 289
either section shall be barred unless it is commenced within 290
twenty-five years after the offense is committed. 291

(B) (1) Except as otherwise provided in division (B) (2) of 292
this section, if the period of limitation provided in division 293
(A) (1) or (3) of this section has expired, prosecution shall be 294
commenced for an offense of which an element is fraud or breach 295
of a fiduciary duty, within one year after discovery of the 296
offense either by an aggrieved person, or by the aggrieved 297
person's legal representative who is not a party to the offense. 298

(2) If the period of limitation provided in division (A) 299
(1) or (3) of this section has expired, prosecution for a 300
violation of section 2913.49 of the Revised Code shall be 301
commenced within five years after discovery of the offense 302
either by an aggrieved person or the aggrieved person's legal 303
representative who is not a party to the offense. 304

(C) (1) If the period of limitation provided in division 305
(A) (1) or (3) of this section has expired, prosecution shall be 306
commenced for the following offenses during the following 307
specified periods of time: 308

(a) For an offense involving misconduct in office by a 309

public servant, at any time while the accused remains a public 310
servant, or within two years thereafter; 311

(b) For an offense by a person who is not a public servant 312
but whose offense is directly related to the misconduct in 313
office of a public servant, at any time while that public 314
servant remains a public servant, or within two years 315
thereafter. 316

(2) As used in this division: 317

(a) An "offense is directly related to the misconduct in 318
office of a public servant" includes, but is not limited to, a 319
violation of section 101.71, 101.91, 121.61 or 2921.13, division 320
(F) or (H) of section 102.03, division (A) of section 2921.02, 321
division (A) or (B) of section 2921.43, or division (F) or (G) 322
of section 3517.13 of the Revised Code, that is directly related 323
to an offense involving misconduct in office of a public 324
servant. 325

(b) "Public servant" has the same meaning as in section 326
2921.01 of the Revised Code. 327

(D) (1) If a DNA record made in connection with the 328
criminal investigation of the commission of a violation of 329
section 2907.02 or 2907.03 of the Revised Code is determined to 330
match another DNA record that is of an identifiable person and 331
if the time of the determination is later than twenty-five years 332
after the offense is committed, prosecution of that person for a 333
violation of the section may be commenced within five years 334
after the determination is complete. 335

(2) If a DNA record made in connection with the criminal 336
investigation of the commission of a violation of section 337
2907.02 or 2907.03 of the Revised Code is determined to match 338

another DNA record that is of an identifiable person and if the 339
time of the determination is within twenty-five years after the 340
offense is committed, prosecution of that person for a violation 341
of the section may be commenced within the longer of twenty-five 342
years after the offense is committed or five years after the 343
determination is complete. 344

(3) As used in this division, "DNA record" has the same 345
meaning as in section 109.573 of the Revised Code. 346

(E) An offense is committed when every element of the 347
offense occurs. In the case of an offense of which an element is 348
a continuing course of conduct, the period of limitation does 349
not begin to run until such course of conduct or the accused's 350
accountability for it terminates, whichever occurs first. 351

(F) A prosecution is commenced on the date an indictment 352
is returned or an information filed, or on the date a lawful 353
arrest without a warrant is made, or on the date a warrant, 354
summons, citation, or other process is issued, whichever occurs 355
first. A prosecution is not commenced by the return of an 356
indictment or the filing of an information unless reasonable 357
diligence is exercised to issue and execute process on the same. 358
A prosecution is not commenced upon issuance of a warrant, 359
summons, citation, or other process, unless reasonable diligence 360
is exercised to execute the same. 361

(G) The period of limitation shall not run during any time 362
when the corpus delicti remains undiscovered. 363

(H) The period of limitation shall not run during any time 364
when the accused purposely avoids prosecution. Proof that the 365
accused departed this state or concealed the accused's identity 366
or whereabouts is prima-facie evidence of the accused's purpose 367

to avoid prosecution. 368

(I) The period of limitation shall not run during any time 369
a prosecution against the accused based on the same conduct is 370
pending in this state, even though the indictment, information, 371
or process that commenced the prosecution is quashed or the 372
proceedings on the indictment, information, or process are set 373
aside or reversed on appeal. 374

(J) The period of limitation for a violation of any 375
provision of Title XXIX of the Revised Code that involves a 376
physical or mental wound, injury, disability, or condition of a 377
nature that reasonably indicates abuse or neglect of a child 378
under eighteen years of age or of a child with a developmental 379
disability or physical impairment under twenty-one years of age 380
shall not begin to run until either of the following occurs: 381

(1) The victim of the offense reaches the age of majority. 382

(2) A public children services agency, or a municipal or 383
county peace officer that is not the parent or guardian of the 384
child, in the county in which the child resides or in which the 385
abuse or neglect is occurring or has occurred has been notified 386
that abuse or neglect is known, suspected, or believed to have 387
occurred. 388

(K) As used in this section, "peace officer" has the same 389
meaning as in section 2935.01 of the Revised Code. 390

(L) The amendments to divisions (A) and (D) of this 391
section apply to a violation of section 2907.02 or 2907.03 of 392
the Revised Code committed on and after July 16, 2015, and apply 393
to a violation of either of those sections committed prior to 394
July 16, 2015, if prosecution for that violation was not barred 395
under this section as it existed on the day prior to July 16, 396

2015.

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(M) If, prior to the effective date of this amendment, a
person committed a violation of the version of section 2925.11
of the Revised Code that was in effect prior to that effective
date, if the violation at the time it was committed was a
felony, if the violation is changed on that effective date to an
unclassified misdemeanor, and if the prosecution of the person
for that violation has not been commenced prior to that
effective date, notwithstanding the change of the classification
of the violation to an unclassified misdemeanor, on and after
that effective date, any prosecution of the person for the
violation shall be commenced within the times specified in
divisions (A) to (L) of this section that would apply to the
violation if it had remained as a felony.

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Sec. 2923.02. (A) No person, purposely or knowingly, and
when purpose or knowledge is sufficient culpability for the
commission of an offense, shall engage in conduct that, if
successful, would constitute or result in the offense.

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(B) It is no defense to a charge under this section that,
in retrospect, commission of the offense that was the object of
the attempt was either factually or legally impossible under the
attendant circumstances, if that offense could have been
committed had the attendant circumstances been as the actor
believed them to be.

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(C) No person who is convicted of committing a specific
offense, of complicity in the commission of an offense, or of
conspiracy to commit an offense shall be convicted of an attempt
to commit the same offense in violation of this section.

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(D) It is an affirmative defense to a charge under this

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section that the actor abandoned the actor's effort to commit 426
the offense or otherwise prevented its commission, under 427
circumstances manifesting a complete and voluntary renunciation 428
of the actor's criminal purpose. 429

(E) (1) Whoever violates this section is guilty of an 430
attempt to commit an offense. An attempt to commit aggravated 431
murder, murder, or an offense for which the maximum penalty is 432
imprisonment for life is a felony of the first degree. An 433
attempt to commit a drug abuse offense for which the penalty is 434
determined by the amount or number of unit doses of the 435
controlled substance involved in the drug abuse offense is an 436
offense of the same degree as the drug abuse offense attempted 437
would be if that drug abuse offense had been committed and had 438
involved an amount or number of unit doses of the controlled 439
substance that is within the next lower range of controlled 440
substance amounts than was involved in the attempt. ~~An Except as~~ 441
otherwise provided in this division, an attempt to commit any 442
other offense is an offense of the next lesser degree than the 443
offense attempted. An attempt to commit a violation of any 444
provision of Chapter 2925. of the Revised Code that is an 445
unclassified misdemeanor shall be a misdemeanor of the first 446
degree, but, notwithstanding the provisions of Chapter 2929. of 447
the Revised Code that generally govern the sentencing of an 448
offender convicted of a misdemeanor of the first degree, the 449
court sentencing the offender shall have available any 450
sentencing alternative that would be available for the 451
unclassified misdemeanor if it had been committed. In the case 452
of an attempt to commit an offense other than a violation of 453
Chapter 3734. of the Revised Code that is not specifically 454
classified, an attempt is a misdemeanor of the first degree if 455
the offense attempted is a felony, and a misdemeanor of the 456

fourth degree if the offense attempted is a misdemeanor. In the 457
case of an attempt to commit a violation of any provision of 458
Chapter 3734. of the Revised Code, other than section 3734.18 of 459
the Revised Code, that relates to hazardous wastes, an attempt 460
is a felony punishable by a fine of not more than twenty-five 461
thousand dollars or imprisonment for not more than eighteen 462
months, or both. An attempt to commit a minor misdemeanor, or to 463
engage in conspiracy, is not an offense under this section. 464

(2) If a person is convicted of or pleads guilty to 465
attempted rape and also is convicted of or pleads guilty to a 466
specification of the type described in section 2941.1418, 467
2941.1419, or 2941.1420 of the Revised Code, the offender shall 468
be sentenced to a prison term or term of life imprisonment 469
pursuant to section 2971.03 of the Revised Code. 470

(3) In addition to any other sanctions imposed pursuant to 471
division (E)(1) of this section for an attempt to commit 472
aggravated murder or murder in violation of division (A) of this 473
section, if the offender used a motor vehicle as the means to 474
attempt to commit the offense, the court shall impose upon the 475
offender a class two suspension of the offender's driver's 476
license, commercial driver's license, temporary instruction 477
permit, probationary license, or nonresident operating privilege 478
as specified in division (A)(2) of section 4510.02 of the 479
Revised Code. 480

(4) If a person is convicted of or found guilty of an 481
attempt to commit aggravated murder of the type described in 482
division (E) or (F) of section 2903.01 of the Revised Code, the 483
court shall impose as a mandatory prison term one of the prison 484
terms prescribed for a felony of the first degree. 485

(F) As used in this section: 486

(1) "Drug abuse offense" has the same meaning as in 487
section 2925.01 of the Revised Code. 488

(2) "Motor vehicle" has the same meaning as in section 489
4501.01 of the Revised Code. 490

Sec. 2923.13. (A) Unless relieved from disability under 491
operation of law or legal process, no person shall knowingly 492
acquire, have, carry, or use any firearm or dangerous ordnance, 493
if any of the following apply: 494

(1) The person is a fugitive from justice. 495

(2) The person is under indictment for or has been 496
convicted of any felony offense of violence or has been 497
adjudicated a delinquent child for the commission of an offense 498
that, if committed by an adult, would have been a felony offense 499
of violence. 500

(3) The person is under indictment for or has been 501
convicted of any felony offense involving the illegal 502
possession, use, sale, administration, distribution, or 503
trafficking in any drug of abuse ~~or~~, is charged with or has been 504
convicted of any unclassified misdemeanor offense involving the 505
illegal possession of a controlled substance, has been 506
adjudicated a delinquent child for the commission of an offense 507
that, if committed by an adult, would have been a felony offense 508
involving the illegal possession, use, sale, administration, 509
distribution, or trafficking in any drug of abuse, or has been 510
adjudicated a delinquent child for the commission of an offense 511
that, if committed by an adult, would have been an unclassified 512
misdemeanor offense involving the illegal possession of a 513
controlled substance. 514

(4) The person is drug dependent, in danger of drug 515

dependence, or a chronic alcoholic. 516

(5) The person is under adjudication of mental 517
incompetence, has been adjudicated as a mental defective, has 518
been committed to a mental institution, has been found by a 519
court to be a mentally ill person subject to court order, or is 520
an involuntary patient other than one who is a patient only for 521
purposes of observation. As used in this division, "mentally ill 522
person subject to court order" and "patient" have the same 523
meanings as in section 5122.01 of the Revised Code. 524

(B) Whoever violates this section is guilty of having 525
weapons while under disability, a felony of the third degree. 526

(C) For the purposes of this section, "under operation of 527
law or legal process" shall not itself include mere completion, 528
termination, or expiration of a sentence imposed as a result of 529
a criminal conviction. 530

Sec. 2925.01. As used in this chapter: 531

(A) "Administer," "controlled substance," "controlled 532
substance analog," "dispense," "distribute," "hypodermic," 533
"manufacturer," "official written order," "person," 534
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 535
"schedule III," "schedule IV," "schedule V," and "wholesaler" 536
have the same meanings as in section 3719.01 of the Revised 537
Code. 538

(B) "Drug dependent person" and "drug of abuse" have the 539
same meanings as in section 3719.011 of the Revised Code. 540

(C) "Drug," "dangerous drug," "licensed health 541
professional authorized to prescribe drugs," and "prescription" 542
have the same meanings as in section 4729.01 of the Revised 543
Code. 544

(D) "Bulk amount" of a controlled substance means any of 545
the following: 546

(1) For any compound, mixture, preparation, or substance 547
included in schedule I, schedule II, or schedule III, with the 548
exception of any controlled substance analog, marihuana, 549
cocaine, L.S.D., heroin, any fentanyl-related compound, and 550
hashish and except as provided in division (D) (2), (5), or (6) 551
of this section, whichever of the following is applicable: 552

(a) An amount equal to or exceeding ten grams or twenty- 553
five unit doses of a compound, mixture, preparation, or 554
substance that is or contains any amount of a schedule I opiate 555
or opium derivative; 556

(b) An amount equal to or exceeding ten grams of a 557
compound, mixture, preparation, or substance that is or contains 558
any amount of raw or gum opium; 559

(c) An amount equal to or exceeding thirty grams or ten 560
unit doses of a compound, mixture, preparation, or substance 561
that is or contains any amount of a schedule I hallucinogen 562
other than tetrahydrocannabinol or lysergic acid amide, or a 563
schedule I stimulant or depressant; 564

(d) An amount equal to or exceeding twenty grams or five 565
times the maximum daily dose in the usual dose range specified 566
in a standard pharmaceutical reference manual of a compound, 567
mixture, preparation, or substance that is or contains any 568
amount of a schedule II opiate or opium derivative; 569

(e) An amount equal to or exceeding five grams or ten unit 570
doses of a compound, mixture, preparation, or substance that is 571
or contains any amount of phencyclidine; 572

(f) An amount equal to or exceeding one hundred twenty 573

grams or thirty times the maximum daily dose in the usual dose 574
range specified in a standard pharmaceutical reference manual of 575
a compound, mixture, preparation, or substance that is or 576
contains any amount of a schedule II stimulant that is in a 577
final dosage form manufactured by a person authorized by the 578
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 579
U.S.C.A. 301, as amended, and the federal drug abuse control 580
laws, as defined in section 3719.01 of the Revised Code, that is 581
or contains any amount of a schedule II depressant substance or 582
a schedule II hallucinogenic substance; 583

(g) An amount equal to or exceeding three grams of a 584
compound, mixture, preparation, or substance that is or contains 585
any amount of a schedule II stimulant, or any of its salts or 586
isomers, that is not in a final dosage form manufactured by a 587
person authorized by the Federal Food, Drug, and Cosmetic Act 588
and the federal drug abuse control laws. 589

(2) An amount equal to or exceeding one hundred twenty 590
grams or thirty times the maximum daily dose in the usual dose 591
range specified in a standard pharmaceutical reference manual of 592
a compound, mixture, preparation, or substance that is or 593
contains any amount of a schedule III or IV substance other than 594
an anabolic steroid or a schedule III opiate or opium 595
derivative; 596

(3) An amount equal to or exceeding twenty grams or five 597
times the maximum daily dose in the usual dose range specified 598
in a standard pharmaceutical reference manual of a compound, 599
mixture, preparation, or substance that is or contains any 600
amount of a schedule III opiate or opium derivative; 601

(4) An amount equal to or exceeding two hundred fifty 602
milliliters or two hundred fifty grams of a compound, mixture, 603

preparation, or substance that is or contains any amount of a 604
schedule V substance; 605

(5) An amount equal to or exceeding two hundred solid 606
dosage units, sixteen grams, or sixteen milliliters of a 607
compound, mixture, preparation, or substance that is or contains 608
any amount of a schedule III anabolic steroid; 609

(6) For any compound, mixture, preparation, or substance 610
that is a combination of a fentanyl-related compound and any 611
other compound, mixture, preparation, or substance included in 612
schedule III, schedule IV, or schedule V, if the defendant is 613
charged with a violation of section 2925.11 of the Revised Code 614
and the sentencing provisions set forth in divisions (C) ~~(10)~~ (5) 615
(b) and (C) ~~(11)~~ (6) of that section will not apply regarding the 616
defendant and the violation, the bulk amount of the controlled 617
substance for purposes of the violation is the amount specified 618
in division (D) (1), (2), (3), (4), or (5) of this section for 619
the other schedule III, IV, or V controlled substance that is 620
combined with the fentanyl-related compound. 621

(E) "Unit dose" means an amount or unit of a compound, 622
mixture, or preparation containing a controlled substance that 623
is separately identifiable and in a form that indicates that it 624
is the amount or unit by which the controlled substance is 625
separately administered to or taken by an individual. 626

(F) "Cultivate" includes planting, watering, fertilizing, 627
or tilling. 628

(G) "Drug abuse offense" means any of the following: 629

(1) A violation of division (A) of section 2913.02 that 630
constitutes theft of drugs, or a violation of section 2925.02, 631
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 632

2925.06, 2925.11, 2925.111, 2925.112, 2925.12, 2925.13, 2925.22, 633
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the 634
Revised Code; 635

(2) A violation of an existing or former law of this or 636
any other state or of the United States that is substantially 637
equivalent to any section listed in division (G)(1) of this 638
section; 639

(3) An offense under an existing or former law of this or 640
any other state, or of the United States, of which planting, 641
cultivating, harvesting, processing, making, manufacturing, 642
producing, shipping, transporting, delivering, acquiring, 643
possessing, storing, distributing, dispensing, selling, inducing 644
another to use, administering to another, using, or otherwise 645
dealing with a controlled substance is an element; 646

(4) A conspiracy to commit, attempt to commit, or 647
complicity in committing or attempting to commit any offense 648
under division (G)(1), (2), or (3) of this section. 649

(H) "Felony drug abuse offense" means any drug abuse 650
offense that would constitute, or that at the time it was 651
committed constituted, a felony under the laws of this state, 652
any other state, or the United States. 653

(I) "Harmful intoxicant" does not include beer or 654
intoxicating liquor but means any of the following: 655

(1) Any compound, mixture, preparation, or substance the 656
gas, fumes, or vapor of which when inhaled can induce 657
intoxication, excitement, giddiness, irrational behavior, 658
depression, stupefaction, paralysis, unconsciousness, 659
asphyxiation, or other harmful physiological effects, and 660
includes, but is not limited to, any of the following: 661

(a) Any volatile organic solvent, plastic cement, model 662
cement, fingernail polish remover, lacquer thinner, cleaning 663
fluid, gasoline, or other preparation containing a volatile 664
organic solvent; 665

(b) Any aerosol propellant; 666

(c) Any fluorocarbon refrigerant; 667

(d) Any anesthetic gas. 668

(2) Gamma Butyrolactone; 669

(3) 1,4 Butanediol. 670

(J) "Manufacture" means to plant, cultivate, harvest, 671
process, make, prepare, or otherwise engage in any part of the 672
production of a drug, by propagation, extraction, chemical 673
synthesis, or compounding, or any combination of the same, and 674
includes packaging, repackaging, labeling, and other activities 675
incident to production. 676

(K) "Possess" or "possession" means having control over a 677
thing or substance, but may not be inferred solely from mere 678
access to the thing or substance through ownership or occupation 679
of the premises upon which the thing or substance is found. 680

(L) "Sample drug" means a drug or pharmaceutical 681
preparation that would be hazardous to health or safety if used 682
without the supervision of a licensed health professional 683
authorized to prescribe drugs, or a drug of abuse, and that, at 684
one time, had been placed in a container plainly marked as a 685
sample by a manufacturer. 686

(M) "Standard pharmaceutical reference manual" means the 687
current edition, with cumulative changes if any, of references 688
that are approved by the state board of pharmacy. 689

(N) "Juvenile" means a person under eighteen years of age. 690

(O) "Counterfeit controlled substance" means any of the 691
following: 692

(1) Any drug that bears, or whose container or label 693
bears, a trademark, trade name, or other identifying mark used 694
without authorization of the owner of rights to that trademark, 695
trade name, or identifying mark; 696

(2) Any unmarked or unlabeled substance that is 697
represented to be a controlled substance manufactured, 698
processed, packed, or distributed by a person other than the 699
person that manufactured, processed, packed, or distributed it; 700

(3) Any substance that is represented to be a controlled 701
substance but is not a controlled substance or is a different 702
controlled substance; 703

(4) Any substance other than a controlled substance that a 704
reasonable person would believe to be a controlled substance 705
because of its similarity in shape, size, and color, or its 706
markings, labeling, packaging, distribution, or the price for 707
which it is sold or offered for sale. 708

(P) An offense is "committed in the vicinity of a school" 709
if the offender commits the offense on school premises, in a 710
school building, or within one thousand feet of the boundaries 711
of any school premises, regardless of whether the offender knows 712
the offense is being committed on school premises, in a school 713
building, or within one thousand feet of the boundaries of any 714
school premises. 715

(Q) "School" means any school operated by a board of 716
education, any community school established under Chapter 3314. 717
of the Revised Code, or any nonpublic school for which the state 718

board of education prescribes minimum standards under section 719
3301.07 of the Revised Code, whether or not any instruction, 720
extracurricular activities, or training provided by the school 721
is being conducted at the time a criminal offense is committed. 722

(R) "School premises" means either of the following: 723

(1) The parcel of real property on which any school is 724
situated, whether or not any instruction, extracurricular 725
activities, or training provided by the school is being 726
conducted on the premises at the time a criminal offense is 727
committed; 728

(2) Any other parcel of real property that is owned or 729
leased by a board of education of a school, the governing 730
authority of a community school established under Chapter 3314. 731
of the Revised Code, or the governing body of a nonpublic school 732
for which the state board of education prescribes minimum 733
standards under section 3301.07 of the Revised Code and on which 734
some of the instruction, extracurricular activities, or training 735
of the school is conducted, whether or not any instruction, 736
extracurricular activities, or training provided by the school 737
is being conducted on the parcel of real property at the time a 738
criminal offense is committed. 739

(S) "School building" means any building in which any of 740
the instruction, extracurricular activities, or training 741
provided by a school is conducted, whether or not any 742
instruction, extracurricular activities, or training provided by 743
the school is being conducted in the school building at the time 744
a criminal offense is committed. 745

(T) "Disciplinary counsel" means the disciplinary counsel 746
appointed by the board of commissioners on grievances and 747

discipline of the supreme court under the Rules for the 748
Government of the Bar of Ohio. 749

(U) "Certified grievance committee" means a duly 750
constituted and organized committee of the Ohio state bar 751
association or of one or more local bar associations of the 752
state of Ohio that complies with the criteria set forth in Rule 753
V, section 6 of the Rules for the Government of the Bar of Ohio. 754

(V) "Professional license" means any license, permit, 755
certificate, registration, qualification, admission, temporary 756
license, temporary permit, temporary certificate, or temporary 757
registration that is described in divisions (W) (1) to (37) of 758
this section and that qualifies a person as a professionally 759
licensed person. 760

(W) "Professionally licensed person" means any of the 761
following: 762

(1) A person who has received a certificate or temporary 763
certificate as a certified public accountant or who has 764
registered as a public accountant under Chapter 4701. of the 765
Revised Code and who holds an Ohio permit issued under that 766
chapter; 767

(2) A person who holds a certificate of qualification to 768
practice architecture issued or renewed and registered under 769
Chapter 4703. of the Revised Code; 770

(3) A person who is registered as a landscape architect 771
under Chapter 4703. of the Revised Code or who holds a permit as 772
a landscape architect issued under that chapter; 773

(4) A person licensed under Chapter 4707. of the Revised 774
Code; 775

(5) A person who has been issued a certificate of 776
registration as a registered barber under Chapter 4709. of the 777
Revised Code; 778

(6) A person licensed and regulated to engage in the 779
business of a debt pooling company by a legislative authority, 780
under authority of Chapter 4710. of the Revised Code; 781

(7) A person who has been issued a cosmetologist's 782
license, hair designer's license, manicurist's license, 783
esthetician's license, natural hair stylist's license, advanced 784
cosmetologist's license, advanced hair designer's license, 785
advanced manicurist's license, advanced esthetician's license, 786
advanced natural hair stylist's license, cosmetology 787
instructor's license, hair design instructor's license, 788
manicurist instructor's license, esthetics instructor's license, 789
natural hair style instructor's license, independent 790
contractor's license, or tanning facility permit under Chapter 791
4713. of the Revised Code; 792

(8) A person who has been issued a license to practice 793
dentistry, a general anesthesia permit, a conscious sedation 794
permit, a limited resident's license, a limited teaching 795
license, a dental hygienist's license, or a dental hygienist's 796
teacher's certificate under Chapter 4715. of the Revised Code; 797

(9) A person who has been issued an embalmer's license, a 798
funeral director's license, a funeral home license, or a 799
crematory license, or who has been registered for an embalmer's 800
or funeral director's apprenticeship under Chapter 4717. of the 801
Revised Code; 802

(10) A person who has been licensed as a registered nurse 803
or practical nurse, or who has been issued a certificate for the 804

practice of nurse-midwifery under Chapter 4723. of the Revised	805
Code;	806
(11) A person who has been licensed to practice optometry	807
or to engage in optical dispensing under Chapter 4725. of the	808
Revised Code;	809
(12) A person licensed to act as a pawnbroker under	810
Chapter 4727. of the Revised Code;	811
(13) A person licensed to act as a precious metals dealer	812
under Chapter 4728. of the Revised Code;	813
(14) A person licensed under Chapter 4729. of the Revised	814
Code as a pharmacist or pharmacy intern or registered under that	815
chapter as a registered pharmacy technician, certified pharmacy	816
technician, or pharmacy technician trainee;	817
(15) A person licensed under Chapter 4729. of the Revised	818
Code as a manufacturer of dangerous drugs, outsourcing facility,	819
third-party logistics provider, repackager of dangerous drugs,	820
wholesale distributor of dangerous drugs, or terminal	821
distributor of dangerous drugs;	822
(16) A person who is authorized to practice as a physician	823
assistant under Chapter 4730. of the Revised Code;	824
(17) A person who has been issued a license to practice	825
medicine and surgery, osteopathic medicine and surgery, or	826
podiatric medicine and surgery under Chapter 4731. of the	827
Revised Code or has been issued a certificate to practice a	828
limited branch of medicine under that chapter;	829
(18) A person licensed as a psychologist or school	830
psychologist under Chapter 4732. of the Revised Code;	831
(19) A person registered to practice the profession of	832

engineering or surveying under Chapter 4733. of the Revised	833
Code;	834
(20) A person who has been issued a license to practice	835
chiropractic under Chapter 4734. of the Revised Code;	836
(21) A person licensed to act as a real estate broker or	837
real estate salesperson under Chapter 4735. of the Revised Code;	838
(22) A person registered as a registered sanitarian under	839
Chapter 4736. of the Revised Code;	840
(23) A person licensed to operate or maintain a junkyard	841
under Chapter 4737. of the Revised Code;	842
(24) A person who has been issued a motor vehicle salvage	843
dealer's license under Chapter 4738. of the Revised Code;	844
(25) A person who has been licensed to act as a steam	845
engineer under Chapter 4739. of the Revised Code;	846
(26) A person who has been issued a license or temporary	847
permit to practice veterinary medicine or any of its branches,	848
or who is registered as a graduate animal technician under	849
Chapter 4741. of the Revised Code;	850
(27) A person who has been issued a hearing aid dealer's	851
or fitter's license or trainee permit under Chapter 4747. of the	852
Revised Code;	853
(28) A person who has been issued a class A, class B, or	854
class C license or who has been registered as an investigator or	855
security guard employee under Chapter 4749. of the Revised Code;	856
(29) A person licensed and registered to practice as a	857
nursing home administrator under Chapter 4751. of the Revised	858
Code;	859

(30) A person licensed to practice as a speech-language 860
pathologist or audiologist under Chapter 4753. of the Revised 861
Code; 862

(31) A person issued a license as an occupational 863
therapist or physical therapist under Chapter 4755. of the 864
Revised Code; 865

(32) A person who is licensed as a licensed professional 866
clinical counselor, licensed professional counselor, social 867
worker, independent social worker, independent marriage and 868
family therapist, or marriage and family therapist, or 869
registered as a social work assistant under Chapter 4757. of the 870
Revised Code; 871

(33) A person issued a license to practice dietetics under 872
Chapter 4759. of the Revised Code; 873

(34) A person who has been issued a license or limited 874
permit to practice respiratory therapy under Chapter 4761. of 875
the Revised Code; 876

(35) A person who has been issued a real estate appraiser 877
certificate under Chapter 4763. of the Revised Code; 878

(36) A person who has been issued a home inspector license 879
under Chapter 4764. of the Revised Code; 880

(37) A person who has been admitted to the bar by order of 881
the supreme court in compliance with its prescribed and 882
published rules. 883

(X) "Cocaine" means any of the following: 884

(1) A cocaine salt, isomer, or derivative, a salt of a 885
cocaine isomer or derivative, or the base form of cocaine; 886

(2) Coca leaves or a salt, compound, derivative, or 887
preparation of coca leaves, including ecgonine, a salt, isomer, 888
or derivative of ecgonine, or a salt of an isomer or derivative 889
of ecgonine; 890

(3) A salt, compound, derivative, or preparation of a 891
substance identified in division (X) (1) or (2) of this section 892
that is chemically equivalent to or identical with any of those 893
substances, except that the substances shall not include 894
decocainized coca leaves or extraction of coca leaves if the 895
extractions do not contain cocaine or ecgonine. 896

(Y) "L.S.D." means lysergic acid diethylamide. 897

(Z) "Hashish" means the resin or a preparation of the 898
resin contained in marihuana, whether in solid form or in a 899
liquid concentrate, liquid extract, or liquid distillate form. 900

(AA) "Marihuana" has the same meaning as in section 901
3719.01 of the Revised Code, except that it does not include 902
hashish. 903

(BB) An offense is "committed in the vicinity of a 904
juvenile" if the offender commits the offense within one hundred 905
feet of a juvenile or within the view of a juvenile, regardless 906
of whether the offender knows the age of the juvenile, whether 907
the offender knows the offense is being committed within one 908
hundred feet of or within view of the juvenile, or whether the 909
juvenile actually views the commission of the offense. 910

(CC) "Presumption for a prison term" or "presumption that 911
a prison term shall be imposed" means a presumption, as 912
described in division (D) of section 2929.13 of the Revised 913
Code, that a prison term is a necessary sanction for a felony in 914
order to comply with the purposes and principles of sentencing 915

under section 2929.11 of the Revised Code. 916

(DD) "Major drug offender" has the same meaning as in 917
section 2929.01 of the Revised Code. 918

(EE) "Minor drug possession offense" means ~~either any of~~ 919
the following: 920

(1) A violation of section 2925.11 of the Revised Code as 921
it existed prior to July 1, 1996; 922

(2) A violation of section 2925.11 of the Revised Code as 923
it ~~exists~~ existed on and after July 1, 1996, that ~~is~~ was a 924
misdemeanor or a felony of the fifth degree on or after that 925
date and prior to the effective date of this amendment and that 926
remains a misdemeanor or a felony of the fifth degree on and 927
after the effective date of this amendment; 928

(3) A violation of section 2925.11, 2925.111, or 2925.112 929
of the Revised Code as they exist on and after the effective 930
date of this amendment and that is a misdemeanor or a felony of 931
the fifth degree. 932

(FF) "Mandatory prison term" has the same meaning as in 933
section 2929.01 of the Revised Code. 934

(GG) "Adulterate" means to cause a drug to be adulterated 935
as described in section 3715.63 of the Revised Code. 936

(HH) "Public premises" means any hotel, restaurant, 937
tavern, store, arena, hall, or other place of public 938
accommodation, business, amusement, or resort. 939

(II) "Methamphetamine" means methamphetamine, any salt, 940
isomer, or salt of an isomer of methamphetamine, or any 941
compound, mixture, preparation, or substance containing 942
methamphetamine or any salt, isomer, or salt of an isomer of 943

methamphetamine. 944

(JJ) "Deception" has the same meaning as in section 945
2913.01 of the Revised Code. 946

(KK) "Fentanyl-related compound" means any of the 947
following: 948

(1) Fentanyl; 949

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 950
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 951
phenylethyl)-4-(N-propanilido) piperidine); 952

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 953
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 954

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 955
piperidinyl]-N-phenylpropanamide); 956

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 957
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 958
phenylpropanamide); 959

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 960
piperidyl]-N- phenylpropanamide); 961

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 962
(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 963

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 964
phenethyl)-4-piperidinyl]propanamide; 965

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 966
piperidinyl]-propanamide; 967

(10) Alfentanil; 968

(11) Carfentanil; 969

- (12) Remifentanil; 970
- (13) Sufentanil; 971
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 972
973
- (15) Any compound that meets all of the following fentanyl 974
pharmacophore requirements to bind at the mu receptor, as 975
identified by a report from an established forensic laboratory, 976
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 977
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 978
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 979
fluorofentanyl: 980
- (a) A chemical scaffold consisting of both of the 981
following: 982
- (i) A five, six, or seven member ring structure containing 983
a nitrogen, whether or not further substituted; 984
- (ii) An attached nitrogen to the ring, whether or not that 985
nitrogen is enclosed in a ring structure, including an attached 986
aromatic ring or other lipophilic group to that nitrogen. 987
- (b) A polar functional group attached to the chemical 988
scaffold, including but not limited to a hydroxyl, ketone, 989
amide, or ester; 990
- (c) An alkyl or aryl substitution off the ring nitrogen of 991
the chemical scaffold; and 992
- (d) The compound has not been approved for medical use by 993
the United States food and drug administration. 994
- (LL) "First degree felony mandatory prison term" means one 995
of the definite prison terms prescribed in division (A) (1) (b) of 996

section 2929.14 of the Revised Code for a felony of the first 997
degree, except that if the violation for which sentence is being 998
imposed is committed on or after the effective date of this 999
amendment, it means one of the minimum prison terms prescribed 1000
in division (A)(1)(a) of that section for a felony of the first 1001
degree. 1002

(MM) "Second degree felony mandatory prison term" means 1003
one of the definite prison terms prescribed in division (A)(2) 1004
(b) of section 2929.14 of the Revised Code for a felony of the 1005
second degree, except that if the violation for which sentence 1006
is being imposed is committed on or after the effective date of 1007
this amendment, it means one of the minimum prison terms 1008
prescribed in division (A)(2)(a) of that section for a felony of 1009
the second degree. 1010

(NN) "Maximum first degree felony mandatory prison term" 1011
means the maximum definite prison term prescribed in division 1012
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 1013
the first degree, except that if the violation for which 1014
sentence is being imposed is committed on or after the effective 1015
date of this amendment, it means the longest minimum prison term 1016
prescribed in division (A)(1)(a) of that section for a felony of 1017
the first degree. 1018

(OO) "Maximum second degree felony mandatory prison term" 1019
means the maximum definite prison term prescribed in division 1020
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 1021
the second degree, except that if the violation for which 1022
sentence is being imposed is committed on or after the effective 1023
date of this amendment, it means the longest minimum prison term 1024
prescribed in division (A)(2)(a) of that section for a felony of 1025
the second degree. 1026

(PP) "Sexual assault-enabling drug" means any of the 1027
following: 1028

(1) Gamma hydroxybutyric acid; 1029

(2) Flunitrazepam; 1030

(3) Ketamine; 1031

(4) Any controlled substance not listed in division (PP) 1032
(1) to (3) of this section, if all of the following apply with 1033
respect to the controlled substance: 1034

(a) An offender convicted of a violation of section 1035
2925.03, 2925.031, 2925.032, or 2925.11 of the Revised Code 1036
possessed the controlled substance immediately prior to, or at 1037
the time of, the violation; 1038

(b) For the purpose of preventing another person's 1039
resistance to sexual activity, the offender knowingly 1040
substantially impaired the other person's judgment or control by 1041
administering the controlled substance to the other person 1042
surreptitiously or by force, threat of force, or deception; 1043

(c) After the administration of the controlled substance 1044
as described in division (PP) (4) (b) of this section, the 1045
offender engaged in sexual activity with the other person to 1046
whom the controlled substance was administered; 1047

(d) Either the offender's possession of the controlled 1048
substance at the time of the conduct described in division (PP) 1049
(4) (b) of this section was in violation of section 2925.11 of 1050
the Revised Code or the offender's possession of the controlled 1051
substance at that time was not in violation of that section but 1052
the offender's use of the controlled substance was not for the 1053
intended purpose for which the offender legally possessed the 1054

controlled substance. 1055

Sec. 2925.03. (A) ~~No~~ (1) (a) Except as otherwise provided 1056
in division (B) of this section, no person shall knowingly do 1057
any of the following: 1058

~~(1) Sell, obtain, possess, sell, or offer to sell a~~ 1059
controlled substance or a controlled substance analog. 1060

~~(2) Prepare~~ in an amount listed in division (A) (2) of this 1061
section. 1062

(b) Except as otherwise provided in division (B) of this 1063
section, no person shall prepare for shipment, ship, transport, 1064
deliver, prepare for distribution, or distribute a controlled 1065
substance or a controlled substance analog in an amount listed 1066
in division (A) (2) of this section, when the offender person 1067
knows or has reasonable cause to believe that the controlled 1068
substance or a controlled substance analog is intended for sale 1069
or resale by the offender or another person. 1070

(2) Division (A) (1) of this section applies to conduct 1071
involving any of the following: 1072

(a) If the drug involved in the conduct described in 1073
division (A) (1) of this section is any compound, mixture, 1074
preparation, or substance included in schedule I or schedule II, 1075
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 1076
related compound, hashish, or a controlled substance analog, an 1077
amount of the drug so involved that equals or exceeds fifty 1078
times the bulk amount; 1079

(b) If the drug involved in the conduct described in 1080
division (A) (1) of this section is cocaine or a compound, 1081
mixture, preparation, or substance containing cocaine, an amount 1082
of the drug so involved that equals or exceeds fifty grams; 1083

(c) If the drug involved in the conduct described in 1084
division (A)(1) of this section is L.S.D. or a compound, 1085
mixture, preparation, or substance containing L.S.D., an amount 1086
of the drug so involved that equals or exceeds five hundred unit 1087
doses of L.S.D. in solid form or equals or exceeds fifty grams 1088
of L.S.D. in liquid concentrate, liquid extract, or liquid 1089
distillate form; 1090

(d) If the drug involved in the conduct described in 1091
division (A)(1) of this section is heroin or a compound, 1092
mixture, preparation, or substance containing heroin, an amount 1093
of the drug so involved that equals or exceeds three hundred 1094
unit doses or thirty grams; 1095

(e) If the drug involved in the conduct described in 1096
division (A)(1) of this section is a fentanyl-related compound 1097
or a compound, mixture, preparation, or substance containing a 1098
fentanyl-related compound, an amount of the drug so involved 1099
that equals or exceeds one hundred unit doses or ten grams; 1100

(f) If the drug involved in the conduct described in 1101
division (A)(1) of this section is marihuana other than hashish 1102
or a compound, mixture, preparation, or substance containing 1103
marihuana other than hashish, an amount of the drug so involved 1104
that equals or exceeds forty thousand grams; 1105

(g) If the drug involved in the conduct described in 1106
division (A)(1) of this section is hashish or a compound, 1107
mixture, preparation, or substance containing hashish, an amount 1108
of the drug so involved that equals or exceeds two thousand 1109
grams; 1110

(h) If the drug involved in the conduct described in 1111
division (A)(1) of this section is a controlled substance analog 1112

or a compound, mixture, preparation, or substance containing a 1113
controlled substance analog, an amount of the drug so involved 1114
that equals or exceeds thirty grams. 1115

(B) ~~This~~ All of the following are affirmative defenses to 1116
a charge under this section does not apply to any of the 1117
following: 1118

(1) ~~Manufacturers~~ If the person charged is a manufacturer, 1119
licensed health ~~professionals~~ professional authorized to 1120
prescribe drugs, ~~pharmacists~~ pharmacist, ~~owners~~ owner of 1121
~~pharmacies~~ a pharmacy, and ~~or other persons whose person, the~~ 1122
manufacturer's, licensed health professional's, pharmacist's, 1123
pharmacy owner's, or other person's conduct ~~is~~ was in accordance 1124
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1125
4741. of the Revised Code; 1126

(2) If the offense involves an anabolic steroid, ~~any the~~ 1127
~~person who is charged was~~ conducting or participating in a 1128
research project involving the use of an anabolic steroid if the 1129
project has been approved by the United States food and drug 1130
administration; 1131

(3) ~~Any The person who sells, offers charged sold, offered~~ 1132
~~for sale, prescribes~~ prescribed, ~~dispenses~~ dispensed, or 1133
~~administers~~ administered for livestock or other nonhuman species 1134
an anabolic steroid that ~~is~~ was expressly intended for 1135
administration through implants to livestock or other nonhuman 1136
species and approved for that purpose under the "Federal Food, 1137
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1138
as amended, and ~~is~~ was sold, offered for sale, prescribed, 1139
dispensed, or administered for that purpose in accordance with 1140
that act. 1141

~~(C) Whoever violates division (A) of this section is~~ 1142
~~guilty of one of the following:~~ 1143

~~(1) If the drug involved in the violation is any compound,~~ 1144
~~mixture, preparation, or substance included in schedule I or~~ 1145
~~schedule II, with the exception of marihuana, cocaine, L.S.D.,~~ 1146
~~heroin, any fentanyl-related compound, hashish, and any~~ 1147
~~controlled substance analog, whoever violates division (A) of~~ 1148
~~this section is guilty of aggravated trafficking in drugs. The~~ 1149
~~penalty for the offense shall be determined as follows:~~ 1150

~~(a) Except as otherwise provided in division (C) (1) (b),~~ 1151
~~(c), (d), (e), or (f) of this section, aggravated trafficking in~~ 1152
~~drugs is a felony of the fourth degree, and division (C) of~~ 1153
~~section 2929.13 of the Revised Code applies in determining~~ 1154
~~whether to impose a prison term on the offender.~~ 1155

~~(b) Except as otherwise provided in division (C) (1) (c),~~ 1156
~~(d), (e), or (f) of this section, if the offense was committed~~ 1157
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 1158
~~aggravated trafficking in drugs is a felony of the third degree,~~ 1159
~~and division (C) of section 2929.13 of the Revised Code applies~~ 1160
~~in determining whether to impose a prison term on the offender.~~ 1161

~~(c) Except as otherwise provided in this division, if the~~ 1162
~~amount of the drug involved equals or exceeds the bulk amount~~ 1163
~~but is less than five times the bulk amount, aggravated~~ 1164
~~trafficking in drugs is a felony of the third degree, and,~~ 1165
~~except as otherwise provided in this division, there is a~~ 1166
~~presumption for a prison term for the offense. If aggravated~~ 1167
~~trafficking in drugs is a felony of the third degree under this~~ 1168
~~division and if the offender two or more times previously has~~ 1169
~~been convicted of or pleaded guilty to a felony drug abuse~~ 1170
~~offense, the court shall impose as a mandatory prison term one~~ 1171

~~of the prison terms prescribed for a felony of the third degree.
If the amount of the drug involved is within that range and if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, aggravated trafficking in drugs is a
felony of the second degree, and the court shall impose as a
mandatory prison term a second degree felony mandatory prison
term.~~

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

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

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~~(f) If the amount of the drug involved equals or exceeds
one hundred times the bulk amount and regardless of whether the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, aggravated trafficking in drugs is a
felony of the first degree, the offender is a major drug~~

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~~offender, and the court shall impose as a mandatory prison term—
a maximum first degree felony mandatory prison term.~~

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

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

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

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

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~~(d) Except as otherwise provided in this division, if the~~

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~~amount of the drug involved equals or exceeds five times the~~ 1231
~~bulk amount but is less than fifty times the bulk amount,~~ 1232
~~trafficking in drugs is a felony of the third degree, and there~~ 1233
~~is a presumption for a prison term for the offense. If the~~ 1234
~~amount of the drug involved is within that range and if the~~ 1235
~~offense was committed in the vicinity of a school or in the~~ 1236
~~vicinity of a juvenile, trafficking in drugs is a felony of the~~ 1237
~~second degree, and there is a presumption for a prison term for~~ 1238
~~the offense.~~ 1239

~~(e) Except as otherwise provided in this division, if the~~ 1240
~~amount of the drug involved equals or exceeds fifty times the~~ 1241
~~bulk amount, trafficking in drugs is a felony of the second~~ 1242
~~degree, and the court shall impose as a mandatory prison term a~~ 1243
~~second degree felony mandatory prison term. If the amount of the~~ 1244
~~drug involved equals or exceeds fifty times the bulk amount and~~ 1245
~~if the offense was committed in the vicinity of a school or in~~ 1246
~~the vicinity of a juvenile, trafficking in drugs is a felony of~~ 1247
~~the first degree, and the court shall impose as a mandatory~~ 1248
~~prison term a first degree felony mandatory prison term.~~ 1249

~~(3) If the drug involved in the violation is marihuana or~~ 1250
~~a compound, mixture, preparation, or substance containing~~ 1251
~~marihuana other than hashish, whoever violates division (A) of~~ 1252
~~this section is guilty of trafficking in marihuana. The penalty~~ 1253
~~for the offense shall be determined as follows:~~ 1254

~~(a) Except as otherwise provided in division (C) (3) (b),~~ 1255
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 1256
~~marihuana is a felony of the fifth degree, and division (B) of~~ 1257
~~section 2929.13 of the Revised Code applies in determining~~ 1258
~~whether to impose a prison term on the offender.~~ 1259

~~(b) Except as otherwise provided in division (C) (3) (c),~~ 1260

~~(d), (e), (f), (g), or (h) of this section, if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in marihuana is a felony of the fourth
degree, and division (B) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.~~

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

~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one thousand grams
but is less than five thousand grams, trafficking in marihuana
is a felony of the third degree, and division (C) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender. If the amount of the drug
involved is within that range and if the offense was committed
in the vicinity of a school or in the vicinity of a juvenile,
trafficking in marihuana is a felony of the second degree, and
there is a presumption that a prison term shall be imposed for
the offense.~~

~~(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five thousand~~

~~grams but is less than twenty thousand grams, trafficking in~~ 1291
~~marihuana is a felony of the third degree, and there is a~~ 1292
~~presumption that a prison term shall be imposed for the offense.~~ 1293
~~If the amount of the drug involved is within that range and if~~ 1294
~~the offense was committed in the vicinity of a school or in the~~ 1295
~~vicinity of a juvenile, trafficking in marihuana is a felony of~~ 1296
~~the second degree, and there is a presumption that a prison term~~ 1297
~~shall be imposed for the offense.~~ 1298

~~(f) Except as otherwise provided in this division, if the~~ 1299
~~amount of the drug involved equals or exceeds twenty thousand~~ 1300
~~grams but is less than forty thousand grams, trafficking in~~ 1301
~~marihuana is a felony of the second degree, and the court shall~~ 1302
~~impose as a mandatory prison term a second degree felony~~ 1303
~~mandatory prison term of five, six, seven, or eight years. If~~ 1304
~~the amount of the drug involved is within that range and if the~~ 1305
~~offense was committed in the vicinity of a school or in the~~ 1306
~~vicinity of a juvenile, trafficking in marihuana is a felony of~~ 1307
~~the first degree, and the court shall impose as a mandatory~~ 1308
~~prison term a maximum first degree felony mandatory prison term.~~ 1309

~~(g) Except as otherwise provided in this division, if the~~ 1310
~~amount of the drug involved equals or exceeds forty thousand~~ 1311
~~grams, trafficking in marihuana is a felony of the second~~ 1312
~~degree, and the court shall impose as a mandatory prison term a~~ 1313
~~maximum second degree felony mandatory prison term. If the~~ 1314
~~amount of the drug involved equals or exceeds forty thousand~~ 1315
~~grams and if the offense was committed in the vicinity of a~~ 1316
~~school or in the vicinity of a juvenile, trafficking in~~ 1317
~~marihuana is a felony of the first degree, and the court shall~~ 1318
~~impose as a mandatory prison term a maximum first degree felony~~ 1319
~~mandatory prison term.~~ 1320

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

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

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

~~(b) Except as otherwise provided in division (C) (4) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a~~

~~prison term for the offense. If the amount of the drug involved
is within that range and if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in cocaine is a felony of the third degree, and
there is a presumption for a prison term for the offense.~~

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

~~(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty grams but
is less than twenty-seven grams of cocaine, trafficking in
cocaine is a felony of the second degree, and the court shall
impose as a mandatory prison term a second degree felony
mandatory prison term. If the amount of the drug involved is
within that range and if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in cocaine is a felony of the first degree, and the
court shall impose as a mandatory prison term a first degree~~

~~felony mandatory prison term.~~

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~~(f) If the amount of the drug involved equals or exceeds
twenty seven grams but is less than one hundred grams of cocaine
and regardless of whether the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in cocaine is a felony of the first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~

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~~(g) If the amount of the drug involved equals or exceeds
one hundred grams of cocaine and regardless of whether the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in cocaine is a felony of
the first degree, the offender is a major drug offender, and the
court shall impose as a mandatory prison term a maximum first
degree felony mandatory prison term.~~

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

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

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~~(b) Except as otherwise provided in division (C) (5) (c),
(d), (e), (f), or (g) of this section, if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in L.S.D. is a felony of the fourth~~

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~~degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.~~

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~~(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten unit doses but
is less than fifty unit doses of L.S.D. in a solid form or
equals or exceeds one gram but is less than five grams of L.S.D.
in a liquid concentrate, liquid extract, or liquid distillate
form, trafficking in L.S.D. is a felony of the fourth degree,
and division (B) of section 2929.13 of the Revised Code applies
in determining whether to impose a prison term for the offense.
If the amount of the drug involved is within that range and if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in L.S.D. is a felony of the
third degree, and there is a presumption for a prison term for
the offense.~~

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~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty unit doses
but is less than two hundred fifty unit doses of L.S.D. in a
solid form or equals or exceeds five grams but is less than
twenty-five grams of L.S.D. in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in L.S.D. is a
felony of the third degree, and, except as otherwise provided in
this division, there is a presumption for a prison term for the
offense. If trafficking in L.S.D. is a felony of the third
degree under this division and if the offender two or more times
previously has been convicted of or pleaded guilty to a felony
drug abuse offense, the court shall impose as a mandatory prison
term one of the prison terms prescribed for a felony of the
third degree. If the amount of the drug involved is within that
range and if the offense was committed in the vicinity of a~~

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~~school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~

~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~

~~(f) If the amount of the drug involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~

~~(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate,~~

~~liquid extract, or liquid distillate form and regardless of~~ 1472
~~whether the offense was committed in the vicinity of a school or~~ 1473
~~in the vicinity of a juvenile, trafficking in L.S.D. is a felony~~ 1474
~~of the first degree, the offender is a major drug offender, and~~ 1475
~~the court shall impose as a mandatory prison term a maximum~~ 1476
~~first degree felony mandatory prison term.~~ 1477

~~(6) If the drug involved in the violation is heroin or a~~ 1478
~~compound, mixture, preparation, or substance containing heroin,~~ 1479
~~whoever violates division (A) of this section is guilty of~~ 1480
~~trafficking in heroin. The penalty for the offense shall be~~ 1481
~~determined as follows:~~ 1482

~~(a) Except as otherwise provided in division (C) (6) (b),~~ 1483
~~(c), (d), (e), (f), or (g) of this section, trafficking in~~ 1484
~~heroin is a felony of the fifth degree, and division (B) of~~ 1485
~~section 2929.13 of the Revised Code applies in determining~~ 1486
~~whether to impose a prison term on the offender.~~ 1487

~~(b) Except as otherwise provided in division (C) (6) (c),~~ 1488
~~(d), (e), (f), or (g) of this section, if the offense was~~ 1489
~~committed in the vicinity of a school or in the vicinity of a~~ 1490
~~juvenile, trafficking in heroin is a felony of the fourth~~ 1491
~~degree, and division (C) of section 2929.13 of the Revised Code~~ 1492
~~applies in determining whether to impose a prison term on the~~ 1493
~~offender.~~ 1494

~~(c) Except as otherwise provided in this division, if the~~ 1495
~~amount of the drug involved equals or exceeds ten unit doses but~~ 1496
~~is less than fifty unit doses or equals or exceeds one gram but~~ 1497
~~is less than five grams, trafficking in heroin is a felony of~~ 1498
~~the fourth degree, and division (B) of section 2929.13 of the~~ 1499
~~Revised Code applies in determining whether to impose a prison~~ 1500
~~term for the offense. If the amount of the drug involved is~~ 1501

~~within that range and if the offense was committed in the~~ 1502
~~vicinity of a school or in the vicinity of a juvenile,~~ 1503
~~trafficking in heroin is a felony of the third degree, and there~~ 1504
~~is a presumption for a prison term for the offense.~~ 1505

~~(d) Except as otherwise provided in this division, if the~~ 1506
~~amount of the drug involved equals or exceeds fifty unit doses~~ 1507
~~but is less than one hundred unit doses or equals or exceeds~~ 1508
~~five grams but is less than ten grams, trafficking in heroin is~~ 1509
~~a felony of the third degree, and there is a presumption for a~~ 1510
~~prison term for the offense. If the amount of the drug involved~~ 1511
~~is within that range and if the offense was committed in the~~ 1512
~~vicinity of a school or in the vicinity of a juvenile,~~ 1513
~~trafficking in heroin is a felony of the second degree, and~~ 1514
~~there is a presumption for a prison term for the offense.~~ 1515

~~(e) Except as otherwise provided in this division, if the~~ 1516
~~amount of the drug involved equals or exceeds one hundred unit~~ 1517
~~doses but is less than five hundred unit doses or equals or~~ 1518
~~exceeds ten grams but is less than fifty grams, trafficking in~~ 1519
~~heroin is a felony of the second degree, and the court shall~~ 1520
~~impose as a mandatory prison term a second degree felony~~ 1521
~~mandatory prison term. If the amount of the drug involved is~~ 1522
~~within that range and if the offense was committed in the~~ 1523
~~vicinity of a school or in the vicinity of a juvenile,~~ 1524
~~trafficking in heroin is a felony of the first degree, and the~~ 1525
~~court shall impose as a mandatory prison term a first degree~~ 1526
~~felony mandatory prison term.~~ 1527

~~(f) If the amount of the drug involved equals or exceeds~~ 1528
~~five hundred unit doses but is less than one thousand unit doses~~ 1529
~~or equals or exceeds fifty grams but is less than one hundred~~ 1530
~~grams and regardless of whether the offense was committed in the~~ 1531

~~vicinity of a school or in the vicinity of a juvenile,~~ 1532
~~trafficking in heroin is a felony of the first degree, and the~~ 1533
~~court shall impose as a mandatory prison term a first degree~~ 1534
~~felony mandatory prison term.~~ 1535

~~(g) If the amount of the drug involved equals or exceeds~~ 1536
~~one thousand unit doses or equals or exceeds one hundred grams~~ 1537
~~and regardless of whether the offense was committed in the~~ 1538
~~vicinity of a school or in the vicinity of a juvenile,~~ 1539
~~trafficking in heroin is a felony of the first degree, the~~ 1540
~~offender is a major drug offender, and the court shall impose as~~ 1541
~~a mandatory prison term a maximum first degree felony mandatory~~ 1542
~~prison term.~~ 1543

~~(7) If the drug involved in the violation is hashish or a~~ 1544
~~compound, mixture, preparation, or substance containing hashish,~~ 1545
~~whoever violates division (A) of this section is guilty of~~ 1546
~~trafficking in hashish. The penalty for the offense shall be~~ 1547
~~determined as follows:~~ 1548

~~(a) Except as otherwise provided in division (C) (7) (b),~~ 1549
~~(c), (d), (e), (f), or (g) of this section, trafficking in~~ 1550
~~hashish is a felony of the fifth degree, and division (B) of~~ 1551
~~section 2929.13 of the Revised Code applies in determining~~ 1552
~~whether to impose a prison term on the offender.~~ 1553

~~(b) Except as otherwise provided in division (C) (7) (c),~~ 1554
~~(d), (e), (f), or (g) of this section, if the offense was~~ 1555
~~committed in the vicinity of a school or in the vicinity of a~~ 1556
~~juvenile, trafficking in hashish is a felony of the fourth~~ 1557
~~degree, and division (B) of section 2929.13 of the Revised Code~~ 1558
~~applies in determining whether to impose a prison term on the~~ 1559
~~offender.~~ 1560

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

~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~

~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two~~

~~hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in hashish is a
felony of the third degree, and there is a presumption that a
prison term shall be imposed for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in hashish is a felony of the second
degree, and there is a presumption that a prison term shall be
imposed for the offense.~~

~~(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one thousand grams
but is less than two thousand grams of hashish in a solid form
or equals or exceeds two hundred grams but is less than four
hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in hashish is a
felony of the second degree, and the court shall impose as a
mandatory prison term a second degree felony mandatory prison
term of five, six, seven, or eight years. If the amount of the
drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in hashish is a felony of the first
degree, and the court shall impose as a mandatory prison term a
maximum first degree felony mandatory prison term.~~

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

~~thousand grams of hashish in a solid form or equals or exceeds~~ 1623
~~four hundred grams of hashish in a liquid concentrate, liquid~~ 1624
~~extract, or liquid distillate form and if the offense was~~ 1625
~~committed in the vicinity of a school or in the vicinity of a~~ 1626
~~juvenile, trafficking in hashish is a felony of the first~~ 1627
~~degree, and the court shall impose as a mandatory prison term a~~ 1628
~~maximum first degree felony mandatory prison term.~~ 1629

~~(8) If the drug involved in the violation is a controlled~~ 1630
~~substance analog or compound, mixture, preparation, or substance~~ 1631
~~that contains a controlled substance analog, whoever violates~~ 1632
~~division (A) of this section is guilty of trafficking in a~~ 1633
~~controlled substance analog. The penalty for the offense shall~~ 1634
~~be determined as follows:~~ 1635

~~(a) Except as otherwise provided in division (C) (8) (b),~~ 1636
~~(c), (d), (e), (f), or (g) of this section, trafficking in a~~ 1637
~~controlled substance analog is a felony of the fifth degree, and~~ 1638
~~division (C) of section 2929.13 of the Revised Code applies in~~ 1639
~~determining whether to impose a prison term on the offender.~~ 1640

~~(b) Except as otherwise provided in division (C) (8) (c),~~ 1641
~~(d), (e), (f), or (g) of this section, if the offense was~~ 1642
~~committed in the vicinity of a school or in the vicinity of a~~ 1643
~~juvenile, trafficking in a controlled substance analog is a~~ 1644
~~felony of the fourth degree, and division (C) of section 2929.13~~ 1645
~~of the Revised Code applies in determining whether to impose a~~ 1646
~~prison term on the offender.~~ 1647

~~(c) Except as otherwise provided in this division, if the~~ 1648
~~amount of the drug involved equals or exceeds ten grams but is~~ 1649
~~less than twenty grams, trafficking in a controlled substance~~ 1650
~~analog is a felony of the fourth degree, and division (B) of~~ 1651
~~section 2929.13 of the Revised Code applies in determining~~ 1652

~~whether to impose a prison term for the offense. If the amount~~ 1653
~~of the drug involved is within that range and if the offense was~~ 1654
~~committed in the vicinity of a school or in the vicinity of a~~ 1655
~~juvenile, trafficking in a controlled substance analog is a~~ 1656
~~felony of the third degree, and there is a presumption for a~~ 1657
~~prison term for the offense.~~ 1658

~~(d) Except as otherwise provided in this division, if the~~ 1659
~~amount of the drug involved equals or exceeds twenty grams but~~ 1660
~~is less than thirty grams, trafficking in a controlled substance~~ 1661
~~analog is a felony of the third degree, and there is a~~ 1662
~~presumption for a prison term for the offense. If the amount of~~ 1663
~~the drug involved is within that range and if the offense was~~ 1664
~~committed in the vicinity of a school or in the vicinity of a~~ 1665
~~juvenile, trafficking in a controlled substance analog is a~~ 1666
~~felony of the second degree, and there is a presumption for a~~ 1667
~~prison term for the offense.~~ 1668

~~(e) Except as otherwise provided in this division, if the~~ 1669
~~amount of the drug involved equals or exceeds thirty grams but~~ 1670
~~is less than forty grams, trafficking in a controlled substance~~ 1671
~~analog is a felony of the second degree, and the court shall~~ 1672
~~impose as a mandatory prison term a second degree felony~~ 1673
~~mandatory prison term. If the amount of the drug involved is~~ 1674
~~within that range and if the offense was committed in the~~ 1675
~~vicinity of a school or in the vicinity of a juvenile,~~ 1676
~~trafficking in a controlled substance analog is a felony of the~~ 1677
~~first degree, and the court shall impose as a mandatory prison a~~ 1678
~~first degree felony mandatory prison term.~~ 1679

~~(f) If the amount of the drug involved equals or exceeds~~ 1680
~~forty grams but is less than fifty grams and regardless of~~ 1681
~~whether the offense was committed in the vicinity of a school or~~ 1682

~~in the vicinity of a juvenile, trafficking in a controlled
substance analog is a felony of the first degree, and the court
shall impose as a mandatory prison term a first degree felony
mandatory prison term.~~

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

~~(9) If the drug involved in the violation is a fentanyl-
related compound or a compound, mixture, preparation, or
substance containing a fentanyl-related compound and division
(C) (10) (a) of this section does not apply to the drug involved,
whoever violates division (A) Whoever violates division (A) (1)
of this section based on an amount specified in division (A) (2)
(a) of this section is guilty of aggravated trafficking in
drugs. The penalty for the offense shall be determined as
follows:~~

~~(1) Except as otherwise provided in division (C) (2) of
this section, aggravated trafficking in drugs is one of the
following:~~

~~(a) If the amount of the drug involved equals or exceeds
fifty times the bulk amount but is less than one hundred times
the bulk amount, except as otherwise provided in this division,
aggravated trafficking in drugs is a felony of the second
degree, and the court shall impose as a mandatory prison term a
second degree felony mandatory prison term. If the amount of the
drug involved is within that range and the offense was committed~~

in the vicinity of a school, aggravated trafficking in drugs is 1713
a felony of the first degree, and the court shall impose as a 1714
mandatory prison term a first degree felony mandatory prison 1715
term. 1716

(b) If the amount of the drug involved equals or exceeds 1717
one hundred times the bulk amount, aggravated trafficking in 1718
drugs is a felony of the first degree, and the court shall 1719
impose as a mandatory prison term a first degree felony 1720
mandatory prison term. 1721

(2) If the drug involved is a sexual assault-enabling drug 1722
or a compound, mixture, preparation, or substance containing a 1723
sexual assault-enabling drug, aggravated trafficking in drugs is 1724
one of the following: 1725

(a) If the amount of the drug involved equals or exceeds 1726
fifty times the bulk amount but is less than one hundred times 1727
the bulk amount, aggravated trafficking in drugs is a felony of 1728
the first degree, and the court shall impose as a mandatory 1729
prison term a first degree felony mandatory prison term. 1730

(b) If the amount of the drug involved equals or exceeds 1731
one hundred times the bulk amount, aggravated trafficking in 1732
drugs is a felony of the first degree, the offender is a major 1733
drug offender, and the court shall impose as a mandatory prison 1734
term a maximum first degree felony mandatory prison term. 1735

(D) Whoever violates division (A) (1) of this section based 1736
on an amount specified in division (A) (2) (b) of this section is 1737
guilty of aggravated trafficking in cocaine. The penalty for the 1738
offense shall be determined as follows: 1739

(1) If the amount of the drug involved equals or exceeds 1740
fifty grams but is less than one hundred grams, except as 1741

otherwise provided in this division, aggravated trafficking in 1742
cocaine is a felony of the second degree, and the court shall 1743
impose as a mandatory prison term a second degree mandatory 1744
prison term. If the amount of the drug involved is within that 1745
range and the offense was committed in the vicinity of a school, 1746
aggravated trafficking in cocaine is a felony of the first 1747
degree, and the court shall impose as a mandatory prison term a 1748
first degree felony mandatory prison term. 1749

(2) If the amount of the drug involved equals or exceeds 1750
one hundred grams but is less than two hundred fifty grams, 1751
aggravated trafficking in cocaine is a felony of the first 1752
degree, and the court shall impose as a mandatory prison term a 1753
first degree mandatory prison term. 1754

(3) If the amount of the drug involved equals or exceeds 1755
two hundred fifty grams, aggravated trafficking in cocaine is a 1756
felony of the first degree, the offender is a major drug 1757
offender, and the court shall impose as a mandatory prison term 1758
a first degree felony mandatory prison term of ten or eleven 1759
years. 1760

(E) Whoever violates division (A) (1) of this section based 1761
on an amount specified in division (A) (2) (c) of this section is 1762
guilty of aggravated trafficking in L.S.D. The penalty for the 1763
offense shall be determined as follows: 1764

(1) If the amount of the drug involved equals or exceeds 1765
five hundred unit doses but is less than five thousand unit 1766
doses in a solid form or equals or exceeds fifty grams but is 1767
less than five hundred grams in a liquid concentrate, liquid 1768
extract, or liquid distillate form, except as otherwise provided 1769
in this division, aggravated trafficking in L.S.D. is a felony 1770
of the second degree, and the court shall impose as a mandatory 1771

prison term a second degree felony mandatory prison term. If the 1772
amount of the drug involved is within that range and the offense 1773
was committed in the vicinity of a school, aggravated 1774
trafficking in L.S.D. is a felony of the first degree, and the 1775
court shall impose as a mandatory prison term a first degree 1776
felony mandatory prison term. 1777

(2) If the amount of the drug involved equals or exceeds 1778
five thousand unit doses in a solid form or equals or exceeds 1779
five hundred grams in a liquid concentrate, liquid extract, or 1780
liquid distillate form, aggravated trafficking in L.S.D. is a 1781
felony of the first degree, and the court shall impose as a 1782
mandatory prison term a first degree felony mandatory prison 1783
term. 1784

(F) Whoever violates division (A) (1) of this section based 1785
on an amount specified in division (A) (2) (d) of this section is 1786
guilty of aggravated trafficking in heroin. The penalty for the 1787
offense shall be determined as follows: 1788

(1) If the amount of the drug involved equals or exceeds 1789
three hundred unit doses or thirty grams but is less than five 1790
hundred unit doses or fifty grams, except as otherwise provided 1791
in this division, aggravated trafficking in heroin is a felony 1792
of the second degree, and the court shall impose as a mandatory 1793
prison term a second degree felony mandatory prison term. If the 1794
amount of the drug involved is within that range and the offense 1795
was committed in the vicinity of a school, aggravated 1796
trafficking in heroin is a felony of the first degree, and the 1797
court shall impose as a mandatory prison term a first degree 1798
felony mandatory prison term. 1799

(2) If the amount of the drug involved equals or exceeds 1800
five hundred unit doses or fifty grams but is less than one 1801

thousand unit doses or one hundred grams, aggravated trafficking 1802
in heroin is a felony of the first degree, and the court shall 1803
impose as a mandatory prison term a first degree felony 1804
mandatory prison term. 1805

(3) If the amount of the drug involved equals or exceeds 1806
one thousand unit doses or equals or exceeds one hundred grams, 1807
aggravated trafficking in heroin is a felony of the first 1808
degree, the offender is a major drug offender, and the court 1809
shall impose as a mandatory prison term a first degree felony 1810
mandatory prison term of ten or eleven years. 1811

(G) Whoever violates division (A) (1) of this section based 1812
on an amount specified in division (A) (2) (e) of this section, 1813
subject to division (H) of this section, is guilty of aggravated 1814
trafficking in a fentanyl-related compound. The penalty for the 1815
offense shall be determined as follows: 1816

~~(a) Except as otherwise provided in division (C) (9) (b),~~ 1817
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 1818
~~a fentanyl-related compound is a felony of the fifth degree, and~~ 1819
~~division (B) of section 2929.13 of the Revised Code applies in~~ 1820
~~determining whether to impose a prison term on the offender.~~ 1821

~~(b) Except as otherwise provided in division (C) (9) (c),~~ 1822
~~(d), (e), (f), (g), or (h) of this section, if the offense was~~ 1823
~~committed in the vicinity of a school or in the vicinity of a~~ 1824
~~juvenile, trafficking in a fentanyl-related compound is a felony~~ 1825
~~of the fourth degree, and division (C) of section 2929.13 of the~~ 1826
~~Revised Code applies in determining whether to impose a prison~~ 1827
~~term on the offender.~~ 1828

~~(c) Except as otherwise provided in this division, if the~~ 1829
~~amount of the drug involved equals or exceeds ten unit doses but~~ 1830

~~is less than fifty unit doses or equals or exceeds one gram but
is less than five grams, trafficking in a fentanyl related
compound is a felony of the fourth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term for the offense. If the amount
of the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in a fentanyl related compound is a felony
of the third degree, and there is a presumption for a prison
term for the offense.~~

~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty unit doses
but is less than one hundred unit doses or equals or exceeds
five grams but is less than ten grams, trafficking in a
fentanyl related compound is a felony of the third degree, and
there is a presumption for a prison term for the offense. If the
amount of the drug involved is within that range and if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in a fentanyl related
compound is a felony of the second degree, and there is a
presumption for a prison term for the offense.~~

~~(e) Except as otherwise provided in this division, if (1)
If the amount of the drug involved equals or exceeds one hundred
unit doses but is less than two hundred unit doses or equals or
exceeds ten grams but is less than twenty grams, one of the
following applies:~~

(a) Except as otherwise provided in division (G) (1) (b) of
this section, aggravated trafficking in a fentanyl-related
compound is a felony of the second degree, and the court shall
impose as a mandatory prison term ~~one of the prison terms~~

~~prescribed for a felony of the a second degree felony mandatory~~ 1861
~~prison term.~~ 1862

~~(b) If the amount of the drug involved is within that~~ 1863
~~range and if the offense was committed in the vicinity of a~~ 1864
school or in the vicinity of a juvenile, aggravated trafficking 1865
in a fentanyl-related compound is a felony of the first degree, 1866
and the court shall impose as a mandatory prison term ~~one of the~~ 1867
~~prison terms prescribed for a felony of the a first degree_~~ 1868
felony mandatory prison term. 1869

~~(f)(2)~~ If the amount of the drug involved equals or 1870
exceeds two hundred unit doses but is less than five hundred 1871
unit doses or equals or exceeds twenty grams but is less than 1872
fifty grams ~~and regardless of whether the offense was committed~~ 1873
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 1874
aggravated trafficking in a fentanyl-related compound is a 1875
felony of the first degree, and the court shall impose as a 1876
mandatory prison term ~~one of the prison terms prescribed for a~~ 1877
~~felony of the a first degree felony mandatory prison term.~~ 1878

~~(g)(3)~~ If the amount of the drug involved equals or 1879
exceeds five hundred unit doses but is less than one thousand 1880
unit doses or equals or exceeds fifty grams but is less than one 1881
hundred grams ~~and regardless of whether the offense was~~ 1882
~~committed in the vicinity of a school or in the vicinity of a~~ 1883
~~juvenile,~~ aggravated trafficking in a fentanyl-related compound 1884
is a felony of the first degree, and the court shall impose as a 1885
mandatory prison term ~~the a maximum prison term prescribed for a~~ 1886
~~felony of the first degree felony mandatory prison term.~~ 1887

~~(h)(4)~~ If the amount of the drug involved equals or 1888
exceeds one thousand unit doses or equals or exceeds one hundred 1889
grams ~~and regardless of whether the offense was committed in the~~ 1890

~~vicinity of a school or in the vicinity of a juvenile, _~~ 1891
aggravated trafficking in a fentanyl-related compound is a 1892
felony of the first degree, the offender is a major drug 1893
offender, and the court shall impose as a mandatory prison term 1894
~~the a maximum prison term prescribed for a felony of the first~~ 1895
degree felony mandatory prison term. 1896

~~(10)~~ (H) If the drug involved in the violation of division 1897
(A) (1) of this section is a compound, mixture, preparation, or 1898
substance that is a combination of a fentanyl-related compound 1899
and marihuana, one of the following applies: 1900

~~(a)~~ (1) Except as otherwise provided in division ~~(C) (10) (b)~~ 1901
(H) (2) of this section, the offender is guilty of aggravated 1902
trafficking in marihuana or major trafficking in drugs, 1903
involving marihuana and shall be punished under division ~~(C) (3)~~ 1904
(I) of this section, or under division (C) (1) of section 1905
2925.031 of the Revised Code, as appropriate by the amount of 1906
the drug involved. The offender is not guilty of aggravated 1907
trafficking in a fentanyl-related compound and shall not be 1908
charged with, convicted of, or punished under division ~~(C) (9) (G)~~ 1909
of this section for aggravated trafficking in a fentanyl-related 1910
compound. 1911

~~(b)~~ (2) If the offender knows or has reason to know that 1912
the compound, mixture, preparation, or substance that is the 1913
drug involved contains a fentanyl-related compound, the offender 1914
is guilty of aggravated trafficking in a fentanyl-related 1915
compound and shall be punished under division ~~(C) (9) (G)~~ of this 1916
section. 1917

~~(D)~~ (I) Whoever violates division (A) (1) of this section 1918
based on an amount specified in division (A) (2) (f) of this 1919
section is guilty of aggravated trafficking in marihuana. Except 1920

as otherwise provided in this division, aggravated trafficking 1921
in marihuana is a felony of the second degree, and the court 1922
shall impose as a mandatory prison term a second degree felony 1923
mandatory prison term. If the offense was committed in the 1924
vicinity of a school, aggravated trafficking in marihuana is a 1925
felony of the first degree, and the court shall impose as a 1926
mandatory prison term a maximum first degree felony mandatory 1927
prison term. 1928

(J) Whoever violates division (A) (1) of this section based 1929
on an amount specified in division (A) (2) (g) of this section is 1930
guilty of aggravated trafficking in hashish. Except as otherwise 1931
provided in this division, aggravated trafficking in hashish is 1932
a felony of the second degree, and the court shall impose as a 1933
mandatory prison term a second degree felony mandatory prison 1934
term. If the offense was committed in the vicinity of a school, 1935
aggravated trafficking in hashish is a felony of the first 1936
degree, and the court shall impose as a mandatory prison term 1937
one of the following: 1938

(1) Except as otherwise provided in division (J) (2) of 1939
this section, a first degree felony mandatory prison term; 1940

(2) If the amount of the drug involved equals or exceeds 1941
two thousand grams of hashish in a solid form or four hundred 1942
grams of hashish in a liquid concentrate, liquid extract, or 1943
liquid distillate form, a maximum first degree felony mandatory 1944
prison term. 1945

(K) Whoever violates division (A) (1) of this section based 1946
on an amount specified in division (A) (2) (h) of this section is 1947
guilty of aggravated trafficking in a controlled substance 1948
analog. The penalty for the offense shall be determined as 1949
follows: 1950

(1) If the amount of the drug involved equals or exceeds 1951
thirty grams but is less than forty grams, except as otherwise 1952
provided in this division, aggravated trafficking in a 1953
controlled substance analog is a felony of the second degree, 1954
and the court shall impose as a mandatory prison term a second 1955
degree felony mandatory prison term. If the amount of the drug 1956
involved is within that range and the offense was committed in 1957
the vicinity of a school, aggravated trafficking in a controlled 1958
substance analog is a felony of the first degree, and the court 1959
shall impose as a mandatory prison term a first degree felony 1960
mandatory prison term. 1961

(2) If the amount of the drug involved equals or exceeds 1962
forty grams but is less than fifty grams, aggravated trafficking 1963
in a controlled substance analog is a felony of the first 1964
degree, and the court shall impose as a mandatory prison term a 1965
first degree felony mandatory prison term. 1966

(3) If the amount of the drug involved equals or exceeds 1967
fifty grams, aggravated trafficking in a controlled substance 1968
analog is a felony of the first degree, the offender is a major 1969
drug offender, and the court shall impose as a mandatory prison 1970
term a first degree felony mandatory prison term of ten or 1971
eleven years. 1972

(L) In addition to any prison term authorized or required 1973
by ~~division~~ divisions (C) to (K) of this section and sections 1974
2929.13 and 2929.14 of the Revised Code, and in addition to any 1975
other sanction imposed for the offense under this section or 1976
sections 2929.11 to 2929.18 of the Revised Code, the court that 1977
sentences an offender who is convicted of or pleads guilty to a 1978
violation of division (A) (1) of this section may suspend the 1979
driver's or commercial driver's license or permit of the 1980

offender in accordance with division ~~(G)~~(O) of this section. 1981
However, if the offender pleaded guilty to or was convicted of a 1982
violation of section 4511.19 of the Revised Code or a 1983
substantially similar municipal ordinance or the law of another 1984
state or the United States arising out of the same set of 1985
circumstances as the violation, the court shall suspend the 1986
offender's driver's or commercial driver's license or permit in 1987
accordance with division ~~(G)~~(O) of this section. If applicable, 1988
the court also shall do the following: 1989

(1) If the violation of division (A) (1) of this section is 1990
a felony of the first, second, or third degree, the court shall 1991
impose upon the offender the mandatory fine specified for the 1992
offense under division (B) (1) of section 2929.18 of the Revised 1993
Code unless, as specified in that division, the court determines 1994
that the offender is indigent. Except as otherwise provided in 1995
division ~~(H)~~(P) (1) of this section, a mandatory fine or any 1996
other fine imposed for a violation of this section is subject to 1997
division ~~(F)~~(N) of this section. If a person is charged with a 1998
violation of this section that is a felony of the first, second, 1999
or third degree, posts bail, and forfeits the bail, the clerk of 2000
the court shall pay the forfeited bail pursuant to divisions ~~(D)~~
(L) (1) and ~~(F)~~(N) of this section, as if the forfeited bail was 2002
a fine imposed for a violation of this section. If any amount of 2003
the forfeited bail remains after that payment and if a fine is 2004
imposed under division ~~(H)~~(P) (1) of this section, the clerk of 2005
the court shall pay the remaining amount of the forfeited bail 2006
pursuant to divisions ~~(H)~~(P) (2) and (3) of this section, as if 2007
that remaining amount was a fine imposed under division ~~(H)~~(P) 2008
(1) of this section. 2009

(2) If the offender is a professionally licensed person, 2010
the court immediately shall comply with section 2925.38 of the 2011

Revised Code.

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

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

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with the written internal control policy adopted by the 2043
recipient agency under division ~~(F)~~(N) (2) of this section. 2044

(2) Prior to receiving any fine moneys under division ~~(F)~~ 2045
(N) (1) of this section or division (B) of section 2925.42 of the 2046
Revised Code, a law enforcement agency shall adopt a written 2047
internal control policy that addresses the agency's use and 2048
disposition of all fine moneys so received and that provides for 2049
the keeping of detailed financial records of the receipts of 2050
those fine moneys, the general types of expenditures made out of 2051
those fine moneys, and the specific amount of each general type 2052
of expenditure. The policy shall not provide for or permit the 2053
identification of any specific expenditure that is made in an 2054
ongoing investigation. All financial records of the receipts of 2055
those fine moneys, the general types of expenditures made out of 2056
those fine moneys, and the specific amount of each general type 2057
of expenditure by an agency are public records open for 2058
inspection under section 149.43 of the Revised Code. 2059
Additionally, a written internal control policy adopted under 2060
this division is such a public record, and the agency that 2061
adopted it shall comply with it. 2062

(3) As used in division ~~(F)~~(N) of this section: 2063

(a) "Law enforcement agencies" includes, but is not 2064
limited to, the state board of pharmacy and the office of a 2065
prosecutor. 2066

(b) "Prosecutor" has the same meaning as in section 2067
2935.01 of the Revised Code. 2068

~~(G)~~(O) (1) If the sentencing court suspends the offender's 2069
driver's or commercial driver's license or permit under division 2070
~~(D)~~(L) of this section or any other provision of this chapter, 2071

the court shall suspend the license, by order, for not more than 2072
five years. If an offender's driver's or commercial driver's 2073
license or permit is suspended pursuant to this division, the 2074
offender, at any time after the expiration of two years from the 2075
day on which the offender's sentence was imposed or from the day 2076
on which the offender finally was released from a prison term 2077
under the sentence, whichever is later, may file a motion with 2078
the sentencing court requesting termination of the suspension; 2079
upon the filing of such a motion and the court's finding of good 2080
cause for the termination, the court may terminate the 2081
suspension. 2082

(2) Any offender who received a mandatory suspension of 2083
the offender's driver's or commercial driver's license or permit 2084
under this section prior to September 13, 2016, may file a 2085
motion with the sentencing court requesting the termination of 2086
the suspension. However, an offender who pleaded guilty to or 2087
was convicted of a violation of section 4511.19 of the Revised 2088
Code or a substantially similar municipal ordinance or law of 2089
another state or the United States that arose out of the same 2090
set of circumstances as the violation for which the offender's 2091
license or permit was suspended under this section shall not 2092
file such a motion. 2093

Upon the filing of a motion under division ~~(G)~~ (O) (2) of 2094
this section, the sentencing court, in its discretion, may 2095
terminate the suspension. 2096

~~(H)~~ (P) (1) In addition to any prison term authorized or 2097
required by ~~division~~ divisions (C) ~~to~~ (K) of this section and 2098
sections 2929.13 and 2929.14 of the Revised Code, in addition to 2099
any other penalty or sanction imposed for the offense under this 2100
section or sections 2929.11 to 2929.18 of the Revised Code, and 2101

in addition to the forfeiture of property in connection with the 2102
offense as prescribed in Chapter 2981. of the Revised Code, the 2103
court that sentences an offender who is convicted of or pleads 2104
guilty to a violation of division (A) (1) of this section may 2105
impose upon the offender an additional fine specified for the 2106
offense in division (B) (4) of section 2929.18 of the Revised 2107
Code. A fine imposed under division ~~(H)~~ (P) (1) of this section is 2108
not subject to division ~~(F)~~ (N) of this section and shall be used 2109
solely for the support of one or more eligible community 2110
addiction services providers in accordance with divisions ~~(H)~~ (P) 2111
(2) and (3) of this section. 2112

(2) The court that imposes a fine under division ~~(H)~~ (P) (1) 2113
of this section shall specify in the judgment that imposes the 2114
fine one or more eligible community addiction services providers 2115
for the support of which the fine money is to be used. No 2116
community addiction services provider shall receive or use money 2117
paid or collected in satisfaction of a fine imposed under 2118
division ~~(H)~~ (P) (1) of this section unless the services provider 2119
is specified in the judgment that imposes the fine. No community 2120
addiction services provider shall be specified in the judgment 2121
unless the services provider is an eligible community addiction 2122
services provider and, except as otherwise provided in division 2123
~~(H)~~ (P) (2) of this section, unless the services provider is 2124
located in the county in which the court that imposes the fine 2125
is located or in a county that is immediately contiguous to the 2126
county in which that court is located. If no eligible community 2127
addiction services provider is located in any of those counties, 2128
the judgment may specify an eligible community addiction 2129
services provider that is located anywhere within this state. 2130

(3) Notwithstanding any contrary provision of section 2131
3719.21 of the Revised Code, the clerk of the court shall pay 2132

any fine imposed under division ~~(H)~~(P)(1) of this section to the 2133
eligible community addiction services provider specified 2134
pursuant to division ~~(H)~~(P)(2) of this section in the judgment. 2135
The eligible community addiction services provider that receives 2136
the fine moneys shall use the moneys only for the alcohol and 2137
drug addiction services identified in the application for 2138
certification of services under section 5119.36 of the Revised 2139
Code or in the application for a license under section 5119.37 2140
of the Revised Code filed with the department of mental health 2141
and addiction services by the community addiction services 2142
provider specified in the judgment. 2143

(4) Each community addiction services provider that 2144
receives in a calendar year any fine moneys under division ~~(H)~~ 2145
(P)(3) of this section shall file an annual report covering that 2146
calendar year with the court of common pleas and the board of 2147
county commissioners of the county in which the services 2148
provider is located, with the court of common pleas and the 2149
board of county commissioners of each county from which the 2150
services provider received the moneys if that county is 2151
different from the county in which the services provider is 2152
located, and with the attorney general. The community addiction 2153
services provider shall file the report no later than the first 2154
day of March in the calendar year following the calendar year in 2155
which the services provider received the fine moneys. The report 2156
shall include statistics on the number of persons served by the 2157
community addiction services provider, identify the types of 2158
alcohol and drug addiction services provided to those persons, 2159
and include a specific accounting of the purposes for which the 2160
fine moneys received were used. No information contained in the 2161
report shall identify, or enable a person to determine the 2162
identity of, any person served by the community addiction 2163

services provider. Each report received by a court of common 2164
pleas, a board of county commissioners, or the attorney general 2165
is a public record open for inspection under section 149.43 of 2166
the Revised Code. 2167

(5) As used in divisions ~~(H)~~(P) (1) to (5) of this section: 2168

(a) "Community addiction services provider" and "alcohol 2169
and drug addiction services" have the same meanings as in 2170
section 5119.01 of the Revised Code. 2171

(b) "Eligible community addiction services provider" means 2172
a community addiction services provider, including a community 2173
addiction services provider that operates an opioid treatment 2174
program licensed under section 5119.37 of the Revised Code. 2175

~~(I)~~(Q) As used in this section, "drug" includes any 2176
substance that is represented to be a drug. 2177

~~(J)~~(R) It is an affirmative defense to a charge of 2178
aggravated trafficking in a controlled substance analog under 2179
division ~~(C)~~~~(8)~~(A) (1) of this section that the person charged 2180
with violating that offense sold or offered to sell, or prepared 2181
for shipment, shipped, transported, delivered, prepared for 2182
distribution, or distributed one of the following items that are 2183
excluded from the meaning of "controlled substance analog" under 2184
section 3719.01 of the Revised Code: 2185

(1) A controlled substance; 2186

(2) Any substance for which there is an approved new drug 2187
application; 2188

(3) With respect to a particular person, any substance if 2189
an exemption is in effect for investigational use for that 2190
person pursuant to federal law to the extent that conduct with 2191

respect to that substance is pursuant to that exemption. 2192

(S) (1) As used in division (S) (2) of this section, "former 2193
section 2925.03 of the Revised Code" means the version of 2194
section 2925.03 of the Revised Code in effect prior to the 2195
effective date of this amendment. 2196

(2) If a person has been charged with a violation of 2197
former section 2925.03 of the Revised Code allegedly committed 2198
prior to the effective date of this amendment, all of the 2199
following apply: 2200

(a) The conduct constituting the violation shall be 2201
considered for purposes of divisions (S) (2) (b) and (c) of this 2202
section to be a violation of section 2925.03, 2925.031, or 2203
2925.032 of the Revised Code, whichever would apply to that 2204
conduct if it were committed on or after the effective date of 2205
this amendment. 2206

(b) If the charges are pending on the effective date of 2207
this amendment, the provisions of section 2925.03, 2925.031, or 2208
2925.032 of the Revised Code, whichever would apply to the 2209
conduct constituting the violation, including the sentencing 2210
provisions under those sections, apply with respect to the 2211
charges. 2212

(c) If the person has been convicted of or pleaded guilty 2213
to the violation and the penalty, forfeiture, or punishment for 2214
the violation that includes the conduct has not been imposed as 2215
of the effective date of this amendment, both of the following 2216
apply: 2217

(i) If the penalty, forfeiture, or punishment for the 2218
violation, as set forth in section 2925.03, 2925.031, or 2219
2925.032 of the Revised Code, is a reduction of the penalty, 2220

forfeiture, or punishment for the violation that applied under 2221
former section 2925.03 of the Revised Code, the penalty, 2222
forfeiture, or punishment for the violation shall be imposed 2223
according to section 2925.03, 2925.031, or 2925.032 of the 2224
Revised Code, whichever is applicable regarding the conduct. 2225

(ii) If division (S) (2) (c) (i) of this section does not 2226
apply, the penalty, forfeiture, or punishment for the violation 2227
shall be imposed according to former section 2925.03 of the 2228
Revised Code. 2229

Sec. 2925.031. (A) (1) (a) Except as provided in division 2230
(B) of this section, no person shall knowingly obtain, possess, 2231
sell, or offer to sell a controlled substance or controlled 2232
substance analog in an amount listed in division (A) (2) of this 2233
section. 2234

(b) Except as otherwise provided in division (B) of this 2235
section, no person shall prepare for shipment, ship, transport, 2236
deliver, prepare for distribution, or distribute a controlled 2237
substance or controlled substance analog in an amount listed in 2238
division (A) (2) of this section when the person knows or has 2239
reasonable cause to believe that the controlled substance or 2240
controlled substance analog is intended for sale or resale. 2241

(2) Division (A) (1) of this section applies to conduct 2242
involving any of the following: 2243

(a) If the drug involved in the conduct described in 2244
division (A) (1) of this section is any compound, mixture, 2245
preparation, or substance included in schedule I or schedule II, 2246
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2247
related compound, hashish, or a controlled substance analog, an 2248
amount of the drug so involved that equals or exceeds the bulk 2249

amount but is less than fifty times the bulk amount; 2250

(b) If the drug involved in the conduct described in 2251
division (A) (1) of this section is any compound, mixture, 2252
preparation, or substance included in schedule III, schedule IV, 2253
or schedule V, an amount of the drug so involved that equals or 2254
exceeds five times the bulk amount; 2255

(c) If the drug involved in the conduct described in 2256
division (A) (1) of this section is cocaine or a compound, 2257
mixture, preparation, or substance containing cocaine, an amount 2258
of the drug so involved that equals or exceeds ten grams but is 2259
less than fifty grams; 2260

(d) If the drug involved in the conduct described in 2261
division (A) (1) of this section is L.S.D. or a compound, 2262
mixture, preparation, or substance containing L.S.D., an amount 2263
of the drug so involved that equals or exceeds fifty unit doses 2264
but is less than five hundred unit doses of L.S.D. in solid form 2265
or equals or exceeds five grams but is less than fifty grams of 2266
L.S.D. in liquid concentrate, liquid extract, or liquid 2267
distillate form; 2268

(e) If the drug involved in the conduct described in 2269
division (A) (1) of this section is heroin or a compound, 2270
mixture, preparation, or substance containing heroin, an amount 2271
of the drug so involved that equals or exceeds fifty unit doses 2272
or five grams but is less than three hundred unit doses or 2273
thirty grams; 2274

(f) If the drug involved in the conduct described in 2275
division (A) (1) of this section is a fentanyl-related compound 2276
or a compound, mixture, preparation, or substance containing a 2277
fentanyl-related compound, an amount of the drug so involved 2278

that equals or exceeds fifty unit doses or five grams but is 2279
less than one hundred unit doses or ten grams; 2280

(g) If the drug involved in the conduct described in 2281
division (A)(1) of this section is marihuana other than hashish 2282
or a compound, mixture, preparation, or substance containing 2283
marihuana other than hashish, an amount of the drug so involved 2284
that equals or exceeds one thousand grams but is less than forty 2285
thousand grams; 2286

(h) If the drug involved in the conduct described in 2287
division (A)(1) of this section is hashish or a compound, 2288
mixture, preparation, or substance containing hashish, an amount 2289
of the drug so involved that equals or exceeds fifty grams but 2290
is less than two thousand grams; 2291

(i) If the drug involved in the conduct described in 2292
division (A)(1) of this section is a controlled substance analog 2293
or a compound, mixture, preparation, or substance containing a 2294
controlled substance analog, an amount of the drug so involved 2295
that equals or exceeds twenty grams but is less than thirty 2296
grams. 2297

(B) All of the following are affirmative defenses to a 2298
charge under this section: 2299

(1) If the person charged is a manufacturer, licensed 2300
health professional authorized to prescribe drugs, pharmacist, 2301
owner of a pharmacy, or other person, the manufacturer's, 2302
licensed health professional's, pharmacist's, pharmacy owner's, 2303
or other person's conduct was in accordance with Chapters 3719., 2304
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 2305
Code; 2306

(2) If the offense involves an anabolic steroid, the 2307

person charged was conducting or participating in a research 2308
project involving the use of an anabolic steroid if the project 2309
has been approved by the United States food and drug 2310
administration; 2311

(3) The person charged sold, offered for sale, prescribed, 2312
dispensed, or administered for livestock or other nonhuman 2313
species an anabolic steroid that was expressly intended for 2314
administration through implants to livestock or other nonhuman 2315
species and approved for that purpose under the "Federal Food, 2316
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 2317
amended, and was sold, offered for sale, prescribed, dispensed, 2318
or administered for that purpose in accordance with that act. 2319

(4) The person charged obtained the controlled substance 2320
under a lawful prescription issued by a licensed health 2321
professional authorized to prescribe drugs. 2322

(C) Whoever violates division (A) (1) of this section is 2323
guilty of major trafficking in drugs and shall be punished as 2324
follows: 2325

(1) Except as otherwise provided in division (C) (2), (3), 2326
(4), or (5) of this section, major trafficking in drugs is one 2327
of the following: 2328

(a) Except as otherwise provided in division (C) (1) (b) or 2329
(c) of this section, major trafficking in drugs is a felony of 2330
the third degree, and division (C) of section 2929.13 of the 2331
Revised Code applies. 2332

(b) If the drug involved is a drug specified in division 2333
(A) (2) (a), (c), (d), (e), (g), (h), or (i) of this section and 2334
the offense was committed in the vicinity of a school, major 2335
trafficking in drugs is a felony of the second degree and one of 2336

the following applies:

(i) If the drug involved in the offense was a drug specified in division (A) (2) (e), (g), (h), or (i) of this section, there is a presumption that a prison term shall be imposed for the offense.

(ii) If the drug involved in the offense was a drug specified in division (A) (2) (a), (c), or (d) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(c) If the drug involved is a drug specified in division (A) (2) (b) of this section and the offense was committed in the vicinity of a school, except as otherwise provided in this division, major trafficking in drugs is a felony of the second degree and there is a presumption that a prison term shall be imposed for the offense. If the offense was committed in the vicinity of a school, and the amount of the drug involved equals or exceeds fifty times the bulk amount, major trafficking in drugs is a felony of the first degree and the court shall impose as a mandatory prison term a mandatory first degree felony prison term.

(2) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or schedule II that is a sexual assault-enabling drug, one of the following applies:

(a) Except as otherwise provided in division (C) (2) (b), (c), or (d) of this section, major trafficking in drugs committed in those circumstances is a felony of the third degree and one of the following applies:

(i) Except as otherwise provided in division (C) (2) (a) (ii)

of this section, there is a presumption for a prison term for
the offense.

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(ii) If the offender two or more times previously has been
convicted of or pleaded guilty to a felony drug abuse offense,
the court shall impose as a mandatory prison term a third degree
felony mandatory prison term.

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(b) If the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, except as otherwise
provided in divisions (C) (2) (c) or (d) of this section, major
trafficking in drugs committed in those circumstances is a
felony of the second degree, and the court shall impose as a
mandatory prison term a second degree felony mandatory prison
term.

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(c) If the amount of the drug involved equals or exceeds
five times the bulk amount but is less than fifty times the bulk
amount, except as otherwise provided in division (C) (2) (d) of
this section, major trafficking in drugs committed in those
circumstances is a felony of the second degree, and the court
shall impose as a mandatory prison term a second degree felony
mandatory prison term.

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(d) If the amount of the drug involved is within the range
specified in division (C) (2) (c) of this section and the offense
was committed in the vicinity of a school or in the vicinity of
a juvenile, major trafficking in drugs committed in those
circumstances is a felony of the first degree, and the court
shall impose as a mandatory prison term a first degree felony
mandatory prison term.

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(3) If the drug involved is a compound, mixture,
preparation, or substance included in schedule III, schedule IV,

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or schedule V that is a sexual assault-enabling drug, one of the
following applies:

(a) Except as otherwise provided in divisions (C) (3) (b),
(c), or (d) of this section, major trafficking in drugs
committed in those circumstances is a felony of the third
degree, and there is a presumption for a prison term for the
offense;

(b) If the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, except as otherwise
provided in division (C) (3) (c) or (d) of this section, major
trafficking in drugs committed in those circumstances is a
felony of the second degree and there is a presumption for a
prison term for the offense;

(c) If the amount of the drug involved equals or exceeds
fifty times the bulk amount, except as otherwise provided in
division (C) (3) (d) of this section, major trafficking in drugs
committed in those circumstances is a felony of the second
degree, and the court shall impose as a mandatory prison term a
second degree felony mandatory prison term.

(d) If the amount of the drug involved is within the range
specified in division (C) (3) (c) of this section and the offense
was committed in the vicinity of a school or in the vicinity of
a juvenile, major trafficking in drugs committed in those
circumstances is a felony of the first degree, and the court
shall impose as a mandatory prison term a first degree felony
mandatory prison term.

(4) If the drug involved is a fentanyl-related compound or
a compound, mixture, preparation, or substance containing a
fentanyl-related compound, one of the following applies:

(a) Except as otherwise provided in division (C) (4) (b) of 2424
this section, major trafficking in drugs committed in those 2425
circumstances is a felony of the third degree, and there is a 2426
presumption for a prison term for the offense. 2427

(b) If the offense was committed in the vicinity of a 2428
school or in the vicinity of a juvenile, major trafficking in 2429
drugs committed in those circumstances is a felony of the second 2430
degree, and there is a presumption for a prison term for the 2431
offense. 2432

(5) If the drug involved in the violation is a compound, 2433
mixture, preparation, or substance that is a combination of a 2434
fentanyl-related compound and marihuana, one of the following 2435
applies: 2436

(a) Except as otherwise provided in division (C) (5) (b) of 2437
this section, the offender is guilty of major trafficking in 2438
drugs, involving marihuana, and shall be punished under division 2439
(C) (1) of this section. The offender is not guilty of major 2440
trafficking in drugs, involving a fentanyl-related compound, and 2441
shall not be punished as described in division (C) (5) (b) of this 2442
section for major trafficking in drugs, involving a fentanyl- 2443
related compound. 2444

(b) If the offender knows or has reason to know that the 2445
compound, mixture, preparation, or substance that is the drug 2446
involved contains a fentanyl-related compound, the offender is 2447
guilty of major trafficking in drugs, involving a fentanyl- 2448
related compound, and shall be punished under division (C) (4) of 2449
this section. 2450

(D) If the offender is a professionally licensed person, 2451
in addition to any other sanction imposed for a violation of 2452

this section, the court immediately shall comply with section 2453
2925.38 of the Revised Code. 2454

(E) Divisions (L) to (Q) of section 2925.03 of the Revised 2455
Code apply with respect to a charge or conviction of, or guilty 2456
plea to, a violation of division (A) of this section or a 2457
sentence imposed for such a violation, except to the extent that 2458
by their terms they clearly are inapplicable. Any reference in 2459
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 2460
charge or conviction of, or guilty plea to, a violation of that 2461
section or to a sentence imposed for a violation of that section 2462
shall be construed for purposes of this section as a reference 2463
to a charge or conviction of, or guilty plea to, a violation of 2464
this section or to a sentence imposed for such a violation. 2465

(F) It is an affirmative defense to a charge of major 2466
trafficking in drugs, involving a controlled substance analog, 2467
under this section that the person charged with committing that 2468
offense sold or offered to sell, or prepared for shipment, 2469
shipped, transported, delivered, prepared for distribution, or 2470
distributed an item described in division (HH) (2) (a), (b), or 2471
(c) of section 3719.01 of the Revised Code. 2472

Sec. 2925.032. (A) (1) (a) Except as otherwise provided in 2473
division (C) of this section, no person shall knowingly sell or 2474
offer to sell a controlled substance or controlled substance 2475
analog in an amount listed in division (A) (2) of this section. 2476

(b) Except as otherwise provided in division (C) of this 2477
section, no person shall obtain or possess, with purpose to 2478
distribute or sell, a controlled substance or controlled 2479
substance analog in an amount listed in division (A) (2) of this 2480
section. 2481

(c) Except as otherwise provided in division (C) of this 2482
section, no person shall prepare for shipment, ship, transport, 2483
deliver, prepare for distribution, or distribute a controlled 2484
substance or controlled substance analog in an amount listed in 2485
division (A) (2) of this section when the person knows or has 2486
reasonable cause to believe that the controlled substance or 2487
controlled substance analog is intended for sale or resale. 2488

(2) Division (A) (1) of this section applies to conduct 2489
involving all of the following: 2490

(a) If the drug involved in the conduct described in 2491
division (A) (1) of this section is any compound, mixture, 2492
preparation, or substance included in schedule I or schedule II, 2493
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2494
related compound, hashish, or a controlled substance analog, an 2495
amount of the drug so involved that equals or exceeds twenty- 2496
five one-thousandths of one gram but is less than the bulk 2497
amount; 2498

(b) If the drug involved in the conduct described in 2499
division (A) (1) of this section is any compound, mixture, 2500
preparation, or substance included in schedule III, schedule IV, 2501
or schedule V, an amount of the drug so involved that equals or 2502
exceeds twenty-five one-thousandths of one gram but is less than 2503
five times the bulk amount; 2504

(c) If the drug involved in the conduct described in 2505
division (A) (1) of this section is cocaine or a compound, 2506
mixture, preparation, or substance containing cocaine, an amount 2507
of the drug so involved that equals or exceeds twenty-five one- 2508
thousandths of one gram but is less than ten grams; 2509

(d) If the drug involved in the conduct described in 2510

division (A) (1) of this section is L.S.D. or a compound, 2511
mixture, preparation, or substance containing L.S.D., an amount 2512
of the drug so involved that equals or exceeds one-fourth of one 2513
unit dose but is less than fifty unit doses, of L.S.D. in solid 2514
form, or equals or exceeds twenty-five one-thousandths of one 2515
gram but is less than five grams, of L.S.D. in liquid 2516
concentrate, liquid extract, or liquid distillate form; 2517

(e) If the drug involved in the conduct described in 2518
division (A) (1) of this section is heroin or a compound, 2519
mixture, preparation, or substance containing heroin, an amount 2520
of the drug so involved that equals or exceeds twenty-five one- 2521
thousandths of one gram, or one-fourth of one unit dose but is 2522
less than five grams or fifty unit doses; 2523

(f) If the drug involved in the conduct described in 2524
division (A) (1) of this section is a fentanyl-related compound 2525
or a compound, mixture, preparation, or substance containing a 2526
fentanyl-related compound, an amount of the drug so involved 2527
that equals or exceeds twenty-five one-thousandths of one gram, 2528
or one-fourth of one unit dose but is less than five grams or 2529
fifty unit doses; 2530

(g) If the drug involved in the conduct described in 2531
division (A) (1) of this section is marihuana other than hashish 2532
or a compound, mixture, preparation, or substance containing 2533
marihuana other than hashish, an amount of the drug so involved 2534
that equals or exceeds twenty-five one-thousandths of one gram 2535
but is less than one thousand grams; 2536

(h) If the drug involved in the conduct described in 2537
division (A) (1) of this section is hashish or a compound, 2538
mixture, preparation, or substance containing hashish, an amount 2539
of the drug so involved that equals or exceeds twenty-five one- 2540

thousandths of one gram but is less than fifty grams; 2541

(i) If the drug involved in the conduct described in 2542
division (A) (1) of this section is a controlled substance analog 2543
or a compound, mixture, preparation, or substance containing a 2544
controlled substance analog, an amount of the drug so involved 2545
that equals or exceeds twenty-five one-thousandths of one gram 2546
but is less than twenty grams. 2547

(B) (1) Whoever violates division (A) (1) of this section 2548
based on an amount specified in division (A) (2) (a) of this 2549
section is guilty of trafficking in schedule I or schedule II 2550
drugs. The penalty for the offense shall be determined as 2551
follows: 2552

(a) Except as otherwise provided in division (B) (1) (b) of 2553
this section, trafficking in schedule I or schedule II drugs is 2554
one of the following: 2555

(i) Except as otherwise provided in division (B) (1) (a) (ii) 2556
of this section, trafficking in schedule I or schedule II drugs 2557
is a felony of the fifth degree, and division (B) of section 2558
2929.13 of the Revised Code applies in determining whether to 2559
impose a prison term on the offender. 2560

(ii) If the offense was committed in the vicinity of a 2561
school, trafficking in schedule I or schedule II drugs is a 2562
felony of the third degree, and division (C) of section 2929.13 2563
of the Revised Code applies in determining whether to impose a 2564
prison term on the offender. 2565

(b) If the drug involved is a sexual assault-enabling drug 2566
or a compound, mixture, preparation, or substance containing a 2567
sexual assault-enabling drug, trafficking in schedule I or 2568
schedule II drugs is one of the following: 2569

(i) Except as otherwise provided in division (B) (1) (b) (ii) 2570
of this section, trafficking in schedule I or schedule II drugs 2571
is a felony of the fourth degree, and division (C) of section 2572
2929.13 of the Revised Code applies in determining whether to 2573
impose a prison term on the offender. 2574

(ii) If the offense was committed in the vicinity of a 2575
school or in the vicinity of a juvenile, trafficking in schedule 2576
I or schedule II drugs is a felony of the third degree, and 2577
division (C) of section 2929.13 of the Revised Code applies in 2578
determining whether to impose a prison term on the offender. 2579

(2) Whoever violates division (A) (1) of this section based 2580
on an amount specified in division (A) (2) (b) of this section is 2581
guilty of trafficking in drugs. The penalty for the offense 2582
shall be determined as follows: 2583

(a) Except as otherwise provided in division (B) (2) (b) of 2584
this section, trafficking in drugs is one of the following: 2585

(i) If the amount of the drug involved equals or exceeds 2586
the bulk amount but is less than five times the bulk amount, 2587
except as otherwise provided in this division, trafficking in 2588
drugs is a felony of the fourth degree, and division (C) of 2589
section 2929.13 of the Revised Code applies in determining 2590
whether to impose a prison term on the offender. If the amount 2591
of the drug involved is within that range and the offense was 2592
committed in the vicinity of a school, trafficking in drugs is a 2593
felony of the third degree, and there is a presumption that a 2594
prison term shall be imposed for the offense. 2595

(ii) If the amount of the drug involved equals or exceeds 2596
twenty-five one-thousandths of one gram but is less than the 2597
bulk amount, except as otherwise provided in this division, 2598

trafficking in drugs is a felony of the fifth degree, and 2599
division (B) of section 2929.13 of the Revised Code applies in 2600
determining whether to impose a prison term on the offender. If 2601
the amount of the drug involved is within that range and the 2602
offense was committed in the vicinity of a school, trafficking 2603
in drugs is a felony of the fourth degree, and division (C) of 2604
section 2929.13 of the Revised Code applies in determining 2605
whether to impose a prison term on the offender. 2606

(b) If the drug involved is a sexual assault-enabling drug 2607
or a compound, mixture, preparation, or substance containing a 2608
sexual assault-enabling drug, trafficking in drugs is one of the 2609
following: 2610

(i) If the amount of the drug involved equals or exceeds 2611
the bulk amount but is less than five times the bulk amount, 2612
except as otherwise provided in division (B) (2) (b) (ii) of this 2613
section, trafficking in drugs is a felony of the fourth degree, 2614
and division (B) of section 2929.13 of the Revised Code applies 2615
in determining whether to impose a prison term on the offender. 2616

(ii) If the amount of the drug involved is within the 2617
range specified in division (B) (2) (b) (i) of this section and the 2618
offense was committed in the vicinity of a school or in the 2619
vicinity of a juvenile, trafficking in drugs is a felony of the 2620
third degree, and there is a presumption for a prison term for 2621
the offense. 2622

(iii) If the amount of the drug involved equals or exceeds 2623
twenty-five one-thousandths of one gram but is less than the 2624
bulk amount, except as otherwise provided in division (B) (2) (b) 2625
(iv) of this section, trafficking in drugs is a felony of the 2626
fifth degree, and division (B) of section 2929.13 of the Revised 2627
Code applies in determining whether to impose a prison term on 2628

the offender.

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(iv) If the amount of the drug involved is within the
range specified in division (B) (2) (b) (iii) of this section and
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in drugs is a felony of the
fourth degree, and division (C) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.

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(3) Whoever violates division (A) (1) of this section based
on an amount specified in division (A) (2) (c) of this section is
guilty of trafficking in cocaine. Except as otherwise provided
in this division, trafficking in cocaine is a felony of the
fifth degree, and division (B) of section 2929.13 of the Revised
Code applies in determining whether to impose a prison term on
the offender. If the offense was committed in the vicinity of a
school, trafficking in cocaine is one of the following:

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(a) Except as otherwise provided in division (B) (3) (b) of
this section, trafficking in cocaine is a felony of the fourth
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.

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(b) If the amount of the drug involved equals or exceeds
five grams and is less than ten grams, trafficking in cocaine is
a felony of the third degree, and there is a presumption that a
prison term shall be imposed for the offense.

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(4) Whoever violates division (A) (1) of this section based
on an amount specified in division (A) (2) (d) of this section is
guilty of trafficking in L.S.D. Except as otherwise provided in
this division, trafficking in L.S.D. is a felony of the fifth

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degree, and division (B) of section 2929.13 of the Revised Code 2658
applies in determining whether to impose a prison term on the 2659
offender. If the offense was committed in the vicinity of a 2660
school, trafficking in L.S.D. is one of the following: 2661

(a) Except as otherwise provided in division (B) (4) (b) of 2662
this section, trafficking in L.S.D. is a felony of the fourth 2663
degree, and division (C) of section 2929.13 of the Revised Code 2664
applies in determining whether to impose a prison term on the 2665
offender. 2666

(b) If the amount of the drug involved equals or exceeds 2667
one gram and is less than five grams or equals or exceeds ten 2668
unit doses and is less than fifty unit doses, trafficking in 2669
L.S.D. is a felony of the third degree, and there is a 2670
presumption that a prison term shall be imposed for the offense. 2671

(5) Whoever violates division (A) (1) of this section based 2672
on an amount specified in division (A) (2) (e) of this section is 2673
guilty of trafficking in heroin. The penalty for the offense 2674
shall be determined as follows: 2675

(a) If the amount of the drug involved equals or exceeds 2676
one gram or ten unit doses but is less than five grams or fifty 2677
unit doses, except as otherwise provided in this division, 2678
trafficking in heroin is a felony of the fourth degree, and 2679
division (C) of section 2929.13 of the Revised Code applies in 2680
determining whether to impose a prison term on the offender. If 2681
the amount of the drug involved in the offense is within that 2682
range and the offense was committed in the vicinity of a school, 2683
trafficking in heroin is a felony of the third degree and there 2684
is a presumption that a prison term shall be imposed for the 2685
offense. 2686

(b) If the amount of the drug involved equals or exceeds 2687
twenty-five one-thousandths of one gram or one-fourth of one 2688
unit dose but is less than one gram or ten unit doses, except as 2689
otherwise provided in this division, trafficking in heroin is a 2690
felony of the fifth degree, and division (B) of section 2929.13 2691
of the Revised Code applies in determining whether to impose a 2692
prison term on the offender. If the amount of the drug involved 2693
in the offense is within that range and the offense was 2694
committed in the vicinity of a school, trafficking in heroin is 2695
a felony of the fourth degree and division (C) of section 2696
2929.13 of the Revised Code applies in determining whether to 2697
impose a prison term on the offender. 2698

(6) Whoever violates division (A) (1) of this section based 2699
on an amount specified in division (A) (2) (f) of this section, 2700
subject to division (B) (7) of this section, is guilty of 2701
trafficking in a fentanyl-related compound. The penalty for the 2702
offense shall be determined as follows: 2703

(a) Except as otherwise provided in division (B) (6) (b), 2704
(c), or (d) of this section, trafficking in a fentanyl-related 2705
compound is a felony of the fifth degree, and division (B) of 2706
section 2929.13 of the Revised Code applies in determining 2707
whether to impose a prison term on the offender. 2708

(b) If the offense was committed in the vicinity of a 2709
school or in the vicinity of a juvenile, except as otherwise 2710
provided in division (B) (6) (c) or (d) of this section, 2711
trafficking in a fentanyl-related compound is a felony of the 2712
fourth degree, and division (C) of section 2929.13 of the 2713
Revised Code applies in determining whether to impose a prison 2714
term on the offender. 2715

(c) If the amount of the drug involved equals or exceeds 2716

ten unit doses but is less than fifty unit doses or equals or 2717
exceeds one gram but is less than five grams, except as 2718
otherwise provided in division (B) (6) (d) of this section, 2719
trafficking in a fentanyl-related compound is a felony of the 2720
fourth degree, and division (B) of section 2929.13 of the 2721
Revised Code applies in determining whether to impose a prison 2722
term for the offense. 2723

(d) If the amount of the drug involved is within the range 2724
specified in division (B) (6) (c) of this section and the offense 2725
was committed in the vicinity of a school or in the vicinity of 2726
a juvenile, trafficking in a fentanyl-related compound is a 2727
felony of the third degree, and there is a presumption for a 2728
prison term for the offense. 2729

(7) If the drug involved in the violation of division (A) 2730
(1) of this section is a compound, mixture, preparation, or 2731
substance that is a combination of a fentanyl-related compound 2732
and marihuana, one of the following applies: 2733

(a) Except as otherwise provided in division (B) (7) (b) of 2734
this section, the offender is guilty of trafficking in marihuana 2735
and shall be punished under division (B) (8) of this section. The 2736
offender is not guilty of trafficking in a fentanyl-related 2737
compound and shall not be charged with, convicted of, or 2738
punished under division (B) (6) of this section for trafficking 2739
in a fentanyl-related compound. 2740

(b) If the offender knows or has reason to know that the 2741
compound, mixture, preparation, or substance that is the drug 2742
involved contains a fentanyl-related compound, the offender is 2743
guilty of trafficking in a fentanyl-related compound and shall 2744
be punished under division (B) (6) of this section. 2745

(8) Whoever violates division (A) (1) of this section based 2746
on an amount specified in division (A) (2) (g) of this section, 2747
subject to division (D) of this section, is guilty of 2748
trafficking in marihuana. The penalty for the offense shall be 2749
determined as follows: 2750

(a) Except as otherwise provided in division (B) (8) (b) of 2751
this section, trafficking in marihuana is one of the following: 2752

(i) Except as otherwise provided in division (B) (8) (a) (ii) 2753
of this section, trafficking in marihuana is a felony of the 2754
fifth degree, and division (B) of section 2929.13 of the Revised 2755
Code applies in determining whether to impose a prison term on 2756
the offender. 2757

(ii) If the offense was committed in the vicinity of a 2758
school, except as otherwise provided in division (B) (8) (a) (iii) 2759
of this section, trafficking in marihuana is a felony of the 2760
fourth degree, and division (B) of section 2929.13 of the 2761
Revised Code applies in determining whether to impose a prison 2762
term on the offender. 2763

(iii) If the offense was committed in the vicinity of a 2764
school and the amount of the drug involved equals or exceeds two 2765
hundred grams and is less than one thousand grams, trafficking 2766
in marihuana is a felony of the third degree, and division (C) 2767
of section 2929.13 of the Revised Code applies in determining 2768
whether to impose a prison term on the offender. 2769

(b) If the amount of the drug involved is a gift of less 2770
than twenty grams, trafficking in marihuana is one of the 2771
following: 2772

(i) Except as otherwise provided in division (B) (8) (b) (ii) 2773
of this section, trafficking in marihuana is a minor misdemeanor 2774

on a first offense and a misdemeanor of the third degree on a 2775
subsequent offense. 2776

(ii) If the offense was committed in the vicinity of a 2777
school, trafficking in marihuana is a misdemeanor of the third 2778
degree. 2779

(9) Whoever violates division (A)(1) of this section based 2780
on an amount specified in division (A)(2)(h) of this section is 2781
guilty of trafficking in hashish. Except as otherwise provided 2782
in this division, trafficking in hashish is a felony of the 2783
fifth degree, and division (B) of section 2929.13 of the Revised 2784
Code applies in determining whether to impose a prison term on 2785
the offender. If the offense was committed in the vicinity of a 2786
school, trafficking in hashish is one of the following: 2787

(a) Except as otherwise provided in division (B)(9)(b) of 2788
this section, trafficking in hashish is a felony of the fourth 2789
degree, and division (B) of section 2929.13 of the Revised Code 2790
applies in determining whether to impose a prison term on the 2791
offender. 2792

(b) If the amount of the drug involved equals or exceeds 2793
ten grams in solid form or two grams in liquid form and is less 2794
than fifty grams in solid form or ten grams in liquid form, 2795
trafficking in hashish is a felony of the third degree, and 2796
division (C) of section 2929.13 of the Revised Code applies in 2797
determining whether to impose a prison term on the offender. 2798

(10) Whoever violates division (A)(1) of this section 2799
based on an amount specified in division (A)(2)(i) of this 2800
section is guilty of trafficking in a controlled substance 2801
analog. The penalty for the offense shall be determined as 2802
follows: 2803

(a) If the amount of the drug involved equals or exceeds 2804
ten grams but is less than twenty grams, trafficking in a 2805
controlled substance analog is one of the following: 2806

(i) Except as otherwise provided in division (B) (10) (a) 2807
(ii) of this section, trafficking in a controlled substance 2808
analog is a felony of the fourth degree, and division (C) of 2809
section 2929.13 of the Revised Code applies in determining 2810
whether to impose a prison term on the offender. 2811

(ii) If the offense was committed in the vicinity of a 2812
school, trafficking in a controlled substance analog is a felony 2813
of the third degree and there is a presumption that a prison 2814
term shall be imposed for the offense. 2815

(b) If the amount of the drug involved equals or exceeds 2816
twenty-five one-thousandths of one gram but is less than ten 2817
grams, trafficking in a controlled substance analog is one of 2818
the following: 2819

(i) Except as otherwise provided in division (B) (10) (b) 2820
(ii) of this section, trafficking in a controlled substance 2821
analog is a felony of the fifth degree, and division (B) of 2822
section 2929.13 of the Revised Code applies in determining 2823
whether to impose a prison term on the offender. 2824

(ii) If the offense was committed in the vicinity of a 2825
school, trafficking in a controlled substance analog is a felony 2826
of the fourth degree and division (C) of section 2929.13 of the 2827
Revised Code applies in determining whether to impose a prison 2828
term on the offender. 2829

(C) All of the following are affirmative defenses to a 2830
charge under this section: 2831

(1) If the person charged is a manufacturer, licensed 2832

health professional authorized to prescribe drugs, pharmacist, 2833
owner of a pharmacy, or other person, the manufacturer's, 2834
licensed health professional's, pharmacist's, pharmacy owner's, 2835
or other person's conduct was in accordance with Chapters 3719., 2836
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 2837
Code; 2838

(2) If the offense involves an anabolic steroid, the 2839
person charged was conducting or participating in a research 2840
project involving the use of an anabolic steroid if the project 2841
has been approved by the United States food and drug 2842
administration; 2843

(3) The person charged sold, offered for sale, prescribed, 2844
dispensed, or administered for livestock or other nonhuman 2845
species an anabolic steroid that was expressly intended for 2846
administration through implants to livestock or other nonhuman 2847
species and approved for that purpose under the "Federal Food, 2848
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, 2849
and was sold, offered for sale, prescribed, dispensed, or 2850
administered for that purpose in accordance with that act. 2851

(D) Notwithstanding division (B) of this section, a person 2852
who violates division (A)(1) of this section by gifting twenty 2853
grams or less of marihuana to another person shall be guilty 2854
only of a minor misdemeanor. 2855

(E) If the offender is a professionally licensed person, 2856
in addition to any other sanction imposed for a violation of 2857
this section, the court immediately shall comply with section 2858
2925.38 of the Revised Code. 2859

(F) Divisions (L) to (Q) of section 2925.03 of the Revised 2860
Code apply with respect to a charge or conviction of, or guilty 2861

plea to, a violation of division (A) of this section or a 2862
sentence imposed for such a violation, except to the extent that 2863
by their terms they clearly are inapplicable. Any reference in 2864
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 2865
charge or conviction of, or guilty plea to, a violation of that 2866
section or to a sentence imposed for a violation of that section 2867
shall be construed for purposes of this section as a reference 2868
to a charge or conviction of, or guilty plea to, a violation of 2869
this section or to a sentence imposed for such a violation. 2870

(G) It is an affirmative defense to a charge of 2871
trafficking in a controlled substance analog under this section 2872
that the person charged with violating that offense sold or 2873
offered to sell, or prepared for shipment, shipped, transported, 2874
delivered, prepared for distribution, or distributed an item 2875
described in division (HH) (2) (a), (b), or (c) of section 3719.01 2876
of the Revised Code. 2877

Sec. 2925.11. (A) ~~No~~ (1) Except as provided in division 2878
(B) of this section, no person shall knowingly obtain, possess, 2879
or use a controlled substance or a controlled substance analog 2880
in an amount listed in division (A) (2) of this section. 2881

(2) Division (A) (1) of this section applies to conduct 2882
involving all of the following: 2883

(a) If the drug involved in the conduct described in 2884
division (A) (1) of this section is any compound, mixture, 2885
preparation, or substance included in schedule I or schedule II, 2886
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2887
related compound, hashish, a controlled substance analog, or a 2888
sexual assault-enhancing drug, subject to division (A) (2) (g) of 2889
this section, an amount of the drug so involved that equals or 2890
exceeds twenty-five one-thousandths of one gram but is less than 2891

the bulk amount; 2892

(b) If the drug involved in the conduct described in 2893
division (A) (1) of this section is any compound, mixture, 2894
preparation, or substance included in schedule III, schedule IV, 2895
or schedule V, subject to division (A) (2) (g) of this section, an 2896
amount of the drug so involved that equals or exceeds twenty- 2897
five one-thousandths of one gram but is less than five times the 2898
bulk amount; 2899

(c) If the drug involved in the conduct described in 2900
division (A) (1) of this section is cocaine or a compound, 2901
mixture, preparation, or substance containing cocaine, an amount 2902
of the drug so involved that equals or exceeds twenty-five one- 2903
thousandths of one gram but is less than ten grams; 2904

(d) If the drug involved in the conduct described in 2905
division (A) (1) of this section is L.S.D. or a compound, 2906
mixture, preparation, or substance containing L.S.D., an amount 2907
of the drug so involved that equals or exceeds one-fourth of one 2908
unit dose but is less than fifty unit doses, of L.S.D. in solid 2909
form or equals or exceeds twenty-five one-thousandths of one 2910
gram but is less than five grams, of L.S.D. in liquid 2911
concentrate, liquid extract, or liquid distillate form; 2912

(e) If the drug involved in the conduct described in 2913
division (A) (1) of this section is heroin or a compound, 2914
mixture, preparation, or substance containing heroin, an amount 2915
of the drug so involved that equals or exceeds twenty-five one- 2916
thousandths of one gram or one-fourth of one unit dose but is 2917
less than five grams or fifty unit doses; 2918

(f) If the drug involved in the conduct described in 2919
division (A) (1) of this section is a controlled substance analog 2920

or a compound, mixture, preparation, or substance containing a 2921
controlled substance analog, an amount of the drug so involved 2922
that equals or exceeds twenty-five one-thousandths of one gram 2923
but is less than twenty grams; 2924

(g) If the drug involved in the conduct described in 2925
division (A)(1) of this section is a sexual assault-enabling 2926
drug or a compound, mixture, preparation, or substance 2927
containing a sexual assault-enabling drug, an amount of the drug 2928
so involved that is one of the following: 2929

(i) If the sexual assault-enabling drug is a schedule I or 2930
schedule II controlled substance, an amount of the drug so 2931
involved that is less than the bulk amount; 2932

(ii) If the sexual assault-enabling drug is a schedule 2933
III, schedule IV, or schedule V controlled substance, an amount 2934
of the drug that is less than five times the bulk amount. 2935

(h) If the drug involved in the conduct described in 2936
division (A)(1) of this section is a fentanyl-related compound 2937
or a compound, mixture, preparation, or substance containing a 2938
fentanyl-related compound, an amount of the drug so involved 2939
that is less than fifty unit doses or five grams. 2940

(B)(1) ~~This~~ All of the following are affirmative defenses 2941
to a charge under this section ~~does not apply to any of the~~ 2942
following: 2943

(a) ~~Manufacturers~~ If the person charged is a manufacturer, 2944
licensed health ~~professionals~~ professional authorized to 2945
prescribe drugs, ~~pharmacists~~ pharmacist, ~~owners~~ owner of 2946
~~pharmacies~~ a pharmacy, and ~~or other persons whose~~ person, the 2947
manufacturer's, licensed health professional's, pharmacist's, 2948
pharmacy owner's, or other person's conduct was in accordance 2949

with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2950
4741. of the Revised Code; 2951

(b) If the offense involves an anabolic steroid, ~~any the~~ 2952
person ~~who is charged was~~ conducting or participating in a 2953
research project involving the use of an anabolic steroid if the 2954
project has been approved by the United States food and drug 2955
administration; 2956

(c) ~~Any The person who sells, offers charged sold, offered~~ 2957
for sale, ~~prescribes prescribed, dispenses dispensed, or~~ 2958
~~administers administered~~ for livestock or other nonhuman species 2959
an anabolic steroid that ~~is was~~ expressly intended for 2960
administration through implants to livestock or other nonhuman 2961
species and approved for that purpose under the "Federal Food, 2962
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2963
as amended, and ~~is was~~ sold, offered for sale, prescribed, 2964
dispensed, or administered for that purpose in accordance with 2965
that act; 2966

(d) ~~Any The person who charged~~ obtained the controlled 2967
substance pursuant to a prescription issued by a licensed health 2968
professional authorized to prescribe drugs if the prescription 2969
was issued for a legitimate medical purpose and not altered, 2970
forged, or obtained through deception or commission of a theft 2971
offense. 2972

As used in division (B) (1) (d) of this section, "deception" 2973
and "theft offense" have the same meanings as in section 2913.01 2974
of the Revised Code. 2975

(2) (a) As used in division (B) (2) of this section: 2976

(i) "Community addiction services provider" has the same 2977
meaning as in section 5119.01 of the Revised Code. 2978

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

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

(iv) "Minor drug possession offense" ~~means a violation of~~
~~this section that is a misdemeanor or a felony of the fifth~~
~~degree~~ has the same meaning as in section 2925.01 of the Revised
Code.

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

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

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

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

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

(b) Subject to division (B) (2) (f) of this section, a

qualified individual shall not be arrested, charged, prosecuted, 3007
convicted, or penalized pursuant to this chapter for a minor 3008
drug possession offense if all of the following apply: 3009

(i) The evidence of the obtaining, possession, or use of 3010
the controlled substance or controlled substance analog that 3011
would be the basis of the offense was obtained as a result of 3012
the qualified individual seeking the medical assistance or 3013
experiencing an overdose and needing medical assistance. 3014

(ii) Subject to division (B) (2) (g) of this section, within 3015
thirty days after seeking or obtaining the medical assistance, 3016
the qualified individual seeks and obtains a screening and 3017
receives a referral for treatment from a community addiction 3018
services provider or a properly credentialed addiction treatment 3019
professional. 3020

(iii) Subject to division (B) (2) (g) of this section, the 3021
qualified individual who obtains a screening and receives a 3022
referral for treatment under division (B) (2) (b) (ii) of this 3023
section, upon the request of any prosecuting attorney, submits 3024
documentation to the prosecuting attorney that verifies that the 3025
qualified individual satisfied the requirements of that 3026
division. The documentation shall be limited to the date and 3027
time of the screening obtained and referral received. 3028

(c) If a person is found to be in violation of any 3029
community control sanction and if the violation is a result of 3030
either of the following, the court shall first consider ordering 3031
the person's participation or continued participation in a drug 3032
treatment program or mitigating the penalty specified in section 3033
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 3034
applicable, after which the court has the discretion either to 3035
order the person's participation or continued participation in a 3036

drug treatment program or to impose the penalty with the 3037
mitigating factor specified in any of those applicable sections: 3038

(i) Seeking or obtaining medical assistance in good faith 3039
for another person who is experiencing a drug overdose; 3040

(ii) Experiencing a drug overdose and seeking medical 3041
assistance for that overdose or being the subject of another 3042
person seeking or obtaining medical assistance for that overdose 3043
as described in division (B) (2) (b) of this section. 3044

(d) If a person is found to be in violation of any post- 3045
release control sanction and if the violation is a result of 3046
either of the following, the court or the parole board shall 3047
first consider ordering the person's participation or continued 3048
participation in a drug treatment program or mitigating the 3049
penalty specified in section 2929.141 or 2967.28 of the Revised 3050
Code, whichever is applicable, after which the court or the 3051
parole board has the discretion either to order the person's 3052
participation or continued participation in a drug treatment 3053
program or to impose the penalty with the mitigating factor 3054
specified in either of those applicable sections: 3055

(i) Seeking or obtaining medical assistance in good faith 3056
for another person who is experiencing a drug overdose; 3057

(ii) Experiencing a drug overdose and seeking medical 3058
assistance for that emergency or being the subject of another 3059
person seeking or obtaining medical assistance for that overdose 3060
as described in division (B) (2) (b) of this section. 3061

(e) Nothing in division (B) (2) (b) of this section shall be 3062
construed to do any of the following: 3063

(i) Limit the admissibility of any evidence in connection 3064
with the investigation or prosecution of a crime with regards to 3065

a defendant who does not qualify for the protections of division 3066
(B) (2) (b) of this section or with regards to any crime other 3067
than a minor drug possession offense committed by a person who 3068
qualifies for protection pursuant to division (B) (2) (b) of this 3069
section for a minor drug possession offense; 3070

(ii) Limit any seizure of evidence or contraband otherwise 3071
permitted by law; 3072

(iii) Limit or abridge the authority of a peace officer to 3073
detain or take into custody a person in the course of an 3074
investigation or to effectuate an arrest for any offense except 3075
as provided in that division; 3076

(iv) Limit, modify, or remove any immunity from liability 3077
available pursuant to law in effect prior to September 13, 2016, 3078
to any public agency or to an employee of any public agency. 3079

(f) Division (B) (2) (b) of this section does not apply to 3080
any person who twice previously has been granted an immunity 3081
under division (B) (2) (b) of this section. No person shall be 3082
granted an immunity under division (B) (2) (b) of this section 3083
more than two times. 3084

(g) Nothing in this section shall compel any qualified 3085
individual to disclose protected health information in a way 3086
that conflicts with the requirements of the "Health Insurance 3087
Portability and Accountability Act of 1996," 104 Pub. L. No. 3088
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3089
regulations promulgated by the United States department of 3090
health and human services to implement the act or the 3091
requirements of 42 C.F.R. Part 2. 3092

~~(C) Whoever violates division (A) of this section is~~ 3093
~~guilty of one of the following:~~ 3094

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

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

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

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

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

~~(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major~~

~~drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~

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

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

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

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

~~(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term a second degree felony mandatory prison term.~~

~~(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of~~

~~this section is guilty of possession of marihuana. The penalty
for the offense shall be determined as follows:~~ 3153 3154

~~(a) Except as otherwise provided in division (C) (3) (b),
(c), (d), (e), (f), or (g) of this section, possession of
marihuana is a minor misdemeanor.~~ 3155 3156 3157

~~(b) If the amount of the drug involved equals or exceeds
one hundred grams but is less than two hundred grams, possession
of marihuana is a misdemeanor of the fourth degree.~~ 3158 3159 3160

~~(c) If the amount of the drug involved equals or exceeds
two hundred grams but is less than one thousand grams,
possession of marihuana is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 3161 3162 3163 3164 3165

~~(d) If the amount of the drug involved equals or exceeds
one thousand grams but is less than five thousand grams,
possession of marihuana is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 3166 3167 3168 3169 3170

~~(e) If the amount of the drug involved equals or exceeds
five thousand grams but is less than twenty thousand grams,
possession of marihuana is a felony of the third degree, and
there is a presumption that a prison term shall be imposed for
the offense.~~ 3171 3172 3173 3174 3175

~~(f) If the amount of the drug involved equals or exceeds
twenty thousand grams but is less than forty thousand grams,
possession of marihuana is a felony of the second degree, and
the court shall impose as a mandatory prison term a second-
degree felony mandatory prison term of five, six, seven, or
eight years.~~ 3176 3177 3178 3179 3180 3181

~~(g) If the amount of the drug involved equals or exceeds
forty thousand grams, possession of marihuana is a felony of the
second degree, and the court shall impose as a mandatory prison
term a maximum second degree felony mandatory prison term.~~

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

~~(a) Except as otherwise provided in division (C) (4) (b),
(c), (d), (e), or (f) of this section, possession of cocaine is
a felony of the fifth degree, and division (B) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender.~~

~~(b) If the amount of the drug involved equals or exceeds
five grams but is less than ten grams of cocaine, possession of
cocaine is a felony of the fourth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.~~

~~(c) If the amount of the drug involved equals or exceeds
ten grams but is less than twenty grams of cocaine, possession
of cocaine is a felony of the third degree, and, except as
otherwise provided in this division, there is a presumption for
a prison term for the offense. If possession of cocaine is a
felony of the third degree under this division and if the
offender two or more times previously has been convicted of or
pleaded guilty to a felony drug abuse offense, the court shall
impose as a mandatory prison term one of the prison terms
prescribed for a felony of the third degree.~~

~~(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3211
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~~(e) If the amount of the drug involved equals or exceeds twenty seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3216
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~~(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3221
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~~(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:~~ 3226
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~~(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3230
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~~(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the~~ 3235
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~~fourth degree, and division (C) of section 2929.13 of the~~ 3240
~~Revised Code applies in determining whether to impose a prison~~ 3241
~~term on the offender.~~ 3242

~~(c) If the amount of L.S.D. involved equals or exceeds~~ 3243
~~fifty unit doses, but is less than two hundred fifty unit doses~~ 3244
~~of L.S.D. in a solid form or equals or exceeds five grams but is~~ 3245
~~less than twenty-five grams of L.S.D. in a liquid concentrate,~~ 3246
~~liquid extract, or liquid distillate form, possession of L.S.D.~~ 3247
~~is a felony of the third degree, and there is a presumption for~~ 3248
~~a prison term for the offense.~~ 3249

~~(d) If the amount of L.S.D. involved equals or exceeds two~~ 3250
~~hundred fifty unit doses but is less than one thousand unit~~ 3251
~~doses of L.S.D. in a solid form or equals or exceeds twenty-five~~ 3252
~~grams but is less than one hundred grams of L.S.D. in a liquid~~ 3253
~~concentrate, liquid extract, or liquid distillate form,~~ 3254
~~possession of L.S.D. is a felony of the second degree, and the~~ 3255
~~court shall impose as a mandatory prison term a second degree~~ 3256
~~felony mandatory prison term.~~ 3257

~~(e) If the amount of L.S.D. involved equals or exceeds one~~ 3258
~~thousand unit doses but is less than five thousand unit doses of~~ 3259
~~L.S.D. in a solid form or equals or exceeds one hundred grams~~ 3260
~~but is less than five hundred grams of L.S.D. in a liquid~~ 3261
~~concentrate, liquid extract, or liquid distillate form,~~ 3262
~~possession of L.S.D. is a felony of the first degree, and the~~ 3263
~~court shall impose as a mandatory prison term a first degree~~ 3264
~~felony mandatory prison term.~~ 3265

~~(f) If the amount of L.S.D. involved equals or exceeds~~ 3266
~~five thousand unit doses of L.S.D. in a solid form or equals or~~ 3267
~~exceeds five hundred grams of L.S.D. in a liquid concentrate,~~ 3268
~~liquid extract, or liquid distillate form, possession of L.S.D.~~ 3269

~~is a felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term
a maximum first degree felony mandatory prison term.~~

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

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

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

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

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~~(d) If the amount of the drug involved equals or exceeds
one hundred unit doses but is less than five hundred unit doses
or equals or exceeds ten grams but is less than fifty grams,
possession of heroin is a felony of the second degree, and the
court shall impose as a mandatory prison term a second degree~~

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~~felony mandatory prison term.~~ 3299

~~(e) If the amount of the drug involved equals or exceeds
five hundred unit doses but is less than one thousand unit doses
or equals or exceeds fifty grams but is less than one hundred
grams, possession of heroin is a felony of the first degree, and
the court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 3300
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~~(f) If the amount of the drug involved equals or exceeds
one thousand unit doses or equals or exceeds one hundred grams,
possession of heroin is a felony of the first degree, the
offender is a major drug offender, and the court shall impose as
a mandatory prison term a maximum first degree felony mandatory
prison term.~~ 3306
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~~(7) If the drug involved in the violation is hashish or a
compound, mixture, preparation, or substance containing hashish,
whoever violates division (A) of this section is guilty of
possession of hashish. The penalty for the offense shall be
determined as follows:~~ 3312
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~~(a) Except as otherwise provided in division (C) (7) (b),
(c), (d), (e), (f), or (g) of this section, possession of
hashish is a minor misdemeanor.~~ 3317
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~~(b) If the amount of the drug involved equals or exceeds
five grams but is less than ten grams of hashish in a solid form
or equals or exceeds one gram but is less than two grams of
hashish in a liquid concentrate, liquid extract, or liquid
distillate form, possession of hashish is a misdemeanor of the
fourth degree.~~ 3320
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~~(c) If the amount of the drug involved equals or exceeds
ten grams but is less than fifty grams of hashish in a solid~~ 3326
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~~form or equals or exceeds two grams but is less than ten grams~~ 3328
~~of hashish in a liquid concentrate, liquid extract, or liquid~~ 3329
~~distillate form, possession of hashish is a felony of the fifth~~ 3330
~~degree, and division (B) of section 2929.13 of the Revised Code~~ 3331
~~applies in determining whether to impose a prison term on the~~ 3332
~~offender.~~ 3333

~~(d) If the amount of the drug involved equals or exceeds~~ 3334
~~fifty grams but is less than two hundred fifty grams of hashish~~ 3335
~~in a solid form or equals or exceeds ten grams but is less than~~ 3336
~~fifty grams of hashish in a liquid concentrate, liquid extract,~~ 3337
~~or liquid distillate form, possession of hashish is a felony of~~ 3338
~~the third degree, and division (C) of section 2929.13 of the~~ 3339
~~Revised Code applies in determining whether to impose a prison~~ 3340
~~term on the offender.~~ 3341

~~(e) If the amount of the drug involved equals or exceeds~~ 3342
~~two hundred fifty grams but is less than one thousand grams of~~ 3343
~~hashish in a solid form or equals or exceeds fifty grams but is~~ 3344
~~less than two hundred grams of hashish in a liquid concentrate,~~ 3345
~~liquid extract, or liquid distillate form, possession of hashish~~ 3346
~~is a felony of the third degree, and there is a presumption that~~ 3347
~~a prison term shall be imposed for the offense.~~ 3348

~~(f) If the amount of the drug involved equals or exceeds~~ 3349
~~one thousand grams but is less than two thousand grams of~~ 3350
~~hashish in a solid form or equals or exceeds two hundred grams~~ 3351
~~but is less than four hundred grams of hashish in a liquid~~ 3352
~~concentrate, liquid extract, or liquid distillate form,~~ 3353
~~possession of hashish is a felony of the second degree, and the~~ 3354
~~court shall impose as a mandatory prison term a second degree~~ 3355
~~felony mandatory prison term of five, six, seven, or eight~~ 3356
~~years.~~ 3357

~~(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.~~ 3358 3359 3360 3361 3362 3363 3364

~~(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:~~ 3365 3366 3367 3368 3369 3370

~~(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3371 3372 3373 3374 3375

~~(b) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.~~ 3376 3377 3378 3379

~~(c) If the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, possession of a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3380 3381 3382 3383

~~(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of a controlled substance analog is a felony of the second degree,~~ 3384 3385 3386

~~and the court shall impose as a mandatory prison term a second-~~
~~degree felony mandatory prison term.~~

~~(e) If the amount of the drug involved equals or exceeds-~~
~~forty grams but is less than fifty grams, possession of a-~~
~~controlled substance analog is a felony of the first degree, and~~
~~the court shall impose as a mandatory prison term a first degree~~
~~felony mandatory prison term.~~

~~(f) If the amount of the drug involved equals or exceeds-~~
~~fifty grams, possession of a controlled substance analog is a-~~
~~felony of the first degree, the offender is a major drug-~~
~~offender, and the court shall impose as a mandatory prison term-~~
~~a maximum first degree felony mandatory prison term.~~

~~(9) Whoever violates division (A) (1) of this section is~~
~~guilty of possession of a controlled substance and shall be~~
~~penalized as follows:~~

~~(1) If the violation is based on an amount specified in~~
~~division (A) (2) (a), (b), (c), (d), (e), or (f) of this section,~~
~~except as otherwise provided in this division, possession of a~~
~~controlled substance is an unclassified misdemeanor and division~~
~~(C) (7) of this section applies. If the offender twice previously~~
~~has been convicted of or pleaded guilty to a violation of this~~
~~section or a substantially equivalent law of this state or~~
~~municipal ordinance in the three years immediately preceding the~~
~~offense date, possession of a controlled substance is a felony~~
~~of the fifth degree and division (B) of section 2929.13 of the~~
~~Revised Code applies in determining whether to impose a prison~~
~~term on the offender.~~

~~(2) If the violation is based on an amount specified in~~
~~division (A) (2) (g) (i) of this section, possession of a~~

controlled substance committed in those circumstances is a 3416
felony of the fifth degree, and division (B) of section 2929.13 3417
of the Revised Code applies in determining whether to impose a 3418
prison term on the offender. 3419

(3) If the violation is based on an amount specified in 3420
division (A) (2) (g) (ii) of this section, the penalty for the 3421
offense shall be determined as follows: 3422

(a) Except as otherwise provided in division (C) (3) (b) or 3423
(c) of this section, possession of a controlled substance 3424
committed in those circumstances is a misdemeanor of the first 3425
degree. 3426

(b) If the offender previously has been convicted of or 3427
pleaded guilty to a drug abuse offense, except as provided in 3428
division (C) (3) (c) of this section, possession of a controlled 3429
substance committed in those circumstances is a felony of the 3430
fifth degree, and division (B) of section 2929.13 of the Revised 3431
Code applies in determining whether to impose a prison term on 3432
the offender; 3433

(c) If the amount of the drug involved equals or exceeds 3434
the bulk amount but is less than five times the bulk amount, 3435
possession of a controlled substance committed in those 3436
circumstances is a felony of the fourth degree, and division (C) 3437
of section 2929.13 of the Revised Code applies in determining 3438
whether to impose a prison term on the offender. 3439

(4) If the drug involved in the violation is a compound, 3440
mixture, preparation, or substance that is a combination of a 3441
fentanyl-related compound and marihuana, one of the following 3442
applies: 3443

(a) Except as otherwise provided in division (C) ~~(3)~~ (4) (b) 3444

of this section, the offender is guilty of possession of 3445
marihuana and shall be punished as provided in ~~division (C) (3)~~ 3446
~~of this section 2925.111 or 2925.112 of the Revised Code.~~ Except 3447
as otherwise provided in division (C) ~~(9)~~ (4) (b) of this section, 3448
the offender is not guilty of possession of a controlled 3449
substance requiring sentencing for a fentanyl-related compound 3450
under division (C) ~~(11)~~ (6) of this section and shall not be 3451
~~charged with, convicted of, or punished under division (C) (11)~~ 3452
(6) of this section for possession of a fentanyl-related 3453
compound. 3454

(b) If the offender knows or has reason to know that the 3455
compound, mixture, preparation, or substance that is the drug 3456
involved contains a fentanyl-related compound, the offender is 3457
guilty of possession of a controlled substance requiring 3458
sentencing for a fentanyl-related compound and shall be punished 3459
under division (C) ~~(11)~~ (6) of this section. 3460

~~(10)~~ (5) If the drug involved in the violation is a 3461
compound, mixture, preparation, or substance that is a 3462
combination of a fentanyl-related compound and any schedule III, 3463
schedule IV, or schedule V controlled substance that is not a 3464
fentanyl-related compound, one of the following applies: 3465

(a) Except as otherwise provided in division (C) ~~(10)~~ (5) (b) 3466
of this section, the offender is guilty of possession of ~~drugs~~ 3467
~~and shall be punished as provided in a controlled substance~~ 3468
requiring sentencing under division (C) (2) (1) of this section. 3469
Except as otherwise provided in division (C) ~~(10)~~ (5) (b) of this 3470
section, the offender is not guilty of possession of a 3471
controlled substance requiring sentencing for a fentanyl-related 3472
compound under division (C) ~~(11)~~ (6) of this section and shall not 3473
be ~~charged with, convicted of, or punished under division (C)~~ 3474

~~(11)(6)~~ of this section ~~for possession of a fentanyl-related compound.~~ 3475
3476

(b) If the offender knows or has reason to know that the 3477
compound, mixture, preparation, or substance that is the drug 3478
involved contains a fentanyl-related compound, the offender is 3479
guilty of possession of a controlled substance requiring 3480
sentencing for a fentanyl-related compound and shall be punished 3481
under division (C) ~~(11)(6)~~ of this section. 3482

~~(11)(6)~~ If the drug involved in the violation is a 3483
fentanyl-related compound and neither division (C) ~~(9)(4)~~ (a) nor 3484
division (C) ~~(10)(5)~~ (a) of this section applies to the drug 3485
involved, or is a compound, mixture, preparation, or substance 3486
that contains a fentanyl-related compound or is a combination of 3487
a fentanyl-related compound and any other controlled substance 3488
and neither division (C) ~~(9)(4)~~ (a) nor division (C) ~~(10)(5)~~ (a) of 3489
this section applies to the drug involved, ~~whoever violates~~ 3490
~~division (A) of this section is guilty of possession of a~~ 3491
~~fentanyl-related compound. The~~ the penalty for the offense shall 3492
be determined as follows: 3493

(a) Except as otherwise provided in division (C) ~~(11)(6)~~ 3494
~~(b), (c), (d), (e), (f), or (g)~~ of this section, possession of a 3495
~~fentanyl-related compound~~ controlled substance in those 3496
circumstances is a felony of the fifth degree, and division (B) 3497
of section 2929.13 of the Revised Code applies in determining 3498
whether to impose a prison term on the offender. 3499

(b) If the amount of the drug involved equals or exceeds 3500
ten unit doses but is less than fifty unit doses or equals or 3501
exceeds one gram but is less than five grams, possession of a 3502
~~fentanyl-related compound~~ controlled substance in those 3503
circumstances is a felony of the fourth degree, and division (C) 3504

of section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.

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

~~(d) If the amount of the drug involved equals or exceeds
one hundred unit doses but is less than two hundred unit doses
or equals or exceeds ten grams but is less than twenty grams,
possession of a fentanyl-related compound is a felony of the
second degree, and the court shall impose as a mandatory prison
term one of the prison terms prescribed for a felony of the
second degree.~~

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

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

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

(7) When possession of a controlled substance is an
unclassified misdemeanor under division (C) (1) of this section
or under division (C) (1) of section 2925.112 of the Revised
Code, it shall be presumed that the offender shall be sentenced
to treatment under section 2929.26 or 2929.27 of the Revised
Code. If the court determines that the offender, in committing
the offense or related in any way to the offense, has made
threats of violence to any person, the presumption does not
apply and the court may sentence the offender pursuant to any
sanction or combination of sanctions under sections 2929.21 to
2929.28 of the Revised Code, except that:

(a) Notwithstanding section 2929.24 of the Revised Code,
the court may impose on the offender a jail term of not more
than three hundred sixty-four days;

(b) Notwithstanding division (A) (2) (a) of section 2929.28
of the Revised Code, the court may fine the offender not more
than one thousand dollars;

(c) Notwithstanding sections 2929.26 and 2929.27 of the
Revised Code, the court may impose on the offender a term of not
more than six months in a community-based correctional facility.

~~(D) Arrest or conviction for a minor misdemeanor violation
of this section does not constitute a criminal record and need
not be reported by the person so arrested or convicted in~~

~~response to any inquiries about the person's criminal record,~~ 3563
~~including any inquiries contained in any application for~~ 3564
~~employment, license, or other right or privilege, or made in~~ 3565
~~connection with the person's appearance as a witness. (1) If a~~ 3566
~~person is charged with a misdemeanor violation of division (A)~~ 3567
~~(1) of this section or a misdemeanor violation of section~~ 3568
~~2925.111 or 2925.112 of the Revised Code, the court may hold the~~ 3569
~~prosecution in abeyance and stay all criminal proceedings with~~ 3570
~~respect to the violation if all of the following apply:~~ 3571

(a) The person has not previously been convicted of or 3572
pleaded guilty to any of the following: 3573

(i) A violation of division (A)(1) of this section 3574
committed on or after the effective date of this section or of 3575
section 2925.03, 2925.031, or 2925.032 of the Revised Code; 3576

(ii) A violation of the version of section 2925.11 of the 3577
Revised Code that was in effect prior to the effective date of 3578
this section if the drug that was the basis of the violation was 3579
other than marihuana or hashish. 3580

(b) The person agrees to a drug treatment program 3581
determined by the court to be appropriate, to comply with all 3582
terms and conditions of treatment imposed by the court, and to 3583
complete the program. 3584

(c) The person waives the person's right to a speedy trial 3585
and any other rights with respect to the time of proceedings 3586
related to the violation that otherwise would apply. 3587

(2) If the court, under division (D)(1) of this section, 3588
holds a prosecution in abeyance and stays all criminal 3589
proceedings against a person with respect to a violation, all of 3590
the following apply: 3591

(a) The court shall issue an order that establishes terms 3592
and conditions of the drug treatment program and requires the 3593
person to complete the program, and shall place the offender 3594
under the general control and supervision of the county 3595
probation department, the adult parole authority, or another 3596
appropriate local probation or court services agency, if one 3597
exists, as if the offender was subject to a community control 3598
sanction imposed under section 2929.25 of the Revised Code. 3599

(b) If the court finds that the person has successfully 3600
completed the drug treatment program, the court shall dismiss 3601
the proceedings against the person. Successful completion of the 3602
program shall be without adjudication of guilt and is not a 3603
criminal conviction for purposes of any disqualification or 3604
disability imposed by law upon conviction of a crime, the court 3605
may order the sealing of records related to the offense in 3606
question in the manner provided in sections 2953.51 to 2953.56 3607
of the Revised Code, and the court shall inform the person that 3608
the person may apply for the sealing of the records under those 3609
sections and of the procedure for making such an application. 3610

(c) If the person fails to comply with any term or 3611
condition imposed as part of the treatment program for the 3612
person, the supervising authority for the person promptly shall 3613
advise the court of this failure, and the court shall hold a 3614
hearing to determine whether the person failed to comply with 3615
any such term or condition. If the court determines that the 3616
person has failed to comply with any of those terms and 3617
conditions, it shall do one of the following: 3618

(i) Issue an order that continues the person under the 3619
same drug treatment program, with the same terms and conditions 3620
of the program; 3621

(ii) Issue an order that continues the person under the 3622
same drug treatment program, with different terms and conditions 3623
of the program; 3624

(iii) Issue an order that subjects the person to a 3625
different treatment program and establishes terms and conditions 3626
of the program; 3627

(iv) Continue with the prosecution of the violation that 3628
was held in abeyance. 3629

(3) If a court issues an order under division (D) (2) (c) 3630
(i), (ii), or (iii) of this section, the court shall place the 3631
offender under the general control and supervision of an entity 3632
as specified in division (D) (2) (a) of this section, and 3633
divisions (D) (2) (b) and (c) of this section apply with respect 3634
to the order so issued. 3635

(4) A person shall not be required to enter a guilty plea 3636
to a misdemeanor violation of division (A) (1) of this section or 3637
a misdemeanor violation of section 2925.111 or 2925.112 of the 3638
Revised Code in order for a court to hold the prosecution in 3639
abeyance and stay all criminal proceedings with respect to the 3640
violation under division (D) of this section. 3641

(E) In addition to any prison term or jail term authorized 3642
or required by division (C) of this section and sections 3643
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 3644
Code and in addition to any other sanction that is imposed for 3645
the offense under this section, sections 2929.11 to 2929.18, or 3646
sections 2929.21 to 2929.28 of the Revised Code, the court that 3647
sentences an offender who is convicted of or pleads guilty to a 3648
violation of division (A) (1) of this section may suspend the 3649
offender's driver's or commercial driver's license or permit for 3650

not more than five years. However, if the offender pleaded 3651
guilty to or was convicted of a violation of section 4511.19 of 3652
the Revised Code or a substantially similar municipal ordinance 3653
or the law of another state or the United States arising out of 3654
the same set of circumstances as the violation, the court shall 3655
suspend the offender's driver's or commercial driver's license 3656
or permit for not more than five years. If applicable, the court 3657
also shall do the following: 3658

(1) (a) If the violation is a felony of the first, second, 3659
or third degree, the court shall impose upon the offender the 3660
mandatory fine specified for the offense under division (B) (1) 3661
of section 2929.18 of the Revised Code unless, as specified in 3662
that division, the court determines that the offender is 3663
indigent. 3664

(b) Notwithstanding any contrary provision of section 3665
3719.21 of the Revised Code, the clerk of the court shall pay a 3666
mandatory fine or other fine imposed for a violation of this 3667
section pursuant to division (A) of section 2929.18 of the 3668
Revised Code in accordance with and subject to the requirements 3669
of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The 3670
agency that receives the fine shall use the fine as specified in 3671
division ~~(F)~~(N) of section 2925.03 of the Revised Code. 3672

(c) If a person is charged with a violation of this 3673
section that is a felony of the first, second, or third degree, 3674
posts bail, and forfeits the bail, the clerk shall pay the 3675
forfeited bail pursuant to division (E) (1) (b) of this section as 3676
if it were a mandatory fine imposed under division (E) (1) (a) of 3677
this section. 3678

(2) If the offender is a professionally licensed person, 3679
in addition to any other sanction imposed for a violation of 3680

this section, the court immediately shall comply with section 3681
2925.38 of the Revised Code. 3682

(F) It is an affirmative defense, as provided in section 3683
2901.05 of the Revised Code, to a charge of a fourth degree 3684
felony violation under this section that the controlled 3685
substance that gave rise to the charge is in an amount, is in a 3686
form, is prepared, compounded, or mixed with substances that are 3687
not controlled substances in a manner, or is possessed under any 3688
other circumstances, that indicate that the substance was 3689
possessed solely for personal use. Notwithstanding any contrary 3690
provision of this section, if, in accordance with section 3691
2901.05 of the Revised Code, an accused who is charged with a 3692
fourth degree felony violation ~~of division (C) (2), (4), (5), or~~ 3693
~~(6) of under~~ this section sustains the burden of going forward 3694
with evidence of and establishes by a preponderance of the 3695
evidence the affirmative defense described in this division, the 3696
accused may be prosecuted for and may plead guilty to or be 3697
convicted of a misdemeanor violation ~~of division (C) (2) of this~~ 3698
~~section or a fifth degree felony violation of division (C) (4),~~ 3699
~~(5), or (6) of under~~ this section ~~respectively.~~ 3700

(G) When a person is charged with possessing a bulk amount 3701
or multiple of a bulk amount, division ~~(F) (M)~~ of section 2925.03 3702
of the Revised Code applies regarding the determination of the 3703
amount of the controlled substance involved at the time of the 3704
offense. 3705

(H) It is an affirmative defense to a charge of possession 3706
of a controlled substance involving a controlled substance 3707
analog under ~~division (C) (8) of this~~ section that the person 3708
charged with ~~violating~~ that offense obtained, possessed, or used 3709
one of the following items that are excluded from the meaning of 3710

"controlled substance analog" under section 3719.01 of the Revised Code:

(1) A controlled substance;

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

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

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

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

(J) (1) As used in division (J) (2) of this section, "former section 2925.11 of the Revised Code" means the version of section 2925.11 of the Revised Code in effect prior to the effective date of this amendment.

(2) If a person has been charged with a violation of former section 2925.11 of the Revised Code allegedly committed

prior to the effective date of this amendment, all of the 3740
following apply: 3741

(a) The conduct constituting the violation shall be 3742
considered for purposes of divisions (J) (2) (b) and (c) of this 3743
section to be a violation of section 2925.11, 2925.111, or 3744
2925.112 of the Revised Code, whichever would apply to that 3745
conduct if it were committed on or after the effective date of 3746
this amendment. 3747

(b) If the charges are pending on the effective date of 3748
this amendment, the provisions of section 2925.11, 2925.111, or 3749
2925.112 of the Revised Code, whichever would apply to the 3750
conduct constituting the violation, including the sentencing 3751
provisions under those sections, apply with respect to the 3752
charges. 3753

(c) If the person has been convicted of or pleaded guilty 3754
to the violation and the penalty, forfeiture, or punishment for 3755
the violation that includes the conduct has not been imposed as 3756
of the effective date of this amendment, both of the following 3757
apply: 3758

(i) If the penalty, forfeiture, or punishment for the 3759
violation, as set forth in section 2925.11, 2925.111, or 3760
2925.112 of the Revised Code, is a reduction of the penalty, 3761
forfeiture, or punishment for the violation that applied under 3762
former section 2925.11 of the Revised Code, the penalty, 3763
forfeiture, or punishment for the violation shall be imposed 3764
according to section 2925.11, 2925.111, or 2925.112 of the 3765
Revised Code, whichever is applicable regarding the conduct. 3766

(ii) If division (J) (2) (c) (i) of this section does not 3767
apply, the penalty, forfeiture, or punishment for the violation 3768

shall be imposed according to former section 2925.11 of the 3769
Revised Code. 3770

Sec. 2925.111. (A) No person shall knowingly obtain, 3771
possess, or use marihuana other than hashish or a compound, 3772
mixture, preparation, or substance containing marihuana other 3773
than hashish, when the amount of the drug involved equals or 3774
exceeds twenty-five one-thousandths of a gram but is less than 3775
one thousand grams. 3776

(B) No person shall knowingly obtain, possess, or use 3777
hashish or a compound, mixture, preparation, or substance 3778
containing hashish, when the amount of the drug involved equals 3779
or exceeds twenty-five one-thousandths of a gram but is less 3780
than fifty grams. 3781

(C) Whoever violates division (A) of this section is 3782
guilty of possession of marihuana. The penalty for the offense 3783
shall be determined as follows: 3784

(1) If the amount of the drug involved equals or exceeds 3785
twenty-five one-thousandths of one gram but is less than two 3786
hundred grams, possession of marihuana is a minor misdemeanor; 3787

(2) If the amount of the drug involved is at least two 3788
hundred grams but is less than four hundred grams, possession of 3789
marihuana is a misdemeanor of the fourth degree; 3790

(3) If the amount of the drug involved is at least four 3791
hundred grams but is less than one thousand grams, possession of 3792
marihuana is a misdemeanor of the first degree. 3793

(D) Whoever violates division (B) of this section is 3794
guilty of possession of hashish. The penalty for the offense 3795
shall be determined as follows: 3796

(1) If the amount of the drug involved is equal or exceeds 3797
twenty-five one-thousandths of one gram, but is less than ten 3798
grams, possession of hashish is a minor misdemeanor; 3799

(2) If the amount of the drug involved is at least ten 3800
grams but is less than twenty grams, possession of hashish is a 3801
misdemeanor of the fourth degree; 3802

(3) If the amount of the drug involved is at least twenty 3803
grams but is less than fifty grams, possession of hashish is a 3804
misdemeanor of the first degree. 3805

(E) If the offender is a professionally licensed person, 3806
in addition to any other sanction imposed for a violation of 3807
this section, the court immediately shall comply with section 3808
2925.38 of the Revised Code. 3809

(F) An arrest or a conviction for a minor misdemeanor 3810
violation of division (A) or (B) of this section does not 3811
constitute a criminal record and need not be reported by the 3812
person so arrested or found guilty in response to any inquiries 3813
about the person's criminal record, including any inquiries 3814
contained in any application for employment, license, or other 3815
right or privilege, or made in connection with the person's 3816
appearance as a witness. 3817

(G) Division (B)(2) of section 2925.11 of the Revised Code 3818
applies with respect to a violation of division (A) or (B) of 3819
this section that is a minor drug possession offense. 3820

Divisions (E), (F), and (I) of section 2925.11 of the 3821
Revised Code apply with respect to a charge or conviction of, or 3822
guilty plea to, a violation of division (A) or (B) of this 3823
section or a sentence imposed for such a violation, except to 3824
the extent that by their terms they clearly are inapplicable. 3825

Any reference in divisions (E), (F), and (I) of section 2925.11 3826
of the Revised Code to a charge or conviction of, or guilty plea 3827
to, a violation of that section or to a sentence imposed for a 3828
violation of that section shall be construed for purposes of 3829
this section as a reference to a charge or conviction of, or 3830
guilty plea to, a violation of this section or to a sentence 3831
imposed for such a violation. 3832

(H) If a person is charged with a violation of division 3833
(A) or (B) of this section, the court may hold the prosecution 3834
in abeyance and stay all criminal proceedings with respect to 3835
the violation if the person has not previously been convicted of 3836
or pleaded guilty to any violation specified in division (D)(1) 3837
(a) of section 2925.11 of the Revised Code and if divisions (D) 3838
(1)(b) and (c) of section 2925.11 of the Revised Code apply. If 3839
the court, under this division, holds a prosecution in abeyance 3840
and stays all criminal proceedings against a person with respect 3841
to a violation, divisions (D)(2)(a) to (c) of section 2925.11 of 3842
the Revised Code apply. 3843

Sec. 2925.112. (A)(1) Except as provided in division (B) 3844
of this section, no person shall knowingly obtain, possess, or 3845
use a controlled substance or a controlled substance analog in 3846
an amount listed in division (A)(2) of this section. 3847

(2) Division (A)(1) of this section applies to conduct 3848
involving all of the following: 3849

(a) If the drug involved in the conduct described in 3850
division (A)(1) of this section is any compound, mixture, 3851
preparation, or substance included in schedule I or schedule II, 3852
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 3853
related compound, hashish, a controlled substance analog, or a 3854
sexual assault-enabling drug, an amount of the drug so involved 3855

that is less than twenty-five one-thousandths of one gram; 3856

(b) If the drug involved in the conduct described in 3857
division (A) (1) of this section is any compound, mixture, 3858
preparation, or substance included in schedule III, schedule IV, 3859
or schedule V, an amount of the drug so involved that is less 3860
than twenty-five one-thousandths of one gram; 3861

(c) If the drug involved in the conduct described in 3862
division (A) (1) of this section is marihuana or a compound, 3863
mixture, preparation, or substance containing marihuana other 3864
than hashish, an amount of the drug so involved that is less 3865
than twenty-five one-thousandths of one gram; 3866

(d) If the drug involved in the conduct described in 3867
division (A) (1) of this section is cocaine or a compound, 3868
mixture, preparation, or substance containing cocaine, an amount 3869
of the drug so involved that is less than twenty-five one- 3870
thousandths of one gram; 3871

(e) If the drug involved in the conduct described in 3872
division (A) (1) of this section is L.S.D. or a compound, 3873
mixture, preparation, or substance containing L.S.D., an amount 3874
of the drug so involved that is less than one-fourth of one unit 3875
dose of L.S.D. in solid form or is less than twenty-five one- 3876
thousandths of one gram of L.S.D. in liquid concentrate, liquid 3877
extract, or liquid distillate form; 3878

(f) If the drug involved in the conduct described in 3879
division (A) (1) of this section is heroin or a compound, 3880
mixture, preparation, or substance containing heroin, an amount 3881
of the drug so involved that is less than twenty-five one- 3882
thousandths of one gram or one-fourth of one unit dose; 3883

(g) If the drug involved in the conduct described in 3884

division (A) (1) of this section is hashish or a compound, 3885
mixture, preparation, or substance containing hashish, an amount 3886
of the drug so involved that is less than twenty-five one- 3887
thousandths of one gram; 3888

(h) If the drug involved in the conduct described in 3889
division (A) (1) of this section is a controlled substance analog 3890
or a compound, mixture, preparation, or substance containing a 3891
controlled substance analog, an amount of the drug so involved 3892
that is less than twenty-five one-thousandths of one gram. 3893

(B) All of the following are affirmative defenses to a 3894
charge under this section, with respect to conduct involving a 3895
controlled substance or controlled substance analog of a type 3896
described in division (A) (2) (a), (b), (d), (e), (f), or (h) of 3897
this section: 3898

(1) If the person charged is a manufacturer, licensed 3899
health professional authorized to prescribe drugs, pharmacist, 3900
owner of a pharmacy, or other person, the manufacturer's, 3901
licensed health professional's, pharmacist's, pharmacy owner's, 3902
or other person's conduct was in accordance with Chapters 3719., 3903
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 3904
Code; 3905

(2) If the offense involves an anabolic steroid and the 3906
person charged was conducting or participating in a research 3907
project involving the use of an anabolic steroid, the project 3908
has been approved by the United States food and drug 3909
administration; 3910

(3) The person charged sold, offered for sale, prescribed, 3911
dispensed or administered for livestock or other nonhuman 3912
species an anabolic steroid that was expressly intended for 3913

administration through implants to livestock or other nonhuman 3914
species and approved for that purpose under the "Federal Food, 3915
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 3916
as amended, and was sold, offered for sale, prescribed, 3917
dispensed, or administered for that purpose in accordance with 3918
that act; 3919

(4) The person charged obtained the controlled substance 3920
pursuant to a prescription issued by a licensed health 3921
professional authorized to prescribe drugs if the prescription 3922
was issued for a legitimate medical purpose and not altered, 3923
forged, or obtained through deception or commission of a theft 3924
offense. 3925

As used in division (B) (4) of this section, "deception" 3926
and "theft offense" have the same meanings as in section 2913.01 3927
of the Revised Code. 3928

(C) (1) Whoever violates division (A) of this section based 3929
on an amount specified in division (A) (2) (a), (b), (d), (e), 3930
(f), or (h) of this section is guilty of possession of a 3931
controlled substance trace amount, an unclassified misdemeanor, 3932
and shall be sentenced as specified in division (C) (7) of 3933
section 2925.11 of the Revised Code. 3934

(2) Whoever violates division (A) of this section based on 3935
an amount specified in division (A) (2) (c) or (g) of this section 3936
is guilty of possession of a trace amount of marihuana or 3937
hashish, a minor misdemeanor. 3938

(D) If the offender is a professionally licensed person, 3939
in addition to any other sanction imposed for a violation of 3940
this section, the court immediately shall comply with section 3941
2925.38 of the Revised Code. 3942

(E) An arrest or a conviction for a violation of division 3943
(A) of this section does not constitute a criminal record and 3944
need not be reported by the person so arrested or found guilty 3945
in response to any inquiries about the person's criminal record, 3946
including any inquiries contained in any application for 3947
employment, license, or other right or privilege, or made in 3948
connection with the person's appearance as a witness. 3949

(F) Division (B) (2) of section 2925.11 of the Revised Code 3950
applies with respect to a violation of division (A) or (B) of 3951
this section that is a minor drug possession offense. 3952

Divisions (E), (F), and (I) of section 2925.11 of the 3953
Revised Code apply with respect to a charge or conviction of, or 3954
guilty plea to, a violation of division (A) of this section or a 3955
sentence imposed for such a violation, except to the extent that 3956
by their terms they clearly are inapplicable. Any reference in 3957
divisions (E), (F), and (I) of section 2925.11 of the Revised 3958
Code to a charge or conviction of, or guilty plea to, a 3959
violation of that section or to a sentence imposed for a 3960
violation of that section shall be construed for purposes of 3961
this section as a reference to a charge or conviction of, or 3962
guilty plea to, a violation of this section or to a sentence 3963
imposed for such a violation. 3964

(G) If a person is charged with a violation of division 3965
(A) of this section, the court may hold the prosecution in 3966
abeyance and stay all criminal proceedings with respect to the 3967
violation if the person has not previously been convicted of or 3968
pleaded guilty to any violation specified in division (D) (1) (a) 3969
of section 2925.11 of the Revised Code and if divisions (D) (1) 3970
(b) and (c) of section 2925.11 of the Revised Code apply. If the 3971
court, under this division, holds a prosecution in abeyance and 3972

stays all criminal proceedings against a person with respect to 3973
a violation, divisions (D) (2) (a) to (c) of section 2925.11 of 3974
the Revised Code apply. 3975

Sec. 2929.01. As used in this chapter: 3976

(A) (1) "Alternative residential facility" means, subject 3977
to division (A) (2) of this section, any facility other than an 3978
offender's home or residence in which an offender is assigned to 3979
live and that satisfies all of the following criteria: 3980

(a) It provides programs through which the offender may 3981
seek or maintain employment or may receive education, training, 3982
treatment, or habilitation. 3983

(b) It has received the appropriate license or certificate 3984
for any specialized education, training, treatment, 3985
habilitation, or other service that it provides from the 3986
government agency that is responsible for licensing or 3987
certifying that type of education, training, treatment, 3988
habilitation, or service. 3989

(2) "Alternative residential facility" does not include a 3990
community-based correctional facility, jail, halfway house, or 3991
prison. 3992

(B) "Basic probation supervision" means a requirement that 3993
the offender maintain contact with a person appointed to 3994
supervise the offender in accordance with sanctions imposed by 3995
the court or imposed by the parole board pursuant to section 3996
2967.28 of the Revised Code. "Basic probation supervision" 3997
includes basic parole supervision and basic post-release control 3998
supervision. 3999

(C) "Cocaine," "fentanyl-related compound," "hashish," 4000
"L.S.D.," and "unit dose" have the same meanings as in section 4001

2925.01 of the Revised Code. 4002

(D) "Community-based correctional facility" means a 4003
community-based correctional facility and program or district 4004
community-based correctional facility and program developed 4005
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4006

(E) "Community control sanction" means a sanction that is 4007
not a prison term and that is described in section 2929.15, 4008
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 4009
that is not a jail term and that is described in section 4010
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 4011
control sanction" includes probation if the sentence involved 4012
was imposed for a felony that was committed prior to July 1, 4013
1996, or if the sentence involved was imposed for a misdemeanor 4014
that was committed prior to January 1, 2004. 4015

(F) "Controlled substance," "marihuana," "schedule I," and 4016
"schedule II" have the same meanings as in section 3719.01 of 4017
the Revised Code. 4018

(G) "Curfew" means a requirement that an offender during a 4019
specified period of time be at a designated place. 4020

(H) "Day reporting" means a sanction pursuant to which an 4021
offender is required each day to report to and leave a center or 4022
other approved reporting location at specified times in order to 4023
participate in work, education or training, treatment, and other 4024
approved programs at the center or outside the center. 4025

(I) "Deadly weapon" has the same meaning as in section 4026
2923.11 of the Revised Code. 4027

(J) "Drug and alcohol use monitoring" means a program 4028
under which an offender agrees to submit to random chemical 4029
analysis of the offender's blood, breath, or urine to determine 4030

whether the offender has ingested any alcohol or other drugs. 4031

(K) "Drug treatment program" means any program under which 4032
a person undergoes assessment and treatment designed to reduce 4033
or completely eliminate the person's physical or emotional 4034
reliance upon alcohol, another drug, or alcohol and another drug 4035
and under which the person may be required to receive assessment 4036
and treatment on an outpatient basis or may be required to 4037
reside at a facility other than the person's home or residence 4038
while undergoing assessment and treatment. 4039

(L) "Economic loss" means any economic detriment suffered 4040
by a victim as a direct and proximate result of the commission 4041
of an offense and includes any loss of income due to lost time 4042
at work because of any injury caused to the victim, and any 4043
property loss, medical cost, or funeral expense incurred as a 4044
result of the commission of the offense. "Economic loss" does 4045
not include non-economic loss or any punitive or exemplary 4046
damages. 4047

(M) "Education or training" includes study at, or in 4048
conjunction with a program offered by, a university, college, or 4049
technical college or vocational study and also includes the 4050
completion of primary school, secondary school, and literacy 4051
curricula or their equivalent. 4052

(N) "Firearm" has the same meaning as in section 2923.11 4053
of the Revised Code. 4054

(O) "Halfway house" means a facility licensed by the 4055
division of parole and community services of the department of 4056
rehabilitation and correction pursuant to section 2967.14 of the 4057
Revised Code as a suitable facility for the care and treatment 4058
of adult offenders. 4059

(P) "House arrest" means a period of confinement of an 4060
offender that is in the offender's home or in other premises 4061
specified by the sentencing court or by the parole board 4062
pursuant to section 2967.28 of the Revised Code and during which 4063
all of the following apply: 4064

(1) The offender is required to remain in the offender's 4065
home or other specified premises for the specified period of 4066
confinement, except for periods of time during which the 4067
offender is at the offender's place of employment or at other 4068
premises as authorized by the sentencing court or by the parole 4069
board. 4070

(2) The offender is required to report periodically to a 4071
person designated by the court or parole board. 4072

(3) The offender is subject to any other restrictions and 4073
requirements that may be imposed by the sentencing court or by 4074
the parole board. 4075

(Q) "Intensive probation supervision" means a requirement 4076
that an offender maintain frequent contact with a person 4077
appointed by the court, or by the parole board pursuant to 4078
section 2967.28 of the Revised Code, to supervise the offender 4079
while the offender is seeking or maintaining necessary 4080
employment and participating in training, education, and 4081
treatment programs as required in the court's or parole board's 4082
order. "Intensive probation supervision" includes intensive 4083
parole supervision and intensive post-release control 4084
supervision. 4085

(R) "Jail" means a jail, workhouse, minimum security jail, 4086
or other residential facility used for the confinement of 4087
alleged or convicted offenders that is operated by a political 4088

subdivision or a combination of political subdivisions of this 4089
state. 4090

(S) "Jail term" means the term in a jail that a sentencing 4091
court imposes or is authorized to impose pursuant to section 4092
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4093
provision of the Revised Code that authorizes a term in a jail 4094
for a misdemeanor conviction. 4095

(T) "Mandatory jail term" means the term in a jail that a 4096
sentencing court is required to impose pursuant to division (G) 4097
of section 1547.99 of the Revised Code, division (E) of section 4098
2903.06 or division (D) of section 2903.08 of the Revised Code, 4099
division (E) or (G) of section 2929.24 of the Revised Code, 4100
division (B) of section 4510.14 of the Revised Code, or division 4101
(G) of section 4511.19 of the Revised Code or pursuant to any 4102
other provision of the Revised Code that requires a term in a 4103
jail for a misdemeanor conviction. 4104

(U) "Delinquent child" has the same meaning as in section 4105
2152.02 of the Revised Code. 4106

(V) "License violation report" means a report that is made 4107
by a sentencing court, or by the parole board pursuant to 4108
section 2967.28 of the Revised Code, to the regulatory or 4109
licensing board or agency that issued an offender a professional 4110
license or a license or permit to do business in this state and 4111
that specifies that the offender has been convicted of or 4112
pleaded guilty to an offense that may violate the conditions 4113
under which the offender's professional license or license or 4114
permit to do business in this state was granted or an offense 4115
for which the offender's professional license or license or 4116
permit to do business in this state may be revoked or suspended. 4117

(W) "Major drug offender" means ~~an~~ any of the following:

(1) An offender who is convicted of or pleads guilty to a violation of section 2925.03 or 2925.11 of the Revised Code, or a violation of any prohibition in any section in Chapter 3719. or 4729. of the Revised Code who the section, or the section containing the penalty for the violation, classifies as a major drug offender;

(2) An offender who is convicted of or pleads guilty, other than as described in division (W)(1) of this section, to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of cocaine; at least one thousand unit doses or one hundred grams of heroin; at least five thousand unit doses of L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form; at least fifty grams of a controlled substance analog; at least one thousand unit doses or one hundred grams of a fentanyl-related compound; or at least one hundred times the amount of any other schedule I or II controlled substance other than marihuana that is necessary to commit a felony of the third degree pursuant to section ~~2925.03, 2925.04, or 2925.05, or 2925.11~~ of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

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

(1) Subject to division (X)(2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F)(1) to (8) or (F)(12) to (21) of section 2929.13 and division (B) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03,

2925.031, 2925.032, 2925.04, 2925.05, and 2925.11 of the Revised 4148
Code, unless the maximum or another specific term is required 4149
under section 2929.14 or 2929.142 of the Revised Code, a 4150
mandatory prison term described in this division may be any 4151
prison term authorized for the level of offense except that if 4152
the offense is a felony of the first or second degree committed 4153
on or after the effective date of this amendment, a mandatory 4154
prison term described in this division may be one of the terms 4155
prescribed in division (A) (1) (a) or (2) (a) of section 2929.14 of 4156
the Revised Code, whichever is applicable, that is authorized as 4157
the minimum term for the offense. 4158

(2) The term of sixty or one hundred twenty days in prison 4159
that a sentencing court is required to impose for a third or 4160
fourth degree felony OVI offense pursuant to division (G) (2) of 4161
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 4162
of the Revised Code or the term of one, two, three, four, or 4163
five years in prison that a sentencing court is required to 4164
impose pursuant to division (G) (2) of section 2929.13 of the 4165
Revised Code. 4166

(3) The term in prison imposed pursuant to division (A) of 4167
section 2971.03 of the Revised Code for the offenses and in the 4168
circumstances described in division (F) (11) of section 2929.13 4169
of the Revised Code or pursuant to division (B) (1) (a), (b), or 4170
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 4171
section 2971.03 of the Revised Code and that term as modified or 4172
terminated pursuant to section 2971.05 of the Revised Code. 4173

(Y) "Monitored time" means a period of time during which 4174
an offender continues to be under the control of the sentencing 4175
court or parole board, subject to no conditions other than 4176
leading a law-abiding life. 4177

(Z) "Offender" means a person who, in this state, is 4178
convicted of or pleads guilty to a felony or a misdemeanor. 4179

(AA) "Prison" means a residential facility used for the 4180
confinement of convicted felony offenders that is under the 4181
control of the department of rehabilitation and correction and 4182
includes a violation sanction center operated under authority of 4183
section 2967.141 of the Revised Code. 4184

(BB) (1) "Prison term" includes either of the following 4185
sanctions for an offender: 4186

(a) A stated prison term; 4187

(b) A term in a prison shortened by, or with the approval 4188
of, the sentencing court pursuant to section 2929.143, 2929.20, 4189
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 4190

(2) With respect to a non-life felony indefinite prison 4191
term, references in any provision of law to a reduction of, or 4192
deduction from, the prison term mean a reduction in, or 4193
deduction from, the minimum term imposed as part of the 4194
indefinite term. 4195

(CC) "Repeat violent offender" means a person about whom 4196
both of the following apply: 4197

(1) The person is being sentenced for committing or for 4198
complicity in committing any of the following: 4199

(a) Aggravated murder, murder, any felony of the first or 4200
second degree that is an offense of violence, or an attempt to 4201
commit any of these offenses if the attempt is a felony of the 4202
first or second degree; 4203

(b) An offense under an existing or former law of this 4204
state, another state, or the United States that is or was 4205

substantially equivalent to an offense described in division 4206
(CC) (1) (a) of this section. 4207

(2) The person previously was convicted of or pleaded 4208
guilty to an offense described in division (CC) (1) (a) or (b) of 4209
this section. 4210

(DD) "Sanction" means any penalty imposed upon an offender 4211
who is convicted of or pleads guilty to an offense, as 4212
punishment for the offense. "Sanction" includes any sanction 4213
imposed pursuant to any provision of sections 2929.14 to 2929.18 4214
or 2929.24 to 2929.28 of the Revised Code. 4215

(EE) "Sentence" means the sanction or combination of 4216
sanctions imposed by the sentencing court on an offender who is 4217
convicted of or pleads guilty to an offense. 4218

(FF) (1) "Stated prison term" means the prison term, 4219
mandatory prison term, or combination of all prison terms and 4220
mandatory prison terms imposed by the sentencing court pursuant 4221
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 4222
under section 2919.25 of the Revised Code. "Stated prison term" 4223
includes any credit received by the offender for time spent in 4224
jail awaiting trial, sentencing, or transfer to prison for the 4225
offense and any time spent under house arrest or house arrest 4226
with electronic monitoring imposed after earning credits 4227
pursuant to section 2967.193 of the Revised Code. If an offender 4228
is serving a prison term as a risk reduction sentence under 4229
sections 2929.143 and 5120.036 of the Revised Code, "stated 4230
prison term" includes any period of time by which the prison 4231
term imposed upon the offender is shortened by the offender's 4232
successful completion of all assessment and treatment or 4233
programming pursuant to those sections. 4234

(2) As used in the definition of "stated prison term" set forth in division (FF)(1) of this section, a prison term is a definite prison term imposed under section 2929.14 of the Revised Code or any other provision of law, is the minimum and maximum prison terms under a non-life felony indefinite prison term, or is a term of life imprisonment except to the extent that the use of that definition in a section of the Revised Code clearly is not intended to include a term of life imprisonment. With respect to an offender sentenced to a non-life felony indefinite prison term, references in section 2967.191 or 2967.193 of the Revised Code or any other provision of law to a reduction of, or deduction from, the offender's stated prison term or to release of the offender before the expiration of the offender's stated prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term or a release of the offender before the expiration of that minimum term, references in section 2929.19 or 2967.28 of the Revised Code to a stated prison term with respect to a prison term imposed for a violation of a post-release control sanction mean the minimum term so imposed, and references in any provision of law to an offender's service of the offender's stated prison term or the expiration of the offender's stated prison term mean service or expiration of the minimum term so imposed plus any additional period of incarceration under the sentence that is required under section 2967.271 of the Revised Code.

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

(HH) "Fourth degree felony OVI offense" means a violation 4266
of division (A) of section 4511.19 of the Revised Code that, 4267
under division (G) of that section, is a felony of the fourth 4268
degree. 4269

(II) "Mandatory term of local incarceration" means the 4270
term of sixty or one hundred twenty days in a jail, a community- 4271
based correctional facility, a halfway house, or an alternative 4272
residential facility that a sentencing court may impose upon a 4273
person who is convicted of or pleads guilty to a fourth degree 4274
felony OVI offense pursuant to division (G)(1) of section 4275
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 4276
section 4511.19 of the Revised Code. 4277

(JJ) "Designated homicide, assault, or kidnapping 4278
offense," "violent sex offense," "sexual motivation 4279
specification," "sexually violent offense," "sexually violent 4280
predator," and "sexually violent predator specification" have 4281
the same meanings as in section 2971.01 of the Revised Code. 4282

(KK) "Sexually oriented offense," "child-victim oriented 4283
offense," and "tier III sex offender/child-victim offender" have 4284
the same meanings as in section 2950.01 of the Revised Code. 4285

(LL) An offense is "committed in the vicinity of a child" 4286
if the offender commits the offense within thirty feet of or 4287
within the same residential unit as a child who is under 4288
eighteen years of age, regardless of whether the offender knows 4289
the age of the child or whether the offender knows the offense 4290
is being committed within thirty feet of or within the same 4291
residential unit as the child and regardless of whether the 4292
child actually views the commission of the offense. 4293

(MM) "Family or household member" has the same meaning as 4294

in section 2919.25 of the Revised Code. 4295

(NN) "Motor vehicle" and "manufactured home" have the same 4296
meanings as in section 4501.01 of the Revised Code. 4297

(OO) "Detention" and "detention facility" have the same 4298
meanings as in section 2921.01 of the Revised Code. 4299

(PP) "Third degree felony OVI offense" means a violation 4300
of division (A) of section 4511.19 of the Revised Code that, 4301
under division (G) of that section, is a felony of the third 4302
degree. 4303

(QQ) "Random drug testing" has the same meaning as in 4304
section 5120.63 of the Revised Code. 4305

(RR) "Felony sex offense" has the same meaning as in 4306
section 2967.28 of the Revised Code. 4307

(SS) "Body armor" has the same meaning as in section 4308
2941.1411 of the Revised Code. 4309

(TT) "Electronic monitoring" means monitoring through the 4310
use of an electronic monitoring device. 4311

(UU) "Electronic monitoring device" means any of the 4312
following: 4313

(1) Any device that can be operated by electrical or 4314
battery power and that conforms with all of the following: 4315

(a) The device has a transmitter that can be attached to a 4316
person, that will transmit a specified signal to a receiver of 4317
the type described in division (UU) (1) (b) of this section if the 4318
transmitter is removed from the person, turned off, or altered 4319
in any manner without prior court approval in relation to 4320
electronic monitoring or without prior approval of the 4321

department of rehabilitation and correction in relation to the 4322
use of an electronic monitoring device for an inmate on 4323
transitional control or otherwise is tampered with, that can 4324
transmit continuously and periodically a signal to that receiver 4325
when the person is within a specified distance from the 4326
receiver, and that can transmit an appropriate signal to that 4327
receiver if the person to whom it is attached travels a 4328
specified distance from that receiver. 4329

(b) The device has a receiver that can receive 4330
continuously the signals transmitted by a transmitter of the 4331
type described in division (UU) (1) (a) of this section, can 4332
transmit continuously those signals by a wireless or landline 4333
telephone connection to a central monitoring computer of the 4334
type described in division (UU) (1) (c) of this section, and can 4335
transmit continuously an appropriate signal to that central 4336
monitoring computer if the device has been turned off or altered 4337
without prior court approval or otherwise tampered with. The 4338
device is designed specifically for use in electronic 4339
monitoring, is not a converted wireless phone or another 4340
tracking device that is clearly not designed for electronic 4341
monitoring, and provides a means of text-based or voice 4342
communication with the person. 4343

(c) The device has a central monitoring computer that can 4344
receive continuously the signals transmitted by a wireless or 4345
landline telephone connection by a receiver of the type 4346
described in division (UU) (1) (b) of this section and can monitor 4347
continuously the person to whom an electronic monitoring device 4348
of the type described in division (UU) (1) (a) of this section is 4349
attached. 4350

(2) Any device that is not a device of the type described 4351

in division (UU) (1) of this section and that conforms with all 4352
of the following: 4353

(a) The device includes a transmitter and receiver that 4354
can monitor and determine the location of a subject person at 4355
any time, or at a designated point in time, through the use of a 4356
central monitoring computer or through other electronic means. 4357

(b) The device includes a transmitter and receiver that 4358
can determine at any time, or at a designated point in time, 4359
through the use of a central monitoring computer or other 4360
electronic means the fact that the transmitter is turned off or 4361
altered in any manner without prior approval of the court in 4362
relation to the electronic monitoring or without prior approval 4363
of the department of rehabilitation and correction in relation 4364
to the use of an electronic monitoring device for an inmate on 4365
transitional control or otherwise is tampered with. 4366

(3) Any type of technology that can adequately track or 4367
determine the location of a subject person at any time and that 4368
is approved by the director of rehabilitation and correction, 4369
including, but not limited to, any satellite technology, voice 4370
tracking system, or retinal scanning system that is so approved. 4371

(VV) "Non-economic loss" means nonpecuniary harm suffered 4372
by a victim of an offense as a result of or related to the 4373
commission of the offense, including, but not limited to, pain 4374
and suffering; loss of society, consortium, companionship, care, 4375
assistance, attention, protection, advice, guidance, counsel, 4376
instruction, training, or education; mental anguish; and any 4377
other intangible loss. 4378

(WW) "Prosecutor" has the same meaning as in section 4379
2935.01 of the Revised Code. 4380

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

(YY) A person is "adjudicated a sexually violent predator"
if the person is convicted of or pleads guilty to a violent sex
offense and also is convicted of or pleads guilty to a sexually
violent predator specification that was included in the
indictment, count in the indictment, or information charging
that violent sex offense or if the person is convicted of or
pleads guilty to a designated homicide, assault, or kidnapping
offense and also is convicted of or pleads guilty to both a
sexual motivation specification and a sexually violent predator
specification that were included in the indictment, count in the
indictment, or information charging that designated homicide,
assault, or kidnapping offense.

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

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

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

(a) To subject a victim or victims to involuntary
servitude, as defined in section 2905.31 of the Revised Code or
to compel a victim or victims to engage in sexual activity for

hire, to engage in a performance that is obscene, sexually 4410
oriented, or nudity oriented, or to be a model or participant in 4411
the production of material that is obscene, sexually oriented, 4412
or nudity oriented; 4413

(b) To facilitate, encourage, or recruit a victim who is 4414
less than sixteen years of age or is a person with a 4415
developmental disability, or victims who are less than sixteen 4416
years of age or are persons with developmental disabilities, for 4417
any purpose listed in divisions (A) (2) (a) to (c) of section 4418
2905.32 of the Revised Code; 4419

(c) To facilitate, encourage, or recruit a victim who is 4420
sixteen or seventeen years of age, or victims who are sixteen or 4421
seventeen years of age, for any purpose listed in divisions (A) 4422
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 4423
circumstances described in division (A) (5), (6), (7), (8), (9), 4424
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 4425
apply with respect to the person engaging in the conduct and the 4426
victim or victims. 4427

(2) It involves at least two felony offenses, whether or 4428
not there has been a prior conviction for any of the felony 4429
offenses, to which all of the following apply: 4430

(a) Each of the felony offenses is a violation of section 4431
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 4432
division (A) (1) or (2) of section 2907.323, or division (B) (1), 4433
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 4434
is a violation of a law of any state other than this state that 4435
is substantially similar to any of the sections or divisions of 4436
the Revised Code identified in this division. 4437

(b) At least one of the felony offenses was committed in 4438

this state. 4439

(c) The felony offenses are related to the same scheme or 4440
plan and are not isolated instances. 4441

(BBB) "Material," "nudity," "obscene," "performance," and 4442
"sexual activity" have the same meanings as in section 2907.01 4443
of the Revised Code. 4444

(CCC) "Material that is obscene, sexually oriented, or 4445
nudity oriented" means any material that is obscene, that shows 4446
a person participating or engaging in sexual activity, 4447
masturbation, or bestiality, or that shows a person in a state 4448
of nudity. 4449

(DDD) "Performance that is obscene, sexually oriented, or 4450
nudity oriented" means any performance that is obscene, that 4451
shows a person participating or engaging in sexual activity, 4452
masturbation, or bestiality, or that shows a person in a state 4453
of nudity. 4454

(EEE) "Accelerant" means a fuel or oxidizing agent, such 4455
as an ignitable liquid, used to initiate a fire or increase the 4456
rate of growth or spread of a fire. 4457

(FFF) "Permanent disabling harm" means serious physical 4458
harm that results in permanent injury to the intellectual, 4459
physical, or sensory functions and that permanently and 4460
substantially impairs a person's ability to meet one or more of 4461
the ordinary demands of life, including the functions of caring 4462
for one's self, performing manual tasks, walking, seeing, 4463
hearing, speaking, breathing, learning, and working. 4464

(GGG) "Non-life felony indefinite prison term" means a 4465
prison term imposed under division (A) (1) (a) or (2) (a) of 4466
section 2929.14 and section 2929.144 of the Revised Code for a 4467

felony of the first or second degree committed on or after the 4468
effective date of this amendment. 4469

Sec. 2929.13. (A) Except as provided in division (E), (F), 4470
or (G) of this section and unless a specific sanction is 4471
required to be imposed or is precluded from being imposed 4472
pursuant to law, a court that imposes a sentence upon an 4473
offender for a felony may impose any sanction or combination of 4474
sanctions on the offender that are provided in sections 2929.14 4475
to 2929.18 of the Revised Code. 4476

If the offender is eligible to be sentenced to community 4477
control sanctions, the court shall consider the appropriateness 4478
of imposing a financial sanction pursuant to section 2929.18 of 4479
the Revised Code or a sanction of community service pursuant to 4480
section 2929.17 of the Revised Code as the sole sanction for the 4481
offense. Except as otherwise provided in this division, if the 4482
court is required to impose a mandatory prison term for the 4483
offense for which sentence is being imposed, the court also 4484
shall impose any financial sanction pursuant to section 2929.18 4485
of the Revised Code that is required for the offense and may 4486
impose any other financial sanction pursuant to that section but 4487
may not impose any additional sanction or combination of 4488
sanctions under section 2929.16 or 2929.17 of the Revised Code. 4489

If the offender is being sentenced for a fourth degree 4490
felony OVI offense or for a third degree felony OVI offense, in 4491
addition to the mandatory term of local incarceration or the 4492
mandatory prison term required for the offense by division (G) 4493
(1) or (2) of this section, the court shall impose upon the 4494
offender a mandatory fine in accordance with division (B)(3) of 4495
section 2929.18 of the Revised Code and may impose whichever of 4496
the following is applicable: 4497

(1) For a fourth degree felony OVI offense for which 4498
sentence is imposed under division (G)(1) of this section, an 4499
additional community control sanction or combination of 4500
community control sanctions under section 2929.16 or 2929.17 of 4501
the Revised Code. If the court imposes upon the offender a 4502
community control sanction and the offender violates any 4503
condition of the community control sanction, the court may take 4504
any action prescribed in division (B) of section 2929.15 of the 4505
Revised Code relative to the offender, including imposing a 4506
prison term on the offender pursuant to that division. 4507

(2) For a third or fourth degree felony OVI offense for 4508
which sentence is imposed under division (G)(2) of this section, 4509
an additional prison term as described in division (B)(4) of 4510
section 2929.14 of the Revised Code or a community control 4511
sanction as described in division (G)(2) of this section. 4512

(B)(1)(a) Except as provided in division (B)(1)(b) of this 4513
section, if an offender is convicted of or pleads guilty to a 4514
felony of the fourth or fifth degree that is not an offense of 4515
violence or that is a qualifying assault offense, the court 4516
shall sentence the offender to a community control sanction or 4517
combination of community control sanctions if all of the 4518
following apply: 4519

(i) The offender previously has not been convicted of or 4520
pleaded guilty to a felony offense. 4521

(ii) The most serious charge against the offender at the 4522
time of sentencing is a felony of the fourth or fifth degree. 4523

(iii) If the court made a request of the department of 4524
rehabilitation and correction pursuant to division (B)(1)(c) of 4525
this section, the department, within the forty-five-day period 4526

specified in that division, provided the court with the names 4527
of, contact information for, and program details of one or more 4528
community control sanctions that are available for persons 4529
sentenced by the court. 4530

(iv) The offender previously has not been convicted of or 4531
pleaded guilty to a misdemeanor offense of violence that the 4532
offender committed within two years prior to the offense for 4533
which sentence is being imposed. 4534

(b) The court has discretion to impose a prison term upon 4535
an offender who is convicted of or pleads guilty to a felony of 4536
the fourth or fifth degree that is not an offense of violence or 4537
that is a qualifying assault offense if any of the following 4538
apply: 4539

(i) The offender committed the offense while having a 4540
firearm on or about the offender's person or under the 4541
offender's control. 4542

(ii) If the offense is a qualifying assault offense, the 4543
offender caused serious physical harm to another person while 4544
committing the offense, and, if the offense is not a qualifying 4545
assault offense, the offender caused physical harm to another 4546
person while committing the offense. 4547

(iii) The offender violated a term of the conditions of 4548
bond as set by the court. 4549

(iv) The court made a request of the department of 4550
rehabilitation and correction pursuant to division (B)(1)(c) of 4551
this section, and the department, within the forty-five-day 4552
period specified in that division, did not provide the court 4553
with the name of, contact information for, and program details 4554
of any community control sanction that is available for persons 4555

sentenced by the court. 4556

(v) The offense is a sex offense that is a fourth or fifth 4557
degree felony violation of any provision of Chapter 2907. of the 4558
Revised Code. 4559

(vi) In committing the offense, the offender attempted to 4560
cause or made an actual threat of physical harm to a person with 4561
a deadly weapon. 4562

(vii) In committing the offense, the offender attempted to 4563
cause or made an actual threat of physical harm to a person, and 4564
the offender previously was convicted of an offense that caused 4565
physical harm to a person. 4566

(viii) The offender held a public office or position of 4567
trust, and the offense related to that office or position; the 4568
offender's position obliged the offender to prevent the offense 4569
or to bring those committing it to justice; or the offender's 4570
professional reputation or position facilitated the offense or 4571
was likely to influence the future conduct of others. 4572

(ix) The offender committed the offense for hire or as 4573
part of an organized criminal activity. 4574

(x) The offender at the time of the offense was serving, 4575
or the offender previously had served, a prison term. 4576

(xi) The offender committed the offense while under a 4577
community control sanction, while on probation, or while 4578
released from custody on a bond or personal recognizance. 4579

(c) If a court that is sentencing an offender who is 4580
convicted of or pleads guilty to a felony of the fourth or fifth 4581
degree that is not an offense of violence or that is a 4582
qualifying assault offense believes that no community control 4583

sanctions are available for its use that, if imposed on the 4584
offender, will adequately fulfill the overriding principles and 4585
purposes of sentencing, the court shall contact the department 4586
of rehabilitation and correction and ask the department to 4587
provide the court with the names of, contact information for, 4588
and program details of one or more community control sanctions 4589
that are available for persons sentenced by the court. Not later 4590
than forty-five days after receipt of a request from a court 4591
under this division, the department shall provide the court with 4592
the names of, contact information for, and program details of 4593
one or more community control sanctions that are available for 4594
persons sentenced by the court, if any. Upon making a request 4595
under this division that relates to a particular offender, a 4596
court shall defer sentencing of that offender until it receives 4597
from the department the names of, contact information for, and 4598
program details of one or more community control sanctions that 4599
are available for persons sentenced by the court or for forty- 4600
five days, whichever is the earlier. 4601

If the department provides the court with the names of, 4602
contact information for, and program details of one or more 4603
community control sanctions that are available for persons 4604
sentenced by the court within the forty-five-day period 4605
specified in this division, the court shall impose upon the 4606
offender a community control sanction under division (B)(1)(a) 4607
of this section, except that the court may impose a prison term 4608
under division (B)(1)(b) of this section if a factor described 4609
in division (B)(1)(b)(i) or (ii) of this section applies. If the 4610
department does not provide the court with the names of, contact 4611
information for, and program details of one or more community 4612
control sanctions that are available for persons sentenced by 4613
the court within the forty-five-day period specified in this 4614

division, the court may impose upon the offender a prison term 4615
under division (B) (1) (b) (iv) of this section. 4616

(d) A sentencing court may impose an additional penalty 4617
under division (B) of section 2929.15 of the Revised Code upon 4618
an offender sentenced to a community control sanction under 4619
division (B) (1) (a) of this section if the offender violates the 4620
conditions of the community control sanction, violates a law, or 4621
leaves the state without the permission of the court or the 4622
offender's probation officer. 4623

(2) If division (B) (1) of this section does not apply, 4624
except as provided in division (E), (F), or (G) of this section, 4625
in determining whether to impose a prison term as a sanction for 4626
a felony of the fourth or fifth degree, the sentencing court 4627
shall comply with the purposes and principles of sentencing 4628
under section 2929.11 of the Revised Code and with section 4629
2929.12 of the Revised Code. 4630

(C) Except as provided in division (D), (E), (F), or (G) 4631
of this section, in determining whether to impose a prison term 4632
as a sanction for a felony of the third degree or a felony drug 4633
offense that is a violation of a provision of Chapter 2925. of 4634
the Revised Code and that is specified as being subject to this 4635
division for purposes of sentencing, the sentencing court shall 4636
comply with the purposes and principles of sentencing under 4637
section 2929.11 of the Revised Code and with section 2929.12 of 4638
the Revised Code. 4639

(D) (1) Except as provided in division (E) or (F) of this 4640
section, for a felony of the first or second degree, for a 4641
felony drug offense that is a violation of any provision of 4642
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4643
presumption in favor of a prison term is specified as being 4644

applicable, and for a violation of division (A) (4) or (B) of 4645
section 2907.05 of the Revised Code for which a presumption in 4646
favor of a prison term is specified as being applicable, it is 4647
presumed that a prison term is necessary in order to comply with 4648
the purposes and principles of sentencing under section 2929.11 4649
of the Revised Code. Division (D) (2) of this section does not 4650
apply to a presumption established under this division for a 4651
violation of division (A) (4) of section 2907.05 of the Revised 4652
Code. 4653

(2) Notwithstanding the presumption established under 4654
division (D) (1) of this section for the offenses listed in that 4655
division other than a violation of division (A) (4) or (B) of 4656
section 2907.05 of the Revised Code, the sentencing court may 4657
impose a community control sanction or a combination of 4658
community control sanctions instead of a prison term on an 4659
offender for a felony of the first or second degree or for a 4660
felony drug offense that is a violation of any provision of 4661
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4662
presumption in favor of a prison term is specified as being 4663
applicable if it makes both of the following findings: 4664

(a) A community control sanction or a combination of 4665
community control sanctions would adequately punish the offender 4666
and protect the public from future crime, because the applicable 4667
factors under section 2929.12 of the Revised Code indicating a 4668
lesser likelihood of recidivism outweigh the applicable factors 4669
under that section indicating a greater likelihood of 4670
recidivism. 4671

(b) A community control sanction or a combination of 4672
community control sanctions would not demean the seriousness of 4673
the offense, because one or more factors under section 2929.12 4674

of the Revised Code that indicate that the offender's conduct 4675
was less serious than conduct normally constituting the offense 4676
are applicable, and they outweigh the applicable factors under 4677
that section that indicate that the offender's conduct was more 4678
serious than conduct normally constituting the offense. 4679

(E) (1) Except as provided in division (F) of this section, 4680
for any drug offense that is a violation of any provision of 4681
Chapter 2925. of the Revised Code and that is a felony of the 4682
third, fourth, or fifth degree, the applicability of a 4683
presumption under division (D) of this section in favor of a 4684
prison term or of division (B) or (C) of this section in 4685
determining whether to impose a prison term for the offense 4686
shall be determined as specified in section 2925.02, 2925.03, 4687
2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 2925.11, 4688
2925.111, 2925.112, 2925.13, 2925.22, 2925.23, 2925.36, or 4689
2925.37 of the Revised Code, whichever is applicable regarding 4690
the violation. 4691

(2) If an offender who was convicted of or pleaded guilty 4692
to a felony violates the conditions of a community control 4693
sanction imposed for the offense solely by reason of producing 4694
positive results on a drug test or by acting pursuant to 4695
division (B) (2) (b) of section 2925.11, section 2925.111, or 4696
section 2925.112 of the Revised Code with respect to a minor 4697
drug possession offense, the court, as punishment for the 4698
violation of the sanction, shall not order that the offender be 4699
imprisoned unless the court determines on the record either of 4700
the following: 4701

(a) The offender had been ordered as a sanction for the 4702
felony to participate in a drug treatment program, in a drug 4703
education program, or in narcotics anonymous or a similar 4704

program, and the offender continued to use illegal drugs after a
reasonable period of participation in the program.

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

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(3) A court that sentences an offender for a drug abuse
offense that is a felony of the third, fourth, or fifth degree
may require that the offender be assessed by a properly
credentialed professional within a specified period of time. The
court shall require the professional to file a written
assessment of the offender with the court. If the offender is
eligible for a community control sanction and after considering
the written assessment, the court may impose a community control
sanction that includes addiction services and recovery supports
included in a community-based continuum of care established
under section 340.032 of the Revised Code. If the court imposes
addiction services and recovery supports as a community control
sanction, the court shall direct the level and type of addiction
services and recovery supports after considering the assessment
and recommendation of community addiction services providers.

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

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for any of the following offenses: 4735

(1) Aggravated murder when death is not imposed or murder; 4736

(2) Any rape, regardless of whether force was involved and 4737
regardless of the age of the victim, or an attempt to commit 4738
rape if, had the offender completed the rape that was attempted, 4739
the offender would have been guilty of a violation of division 4740
(A) (1) (b) of section 2907.02 of the Revised Code and would be 4741
sentenced under section 2971.03 of the Revised Code; 4742

(3) Gross sexual imposition or sexual battery, if the 4743
victim is less than thirteen years of age and if any of the 4744
following applies: 4745

(a) Regarding gross sexual imposition, the offender 4746
previously was convicted of or pleaded guilty to rape, the 4747
former offense of felonious sexual penetration, gross sexual 4748
imposition, or sexual battery, and the victim of the previous 4749
offense was less than thirteen years of age; 4750

(b) Regarding gross sexual imposition, the offense was 4751
committed on or after August 3, 2006, and evidence other than 4752
the testimony of the victim was admitted in the case 4753
corroborating the violation. 4754

(c) Regarding sexual battery, either of the following 4755
applies: 4756

(i) The offense was committed prior to August 3, 2006, the 4757
offender previously was convicted of or pleaded guilty to rape, 4758
the former offense of felonious sexual penetration, or sexual 4759
battery, and the victim of the previous offense was less than 4760
thirteen years of age. 4761

(ii) The offense was committed on or after August 3, 2006. 4762

(4) A felony violation of section 2903.04, 2903.06, 4763
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 4764
or 2923.132 of the Revised Code if the section requires the 4765
imposition of a prison term; 4766

(5) A first, second, or third degree felony drug offense 4767
for which section 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 4768
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 4769
2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is 4770
applicable regarding the violation, requires the imposition of a 4771
mandatory prison term; 4772

(6) Any offense that is a first or second degree felony 4773
and that is not set forth in division (F) (1), (2), (3), or (4) 4774
of this section, if the offender previously was convicted of or 4775
pleaded guilty to aggravated murder, murder, any first or second 4776
degree felony, or an offense under an existing or former law of 4777
this state, another state, or the United States that is or was 4778
substantially equivalent to one of those offenses; 4779

(7) Any offense that is a third degree felony and either 4780
is a violation of section 2903.04 of the Revised Code or an 4781
attempt to commit a felony of the second degree that is an 4782
offense of violence and involved an attempt to cause serious 4783
physical harm to a person or that resulted in serious physical 4784
harm to a person if the offender previously was convicted of or 4785
pleaded guilty to any of the following offenses: 4786

(a) Aggravated murder, murder, involuntary manslaughter, 4787
rape, felonious sexual penetration as it existed under section 4788
2907.12 of the Revised Code prior to September 3, 1996, a felony 4789
of the first or second degree that resulted in the death of a 4790
person or in physical harm to a person, or complicity in or an 4791
attempt to commit any of those offenses; 4792

(b) An offense under an existing or former law of this 4793
state, another state, or the United States that is or was 4794
substantially equivalent to an offense listed in division (F) (7) 4795
(a) of this section that resulted in the death of a person or in 4796
physical harm to a person. 4797

(8) Any offense, other than a violation of section 2923.12 4798
of the Revised Code, that is a felony, if the offender had a 4799
firearm on or about the offender's person or under the 4800
offender's control while committing the felony, with respect to 4801
a portion of the sentence imposed pursuant to division (B) (1) (a) 4802
of section 2929.14 of the Revised Code for having the firearm; 4803

(9) Any offense of violence that is a felony, if the 4804
offender wore or carried body armor while committing the felony 4805
offense of violence, with respect to the portion of the sentence 4806
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 4807
Revised Code for wearing or carrying the body armor; 4808

(10) Corrupt activity in violation of section 2923.32 of 4809
the Revised Code when the most serious offense in the pattern of 4810
corrupt activity that is the basis of the offense is a felony of 4811
the first degree; 4812

(11) Any violent sex offense or designated homicide, 4813
assault, or kidnapping offense if, in relation to that offense, 4814
the offender is adjudicated a sexually violent predator; 4815

(12) A violation of division (A) (1) or (2) of section 4816
2921.36 of the Revised Code, or a violation of division (C) of 4817
that section involving an item listed in division (A) (1) or (2) 4818
of that section, if the offender is an officer or employee of 4819
the department of rehabilitation and correction; 4820

(13) A violation of division (A) (1) or (2) of section 4821

2903.06 of the Revised Code if the victim of the offense is a 4822
peace officer, as defined in section 2935.01 of the Revised 4823
Code, or an investigator of the bureau of criminal 4824
identification and investigation, as defined in section 2903.11 4825
of the Revised Code, with respect to the portion of the sentence 4826
imposed pursuant to division (B) (5) of section 2929.14 of the 4827
Revised Code; 4828

(14) A violation of division (A) (1) or (2) of section 4829
2903.06 of the Revised Code if the offender has been convicted 4830
of or pleaded guilty to three or more violations of division (A) 4831
or (B) of section 4511.19 of the Revised Code or an equivalent 4832
offense, as defined in section 2941.1415 of the Revised Code, or 4833
three or more violations of any combination of those divisions 4834
and offenses, with respect to the portion of the sentence 4835
imposed pursuant to division (B) (6) of section 2929.14 of the 4836
Revised Code; 4837

(15) Kidnapping, in the circumstances specified in section 4838
2971.03 of the Revised Code and when no other provision of 4839
division (F) of this section applies; 4840

(16) Kidnapping, abduction, compelling prostitution, 4841
promoting prostitution, engaging in a pattern of corrupt 4842
activity, a violation of division (A) (1) or (2) of section 4843
2907.323 of the Revised Code that involves a minor, or 4844
endangering children in violation of division (B) (1), (2), (3), 4845
(4), or (5) of section 2919.22 of the Revised Code, if the 4846
offender is convicted of or pleads guilty to a specification as 4847
described in section 2941.1422 of the Revised Code that was 4848
included in the indictment, count in the indictment, or 4849
information charging the offense; 4850

(17) A felony violation of division (A) or (B) of section 4851

2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4852
that section, and division (D) (6) of that section, require the 4853
imposition of a prison term; 4854

(18) A felony violation of section 2903.11, 2903.12, or 4855
2903.13 of the Revised Code, if the victim of the offense was a 4856
woman that the offender knew was pregnant at the time of the 4857
violation, with respect to a portion of the sentence imposed 4858
pursuant to division (B) (8) of section 2929.14 of the Revised 4859
Code; 4860

(19) (a) Any violent felony offense if the offender is a 4861
violent career criminal and had a firearm on or about the 4862
offender's person or under the offender's control during the 4863
commission of the violent felony offense and displayed or 4864
brandished the firearm, indicated that the offender possessed a 4865
firearm, or used the firearm to facilitate the offense, with 4866
respect to the portion of the sentence imposed under division 4867
(K) of section 2929.14 of the Revised Code. 4868

(b) As used in division (F) (19) (a) of this section, 4869
"violent career criminal" and "violent felony offense" have the 4870
same meanings as in section 2923.132 of the Revised Code; 4871

(20) Any violation of division (A) (1) of section 2903.11 4872
of the Revised Code if the offender used an accelerant in 4873
committing the violation and the serious physical harm to 4874
another or another's unborn caused by the violation resulted in 4875
a permanent, serious disfigurement or permanent, substantial 4876
incapacity or any violation of division (A) (2) of that section 4877
if the offender used an accelerant in committing the violation, 4878
the violation caused physical harm to another or another's 4879
unborn, and the physical harm resulted in a permanent, serious 4880
disfigurement or permanent, substantial incapacity, with respect 4881

to a portion of the sentence imposed pursuant to division (B) (9) 4882
of section 2929.14 of the Revised Code. The provisions of this 4883
division and of division (D) (2) of section 2903.11, divisions 4884
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4885
the Revised Code shall be known as "Judy's Law." 4886

(21) Any violation of division (A) of section 2903.11 of 4887
the Revised Code if the victim of the offense suffered permanent 4888
disabling harm as a result of the offense and the victim was 4889
under ten years of age at the time of the offense, with respect 4890
to a portion of the sentence imposed pursuant to division (B) 4891
(10) of section 2929.14 of the Revised Code. 4892

(22) A felony violation of section 2925.03, 2925.031, 4893
2925.032, 2925.05, or 2925.11 of the Revised Code, if the drug 4894
involved in the violation is a fentanyl-related compound or a 4895
compound, mixture, preparation, or substance containing a 4896
fentanyl-related compound and the offender is convicted of or 4897
pleads guilty to a specification of the type described in 4898
division (B) of section 2941.1410 of the Revised Code that was 4899
included in the indictment, count in the indictment, or 4900
information charging the offense, with respect to the portion of 4901
the sentence imposed under division (B) ~~(9)~~ (11) of section 4902
2929.14 of the Revised Code. 4903

(G) Notwithstanding divisions (A) to (E) of this section, 4904
if an offender is being sentenced for a fourth degree felony OVI 4905
offense or for a third degree felony OVI offense, the court 4906
shall impose upon the offender a mandatory term of local 4907
incarceration or a mandatory prison term in accordance with the 4908
following: 4909

(1) If the offender is being sentenced for a fourth degree 4910
felony OVI offense and if the offender has not been convicted of 4911

and has not pleaded guilty to a specification of the type 4912
described in section 2941.1413 of the Revised Code, the court 4913
may impose upon the offender a mandatory term of local 4914
incarceration of sixty days or one hundred twenty days as 4915
specified in division (G)(1)(d) of section 4511.19 of the 4916
Revised Code. The court shall not reduce the term pursuant to 4917
section 2929.20, 2967.193, or any other provision of the Revised 4918
Code. The court that imposes a mandatory term of local 4919
incarceration under this division shall specify whether the term 4920
is to be served in a jail, a community-based correctional 4921
facility, a halfway house, or an alternative residential 4922
facility, and the offender shall serve the term in the type of 4923
facility specified by the court. A mandatory term of local 4924
incarceration imposed under division (G)(1) of this section is 4925
not subject to any other Revised Code provision that pertains to 4926
a prison term except as provided in division (A)(1) of this 4927
section. 4928

(2) If the offender is being sentenced for a third degree 4929
felony OVI offense, or if the offender is being sentenced for a 4930
fourth degree felony OVI offense and the court does not impose a 4931
mandatory term of local incarceration under division (G)(1) of 4932
this section, the court shall impose upon the offender a 4933
mandatory prison term of one, two, three, four, or five years if 4934
the offender also is convicted of or also pleads guilty to a 4935
specification of the type described in section 2941.1413 of the 4936
Revised Code or shall impose upon the offender a mandatory 4937
prison term of sixty days or one hundred twenty days as 4938
specified in division (G)(1)(d) or (e) of section 4511.19 of the 4939
Revised Code if the offender has not been convicted of and has 4940
not pleaded guilty to a specification of that type. Subject to 4941
divisions (C) to (I) of section 2967.19 of the Revised Code, the 4942

court shall not reduce the term pursuant to section 2929.20, 4943
2967.19, 2967.193, or any other provision of the Revised Code. 4944
The offender shall serve the one-, two-, three-, four-, or five- 4945
year mandatory prison term consecutively to and prior to the 4946
prison term imposed for the underlying offense and consecutively 4947
to any other mandatory prison term imposed in relation to the 4948
offense. In no case shall an offender who once has been 4949
sentenced to a mandatory term of local incarceration pursuant to 4950
division (G) (1) of this section for a fourth degree felony OVI 4951
offense be sentenced to another mandatory term of local 4952
incarceration under that division for any violation of division 4953
(A) of section 4511.19 of the Revised Code. In addition to the 4954
mandatory prison term described in division (G) (2) of this 4955
section, the court may sentence the offender to a community 4956
control sanction under section 2929.16 or 2929.17 of the Revised 4957
Code, but the offender shall serve the prison term prior to 4958
serving the community control sanction. The department of 4959
rehabilitation and correction may place an offender sentenced to 4960
a mandatory prison term under this division in an intensive 4961
program prison established pursuant to section 5120.033 of the 4962
Revised Code if the department gave the sentencing judge prior 4963
notice of its intent to place the offender in an intensive 4964
program prison established under that section and if the judge 4965
did not notify the department that the judge disapproved the 4966
placement. Upon the establishment of the initial intensive 4967
program prison pursuant to section 5120.033 of the Revised Code 4968
that is privately operated and managed by a contractor pursuant 4969
to a contract entered into under section 9.06 of the Revised 4970
Code, both of the following apply: 4971

(a) The department of rehabilitation and correction shall 4972
make a reasonable effort to ensure that a sufficient number of 4973

offenders sentenced to a mandatory prison term under this 4974
division are placed in the privately operated and managed prison 4975
so that the privately operated and managed prison has full 4976
occupancy. 4977

(b) Unless the privately operated and managed prison has 4978
full occupancy, the department of rehabilitation and correction 4979
shall not place any offender sentenced to a mandatory prison 4980
term under this division in any intensive program prison 4981
established pursuant to section 5120.033 of the Revised Code 4982
other than the privately operated and managed prison. 4983

(H) If an offender is being sentenced for a sexually 4984
oriented offense or child-victim oriented offense that is a 4985
felony committed on or after January 1, 1997, the judge shall 4986
require the offender to submit to a DNA specimen collection 4987
procedure pursuant to section 2901.07 of the Revised Code. 4988

(I) If an offender is being sentenced for a sexually 4989
oriented offense or a child-victim oriented offense committed on 4990
or after January 1, 1997, the judge shall include in the 4991
sentence a summary of the offender's duties imposed under 4992
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4993
Code and the duration of the duties. The judge shall inform the 4994
offender, at the time of sentencing, of those duties and of 4995
their duration. If required under division (A) (2) of section 4996
2950.03 of the Revised Code, the judge shall perform the duties 4997
specified in that section, or, if required under division (A) (6) 4998
of section 2950.03 of the Revised Code, the judge shall perform 4999
the duties specified in that division. 5000

(J) (1) Except as provided in division (J) (2) of this 5001
section, when considering sentencing factors under this section 5002
in relation to an offender who is convicted of or pleads guilty 5003

to an attempt to commit an offense in violation of section 5004
2923.02 of the Revised Code, the sentencing court shall consider 5005
the factors applicable to the felony category of the violation 5006
of section 2923.02 of the Revised Code instead of the factors 5007
applicable to the felony category of the offense attempted. 5008

(2) When considering sentencing factors under this section 5009
in relation to an offender who is convicted of or pleads guilty 5010
to an attempt to commit a drug abuse offense for which the 5011
penalty is determined by the amount or number of unit doses of 5012
the controlled substance involved in the drug abuse offense, the 5013
sentencing court shall consider the factors applicable to the 5014
felony category that the drug abuse offense attempted would be 5015
if that drug abuse offense had been committed and had involved 5016
an amount or number of unit doses of the controlled substance 5017
that is within the next lower range of controlled substance 5018
amounts than was involved in the attempt. 5019

(K) As used in this section: 5020

(1) "Community addiction services provider" has the same 5021
meaning as in section 5119.01 of the Revised Code. 5022

(2) "Drug abuse offense" has the same meaning as in 5023
section 2925.01 of the Revised Code. 5024

(3) "Minor drug possession offense" has the same meaning 5025
as in section ~~2925.11~~ 2925.01 of the Revised Code. 5026

(4) "Qualifying assault offense" means a violation of 5027
section 2903.13 of the Revised Code for which the penalty 5028
provision in division (C) (8) (b) or (C) (9) (b) of that section 5029
applies. 5030

(L) At the time of sentencing an offender for any sexually 5031
oriented offense, if the offender is a tier III sex 5032

offender/child-victim offender relative to that offense and the 5033
offender does not serve a prison term or jail term, the court 5034
may require that the offender be monitored by means of a global 5035
positioning device. If the court requires such monitoring, the 5036
cost of monitoring shall be borne by the offender. If the 5037
offender is indigent, the cost of compliance shall be paid by 5038
the crime victims reparations fund. 5039

Sec. 2929.14. (A) Except as provided in division (B)(1), 5040
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 5041
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 5042
in division (D)(6) of section 2919.25 of the Revised Code and 5043
except in relation to an offense for which a sentence of death 5044
or life imprisonment is to be imposed, if the court imposing a 5045
sentence upon an offender for a felony elects or is required to 5046
impose a prison term on the offender pursuant to this chapter, 5047
the court shall impose a prison term that shall be one of the 5048
following: 5049

(1)(a) For a felony of the first degree committed on or 5050
after the effective date of this amendment, the prison term 5051
shall be an indefinite prison term with a stated minimum term 5052
selected by the court of three, four, five, six, seven, eight, 5053
nine, ten, or eleven years and a maximum term that is determined 5054
pursuant to section 2929.144 of the Revised Code, except that if 5055
the section that criminalizes the conduct constituting the 5056
felony specifies a different minimum term or penalty for the 5057
offense, the specific language of that section shall control in 5058
determining the minimum term or otherwise sentencing the 5059
offender but the minimum term or sentence imposed under that 5060
specific language shall be considered for purposes of the 5061
Revised Code as if it had been imposed under this division. 5062

(b) For a felony of the first degree committed prior to 5063
the effective date of this amendment, the prison term shall be a 5064
definite prison term of three, four, five, six, seven, eight, 5065
nine, ten, or eleven years. 5066

(2) (a) For a felony of the second degree committed on or 5067
after the effective date of this amendment, the prison term 5068
shall be an indefinite prison term with a stated minimum term 5069
selected by the court of two, three, four, five, six, seven, or 5070
eight years and a maximum term that is determined pursuant to 5071
section 2929.144 of the Revised Code, except that if the section 5072
that criminalizes the conduct constituting the felony specifies 5073
a different minimum term or penalty for the offense, the 5074
specific language of that section shall control in determining 5075
the minimum term or otherwise sentencing the offender but the 5076
minimum term or sentence imposed under that specific language 5077
shall be considered for purposes of the Revised Code as if it 5078
had been imposed under this division. 5079

(b) For a felony of the second degree committed prior to 5080
the effective date of this amendment, the prison term shall be a 5081
definite term of two, three, four, five, six, seven, or eight 5082
years. 5083

(3) (a) For a felony of the third degree that is a 5084
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 5085
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 5086
Code or that is a violation of section 2911.02 or 2911.12 of the 5087
Revised Code if the offender previously has been convicted of or 5088
pleaded guilty in two or more separate proceedings to two or 5089
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 5090
of the Revised Code, the prison term shall be a definite term of 5091
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 5092

forty-eight, fifty-four, or sixty months. 5093

(b) For a felony of the third degree that is not an 5094
offense for which division (A) (3) (a) of this section applies, 5095
the prison term shall be a definite term of nine, twelve, 5096
eighteen, twenty-four, thirty, or thirty-six months. 5097

(4) For a felony of the fourth degree, the prison term 5098
shall be a definite term of six, seven, eight, nine, ten, 5099
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 5100
or eighteen months. 5101

(5) For a felony of the fifth degree, the prison term 5102
shall be a definite term of six, seven, eight, nine, ten, 5103
eleven, or twelve months. 5104

(B) (1) (a) Except as provided in division (B) (1) (e) of this 5105
section, if an offender who is convicted of or pleads guilty to 5106
a felony also is convicted of or pleads guilty to a 5107
specification of the type described in section 2941.141, 5108
2941.144, or 2941.145 of the Revised Code, the court shall 5109
impose on the offender one of the following prison terms: 5110

(i) A prison term of six years if the specification is of 5111
the type described in division (A) of section 2941.144 of the 5112
Revised Code that charges the offender with having a firearm 5113
that is an automatic firearm or that was equipped with a firearm 5114
muffler or suppressor on or about the offender's person or under 5115
the offender's control while committing the offense; 5116

(ii) A prison term of three years if the specification is 5117
of the type described in division (A) of section 2941.145 of the 5118
Revised Code that charges the offender with having a firearm on 5119
or about the offender's person or under the offender's control 5120
while committing the offense and displaying the firearm, 5121

brandishing the firearm, indicating that the offender possessed 5122
the firearm, or using it to facilitate the offense; 5123

(iii) A prison term of one year if the specification is of 5124
the type described in division (A) of section 2941.141 of the 5125
Revised Code that charges the offender with having a firearm on 5126
or about the offender's person or under the offender's control 5127
while committing the offense; 5128

(iv) A prison term of nine years if the specification is 5129
of the type described in division (D) of section 2941.144 of the 5130
Revised Code that charges the offender with having a firearm 5131
that is an automatic firearm or that was equipped with a firearm 5132
muffler or suppressor on or about the offender's person or under 5133
the offender's control while committing the offense and 5134
specifies that the offender previously has been convicted of or 5135
pleaded guilty to a specification of the type described in 5136
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5137
the Revised Code; 5138

(v) A prison term of fifty-four months if the 5139
specification is of the type described in division (D) of 5140
section 2941.145 of the Revised Code that charges the offender 5141
with having a firearm on or about the offender's person or under 5142
the offender's control while committing the offense and 5143
displaying the firearm, brandishing the firearm, indicating that 5144
the offender possessed the firearm, or using the firearm to 5145
facilitate the offense and that the offender previously has been 5146
convicted of or pleaded guilty to a specification of the type 5147
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 5148
2941.1412 of the Revised Code; 5149

(vi) A prison term of eighteen months if the specification 5150
is of the type described in division (D) of section 2941.141 of 5151

the Revised Code that charges the offender with having a firearm 5152
on or about the offender's person or under the offender's 5153
control while committing the offense and that the offender 5154
previously has been convicted of or pleaded guilty to a 5155
specification of the type described in section 2941.141, 5156
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 5157

(b) If a court imposes a prison term on an offender under 5158
division (B)(1)(a) of this section, the prison term shall not be 5159
reduced pursuant to section 2967.19, section 2929.20, section 5160
2967.193, or any other provision of Chapter 2967. or Chapter 5161
5120. of the Revised Code. Except as provided in division (B)(1) 5162
(g) of this section, a court shall not impose more than one 5163
prison term on an offender under division (B)(1)(a) of this 5164
section for felonies committed as part of the same act or 5165
transaction. 5166

(c)(i) Except as provided in division (B)(1)(e) of this 5167
section, if an offender who is convicted of or pleads guilty to 5168
a violation of section 2923.161 of the Revised Code or to a 5169
felony that includes, as an essential element, purposely or 5170
knowingly causing or attempting to cause the death of or 5171
physical harm to another, also is convicted of or pleads guilty 5172
to a specification of the type described in division (A) of 5173
section 2941.146 of the Revised Code that charges the offender 5174
with committing the offense by discharging a firearm from a 5175
motor vehicle other than a manufactured home, the court, after 5176
imposing a prison term on the offender for the violation of 5177
section 2923.161 of the Revised Code or for the other felony 5178
offense under division (A), (B)(2), or (B)(3) of this section, 5179
shall impose an additional prison term of five years upon the 5180
offender that shall not be reduced pursuant to section 2929.20, 5181
section 2967.19, section 2967.193, or any other provision of 5182

Chapter 2967. or Chapter 5120. of the Revised Code. 5183

(ii) Except as provided in division (B)(1)(e) of this 5184
section, if an offender who is convicted of or pleads guilty to 5185
a violation of section 2923.161 of the Revised Code or to a 5186
felony that includes, as an essential element, purposely or 5187
knowingly causing or attempting to cause the death of or 5188
physical harm to another, also is convicted of or pleads guilty 5189
to a specification of the type described in division (C) of 5190
section 2941.146 of the Revised Code that charges the offender 5191
with committing the offense by discharging a firearm from a 5192
motor vehicle other than a manufactured home and that the 5193
offender previously has been convicted of or pleaded guilty to a 5194
specification of the type described in section 2941.141, 5195
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 5196
the court, after imposing a prison term on the offender for the 5197
violation of section 2923.161 of the Revised Code or for the 5198
other felony offense under division (A), (B)(2), or (3) of this 5199
section, shall impose an additional prison term of ninety months 5200
upon the offender that shall not be reduced pursuant to section 5201
2929.20, 2967.19, 2967.193, or any other provision of Chapter 5202
2967. or Chapter 5120. of the Revised Code. 5203

(iii) A court shall not impose more than one additional 5204
prison term on an offender under division (B)(1)(c) of this 5205
section for felonies committed as part of the same act or 5206
transaction. If a court imposes an additional prison term on an 5207
offender under division (B)(1)(c) of this section relative to an 5208
offense, the court also shall impose a prison term under 5209
division (B)(1)(a) of this section relative to the same offense, 5210
provided the criteria specified in that division for imposing an 5211
additional prison term are satisfied relative to the offender 5212
and the offense. 5213

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

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

(i) The offender previously has been convicted of 5245
aggravated murder, murder, or any felony of the first or second 5246
degree. 5247

(ii) Less than five years have passed since the offender 5248
was released from prison or post-release control, whichever is 5249
later, for the prior offense. 5250

(f) (i) If an offender is convicted of or pleads guilty to 5251
a felony that includes, as an essential element, causing or 5252
attempting to cause the death of or physical harm to another and 5253
also is convicted of or pleads guilty to a specification of the 5254
type described in division (A) of section 2941.1412 of the 5255
Revised Code that charges the offender with committing the 5256
offense by discharging a firearm at a peace officer as defined 5257
in section 2935.01 of the Revised Code or a corrections officer, 5258
as defined in section 2941.1412 of the Revised Code, the court, 5259
after imposing a prison term on the offender for the felony 5260
offense under division (A), (B) (2), or (B) (3) of this section, 5261
shall impose an additional prison term of seven years upon the 5262
offender that shall not be reduced pursuant to section 2929.20, 5263
section 2967.19, section 2967.193, or any other provision of 5264
Chapter 2967. or Chapter 5120. of the Revised Code. 5265

(ii) If an offender is convicted of or pleads guilty to a 5266
felony that includes, as an essential element, causing or 5267
attempting to cause the death of or physical harm to another and 5268
also is convicted of or pleads guilty to a specification of the 5269
type described in division (B) of section 2941.1412 of the 5270
Revised Code that charges the offender with committing the 5271
offense by discharging a firearm at a peace officer, as defined 5272
in section 2935.01 of the Revised Code, or a corrections 5273
officer, as defined in section 2941.1412 of the Revised Code, 5274

and that the offender previously has been convicted of or 5275
pleaded guilty to a specification of the type described in 5276
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5277
the Revised Code, the court, after imposing a prison term on the 5278
offender for the felony offense under division (A), (B) (2), or 5279
(3) of this section, shall impose an additional prison term of 5280
one hundred twenty-six months upon the offender that shall not 5281
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 5282
any other provision of Chapter 2967. or 5120. of the Revised 5283
Code. 5284

(iii) If an offender is convicted of or pleads guilty to 5285
two or more felonies that include, as an essential element, 5286
causing or attempting to cause the death or physical harm to 5287
another and also is convicted of or pleads guilty to a 5288
specification of the type described under division (B) (1) (f) of 5289
this section in connection with two or more of the felonies of 5290
which the offender is convicted or to which the offender pleads 5291
guilty, the sentencing court shall impose on the offender the 5292
prison term specified under division (B) (1) (f) of this section 5293
for each of two of the specifications of which the offender is 5294
convicted or to which the offender pleads guilty and, in its 5295
discretion, also may impose on the offender the prison term 5296
specified under that division for any or all of the remaining 5297
specifications. If a court imposes an additional prison term on 5298
an offender under division (B) (1) (f) of this section relative to 5299
an offense, the court shall not impose a prison term under 5300
division (B) (1) (a) or (c) of this section relative to the same 5301
offense. 5302

(g) If an offender is convicted of or pleads guilty to two 5303
or more felonies, if one or more of those felonies are 5304
aggravated murder, murder, attempted aggravated murder, 5305

attempted murder, aggravated robbery, felonious assault, or 5306
rape, and if the offender is convicted of or pleads guilty to a 5307
specification of the type described under division (B)(1)(a) of 5308
this section in connection with two or more of the felonies, the 5309
sentencing court shall impose on the offender the prison term 5310
specified under division (B)(1)(a) of this section for each of 5311
the two most serious specifications of which the offender is 5312
convicted or to which the offender pleads guilty and, in its 5313
discretion, also may impose on the offender the prison term 5314
specified under that division for any or all of the remaining 5315
specifications. 5316

(2)(a) If division (B)(2)(b) of this section does not 5317
apply, the court may impose on an offender, in addition to the 5318
longest prison term authorized or required for the offense or, 5319
for offenses for which division (A)(1)(a) or (2)(a) of this 5320
section applies, in addition to the longest minimum prison term 5321
authorized or required for the offense, an additional definite 5322
prison term of one, two, three, four, five, six, seven, eight, 5323
nine, or ten years if all of the following criteria are met: 5324

(i) The offender is convicted of or pleads guilty to a 5325
specification of the type described in section 2941.149 of the 5326
Revised Code that the offender is a repeat violent offender. 5327

(ii) The offense of which the offender currently is 5328
convicted or to which the offender currently pleads guilty is 5329
aggravated murder and the court does not impose a sentence of 5330
death or life imprisonment without parole, murder, terrorism and 5331
the court does not impose a sentence of life imprisonment 5332
without parole, any felony of the first degree that is an 5333
offense of violence and the court does not impose a sentence of 5334
life imprisonment without parole, or any felony of the second 5335

degree that is an offense of violence and the trier of fact 5336
finds that the offense involved an attempt to cause or a threat 5337
to cause serious physical harm to a person or resulted in 5338
serious physical harm to a person. 5339

(iii) The court imposes the longest prison term for the 5340
offense or the longest minimum prison term for the offense, 5341
whichever is applicable, that is not life imprisonment without 5342
parole. 5343

(iv) The court finds that the prison terms imposed 5344
pursuant to division (B) (2) (a) (iii) of this section and, if 5345
applicable, division (B) (1) or (3) of this section are 5346
inadequate to punish the offender and protect the public from 5347
future crime, because the applicable factors under section 5348
2929.12 of the Revised Code indicating a greater likelihood of 5349
recidivism outweigh the applicable factors under that section 5350
indicating a lesser likelihood of recidivism. 5351

(v) The court finds that the prison terms imposed pursuant 5352
to division (B) (2) (a) (iii) of this section and, if applicable, 5353
division (B) (1) or (3) of this section are demeaning to the 5354
seriousness of the offense, because one or more of the factors 5355
under section 2929.12 of the Revised Code indicating that the 5356
offender's conduct is more serious than conduct normally 5357
constituting the offense are present, and they outweigh the 5358
applicable factors under that section indicating that the 5359
offender's conduct is less serious than conduct normally 5360
constituting the offense. 5361

(b) The court shall impose on an offender the longest 5362
prison term authorized or required for the offense or, for 5363
offenses for which division (A) (1) (a) or (2) (a) of this section 5364
applies, the longest minimum prison term authorized or required 5365

for the offense, and shall impose on the offender an additional 5366
definite prison term of one, two, three, four, five, six, seven, 5367
eight, nine, or ten years if all of the following criteria are 5368
met: 5369

(i) The offender is convicted of or pleads guilty to a 5370
specification of the type described in section 2941.149 of the 5371
Revised Code that the offender is a repeat violent offender. 5372

(ii) The offender within the preceding twenty years has 5373
been convicted of or pleaded guilty to three or more offenses 5374
described in division (CC)(1) of section 2929.01 of the Revised 5375
Code, including all offenses described in that division of which 5376
the offender is convicted or to which the offender pleads guilty 5377
in the current prosecution and all offenses described in that 5378
division of which the offender previously has been convicted or 5379
to which the offender previously pleaded guilty, whether 5380
prosecuted together or separately. 5381

(iii) The offense or offenses of which the offender 5382
currently is convicted or to which the offender currently pleads 5383
guilty is aggravated murder and the court does not impose a 5384
sentence of death or life imprisonment without parole, murder, 5385
terrorism and the court does not impose a sentence of life 5386
imprisonment without parole, any felony of the first degree that 5387
is an offense of violence and the court does not impose a 5388
sentence of life imprisonment without parole, or any felony of 5389
the second degree that is an offense of violence and the trier 5390
of fact finds that the offense involved an attempt to cause or a 5391
threat to cause serious physical harm to a person or resulted in 5392
serious physical harm to a person. 5393

(c) For purposes of division (B)(2)(b) of this section, 5394
two or more offenses committed at the same time or as part of 5395

the same act or event shall be considered one offense, and that 5396
one offense shall be the offense with the greatest penalty. 5397

(d) A sentence imposed under division (B)(2)(a) or (b) of 5398
this section shall not be reduced pursuant to section 2929.20, 5399
section 2967.19, or section 2967.193, or any other provision of 5400
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 5401
shall serve an additional prison term imposed under division (B) 5402
(2)(a) or (b) of this section consecutively to and prior to the 5403
prison term imposed for the underlying offense. 5404

(e) When imposing a sentence pursuant to division (B)(2) 5405
(a) or (b) of this section, the court shall state its findings 5406
explaining the imposed sentence. 5407

(3) Except when an offender commits a violation of section 5408
2903.01 or 2907.02 of the Revised Code and the penalty imposed 5409
for the violation is life imprisonment or commits a violation of 5410
section 2903.02 of the Revised Code, if the offender commits a 5411
violation of section 2925.03, 2925.031, 2925.032, or 2925.11 of 5412
the Revised Code and that section classifies the offender as a 5413
major drug offender, if the offender commits a violation of 5414
section 2925.05 of the Revised Code and division (E)(1) of that 5415
section classifies the offender as a major drug offender, if the 5416
offender commits a felony violation of section 2925.02, 2925.04, 5417
2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, 5418
or 4729.61, division (C) or (D) of section 3719.172, division 5419
(E) of section 4729.51, or division (J) of section 4729.54 of 5420
the Revised Code that includes the sale, offer to sell, or 5421
possession of a schedule I or II controlled substance, with the 5422
exception of marihuana, and the court imposing sentence upon the 5423
offender finds that the offender is guilty of a specification of 5424
the type described in division (A) of section 2941.1410 of the 5425

Revised Code charging that the offender is a major drug 5426
offender, if the court imposing sentence upon an offender for a 5427
felony finds that the offender is guilty of corrupt activity 5428
with the most serious offense in the pattern of corrupt activity 5429
being a felony of the first degree, or if the offender is guilty 5430
of an attempted violation of section 2907.02 of the Revised Code 5431
and, had the offender completed the violation of section 2907.02 5432
of the Revised Code that was attempted, the offender would have 5433
been subject to a sentence of life imprisonment or life 5434
imprisonment without parole for the violation of section 2907.02 5435
of the Revised Code, the court shall impose upon the offender 5436
for the felony violation a mandatory prison term determined as 5437
described in this division that, subject to divisions (C) to (I) 5438
of section 2967.19 of the Revised Code, cannot be reduced 5439
pursuant to section 2929.20, section 2967.19, or any other 5440
provision of Chapter 2967. or 5120. of the Revised Code. The 5441
mandatory prison term shall be the maximum definite prison term 5442
prescribed in division (A) (1) (b) of this section for a felony of 5443
the first degree, except that for offenses for which division 5444
(A) (1) (a) of this section applies, the mandatory prison term 5445
shall be the longest minimum prison term prescribed in that 5446
division for the offense. 5447

(4) If the offender is being sentenced for a third or 5448
fourth degree felony OVI offense under division (G) (2) of 5449
section 2929.13 of the Revised Code, the sentencing court shall 5450
impose upon the offender a mandatory prison term in accordance 5451
with that division. In addition to the mandatory prison term, if 5452
the offender is being sentenced for a fourth degree felony OVI 5453
offense, the court, notwithstanding division (A) (4) of this 5454
section, may sentence the offender to a definite prison term of 5455
not less than six months and not more than thirty months, and if 5456

the offender is being sentenced for a third degree felony OVI 5457
offense, the sentencing court may sentence the offender to an 5458
additional prison term of any duration specified in division (A) 5459
(3) of this section. In either case, the additional prison term 5460
imposed shall be reduced by the sixty or one hundred twenty days 5461
imposed upon the offender as the mandatory prison term. The 5462
total of the additional prison term imposed under division (B) 5463
(4) of this section plus the sixty or one hundred twenty days 5464
imposed as the mandatory prison term shall equal a definite term 5465
in the range of six months to thirty months for a fourth degree 5466
felony OVI offense and shall equal one of the authorized prison 5467
terms specified in division (A) (3) of this section for a third 5468
degree felony OVI offense. If the court imposes an additional 5469
prison term under division (B) (4) of this section, the offender 5470
shall serve the additional prison term after the offender has 5471
served the mandatory prison term required for the offense. In 5472
addition to the mandatory prison term or mandatory and 5473
additional prison term imposed as described in division (B) (4) 5474
of this section, the court also may sentence the offender to a 5475
community control sanction under section 2929.16 or 2929.17 of 5476
the Revised Code, but the offender shall serve all of the prison 5477
terms so imposed prior to serving the community control 5478
sanction. 5479

If the offender is being sentenced for a fourth degree 5480
felony OVI offense under division (G) (1) of section 2929.13 of 5481
the Revised Code and the court imposes a mandatory term of local 5482
incarceration, the court may impose a prison term as described 5483
in division (A) (1) of that section. 5484

(5) If an offender is convicted of or pleads guilty to a 5485
violation of division (A) (1) or (2) of section 2903.06 of the 5486
Revised Code and also is convicted of or pleads guilty to a 5487

specification of the type described in section 2941.1414 of the 5488
Revised Code that charges that the victim of the offense is a 5489
peace officer, as defined in section 2935.01 of the Revised 5490
Code, or an investigator of the bureau of criminal 5491
identification and investigation, as defined in section 2903.11 5492
of the Revised Code, the court shall impose on the offender a 5493
prison term of five years. If a court imposes a prison term on 5494
an offender under division (B) (5) of this section, the prison 5495
term, subject to divisions (C) to (I) of section 2967.19 of the 5496
Revised Code, shall not be reduced pursuant to section 2929.20, 5497
section 2967.19, section 2967.193, or any other provision of 5498
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5499
shall not impose more than one prison term on an offender under 5500
division (B) (5) of this section for felonies committed as part 5501
of the same act. 5502

(6) If an offender is convicted of or pleads guilty to a 5503
violation of division (A) (1) or (2) of section 2903.06 of the 5504
Revised Code and also is convicted of or pleads guilty to a 5505
specification of the type described in section 2941.1415 of the 5506
Revised Code that charges that the offender previously has been 5507
convicted of or pleaded guilty to three or more violations of 5508
division (A) or (B) of section 4511.19 of the Revised Code or an 5509
equivalent offense, as defined in section 2941.1415 of the 5510
Revised Code, or three or more violations of any combination of 5511
those divisions and offenses, the court shall impose on the 5512
offender a prison term of three years. If a court imposes a 5513
prison term on an offender under division (B) (6) of this 5514
section, the prison term, subject to divisions (C) to (I) of 5515
section 2967.19 of the Revised Code, shall not be reduced 5516
pursuant to section 2929.20, section 2967.19, section 2967.193, 5517
or any other provision of Chapter 2967. or Chapter 5120. of the 5518

Revised Code. A court shall not impose more than one prison term 5519
on an offender under division (B)(6) of this section for 5520
felonies committed as part of the same act. 5521

(7)(a) If an offender is convicted of or pleads guilty to 5522
a felony violation of section 2905.01, 2905.02, 2907.21, 5523
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 5524
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 5525
section 2919.22 of the Revised Code and also is convicted of or 5526
pleads guilty to a specification of the type described in 5527
section 2941.1422 of the Revised Code that charges that the 5528
offender knowingly committed the offense in furtherance of human 5529
trafficking, the court shall impose on the offender a mandatory 5530
prison term that is one of the following: 5531

(i) If the offense is a felony of the first degree, a 5532
definite prison term of not less than five years and not greater 5533
than eleven years, except that if the offense is a felony of the 5534
first degree committed on or after the effective date of this 5535
amendment, the court shall impose as the minimum prison term a 5536
mandatory term of not less than five years and not greater than 5537
eleven years; 5538

(ii) If the offense is a felony of the second or third 5539
degree, a definite prison term of not less than three years and 5540
not greater than the maximum prison term allowed for the offense 5541
by division (A)(2)(b) or (3) of this section, except that if the 5542
offense is a felony of the second degree committed on or after 5543
the effective date of this amendment, the court shall impose as 5544
the minimum prison term a mandatory term of not less than three 5545
years and not greater than eight years; 5546

(iii) If the offense is a felony of the fourth or fifth 5547
degree, a definite prison term that is the maximum prison term 5548

allowed for the offense by division (A) of section 2929.14 of 5549
the Revised Code. 5550

(b) Subject to divisions (C) to (I) of section 2967.19 of 5551
the Revised Code, the prison term imposed under division (B) (7) 5552
(a) of this section shall not be reduced pursuant to section 5553
2929.20, section 2967.19, section 2967.193, or any other 5554
provision of Chapter 2967. of the Revised Code. A court shall 5555
not impose more than one prison term on an offender under 5556
division (B) (7) (a) of this section for felonies committed as 5557
part of the same act, scheme, or plan. 5558

(8) If an offender is convicted of or pleads guilty to a 5559
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5560
Revised Code and also is convicted of or pleads guilty to a 5561
specification of the type described in section 2941.1423 of the 5562
Revised Code that charges that the victim of the violation was a 5563
woman whom the offender knew was pregnant at the time of the 5564
violation, notwithstanding the range prescribed in division (A) 5565
of this section as the definite prison term or minimum prison 5566
term for felonies of the same degree as the violation, the court 5567
shall impose on the offender a mandatory prison term that is 5568
either a definite prison term of six months or one of the prison 5569
terms prescribed in division (A) of this section for felonies of 5570
the same degree as the violation, except that if the violation 5571
is a felony of the first or second degree committed on or after 5572
the effective date of this amendment, the court shall impose as 5573
the minimum prison term under division (A) (1) (a) or (2) (a) of 5574
this section a mandatory term that is one of the terms 5575
prescribed in that division, whichever is applicable, for the 5576
offense. 5577

(9) (a) If an offender is convicted of or pleads guilty to 5578

a violation of division (A) (1) or (2) of section 2903.11 of the 5579
Revised Code and also is convicted of or pleads guilty to a 5580
specification of the type described in section 2941.1425 of the 5581
Revised Code, the court shall impose on the offender a mandatory 5582
prison term of six years if either of the following applies: 5583

(i) The violation is a violation of division (A) (1) of 5584
section 2903.11 of the Revised Code and the specification 5585
charges that the offender used an accelerant in committing the 5586
violation and the serious physical harm to another or to 5587
another's unborn caused by the violation resulted in a 5588
permanent, serious disfigurement or permanent, substantial 5589
incapacity; 5590

(ii) The violation is a violation of division (A) (2) of 5591
section 2903.11 of the Revised Code and the specification 5592
charges that the offender used an accelerant in committing the 5593
violation, that the violation caused physical harm to another or 5594
to another's unborn, and that the physical harm resulted in a 5595
permanent, serious disfigurement or permanent, substantial 5596
incapacity. 5597

(b) If a court imposes a prison term on an offender under 5598
division (B) (9) (a) of this section, the prison term shall not be 5599
reduced pursuant to section 2929.20, section 2967.19, section 5600
2967.193, or any other provision of Chapter 2967. or Chapter 5601
5120. of the Revised Code. A court shall not impose more than 5602
one prison term on an offender under division (B) (9) of this 5603
section for felonies committed as part of the same act. 5604

(c) The provisions of divisions (B) (9) and (C) (6) of this 5605
section and of division (D) (2) of section 2903.11, division (F) 5606
(20) of section 2929.13, and section 2941.1425 of the Revised 5607
Code shall be known as "Judy's Law." 5608

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03, 2925.031, 2925.032, or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of

three, four, five, six, seven, or eight years. If a court 5640
imposes a prison term on an offender under division (B) (11) of 5641
this section, the prison term, subject to divisions (C) to (I) 5642
of section 2967.19 of the Revised Code, shall not be reduced 5643
pursuant to section 2929.20, 2967.19, or 2967.193, or any other 5644
provision of Chapter 2967. or 5120. of the Revised Code. A court 5645
shall not impose more than one prison term on an offender under 5646
division (B) (11) of this section for felonies committed as part 5647
of the same act. 5648

(C) (1) (a) Subject to division (C) (1) (b) of this section, 5649
if a mandatory prison term is imposed upon an offender pursuant 5650
to division (B) (1) (a) of this section for having a firearm on or 5651
about the offender's person or under the offender's control 5652
while committing a felony, if a mandatory prison term is imposed 5653
upon an offender pursuant to division (B) (1) (c) of this section 5654
for committing a felony specified in that division by 5655
discharging a firearm from a motor vehicle, or if both types of 5656
mandatory prison terms are imposed, the offender shall serve any 5657
mandatory prison term imposed under either division 5658
consecutively to any other mandatory prison term imposed under 5659
either division or under division (B) (1) (d) of this section, 5660
consecutively to and prior to any prison term imposed for the 5661
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5662
this section or any other section of the Revised Code, and 5663
consecutively to any other prison term or mandatory prison term 5664
previously or subsequently imposed upon the offender. 5665

(b) If a mandatory prison term is imposed upon an offender 5666
pursuant to division (B) (1) (d) of this section for wearing or 5667
carrying body armor while committing an offense of violence that 5668
is a felony, the offender shall serve the mandatory term so 5669
imposed consecutively to any other mandatory prison term imposed 5670

under that division or under division (B)(1)(a) or (c) of this 5671
section, consecutively to and prior to any prison term imposed 5672
for the underlying felony under division (A), (B)(2), or (B)(3) 5673
of this section or any other section of the Revised Code, and 5674
consecutively to any other prison term or mandatory prison term 5675
previously or subsequently imposed upon the offender. 5676

(c) If a mandatory prison term is imposed upon an offender 5677
pursuant to division (B)(1)(f) of this section, the offender 5678
shall serve the mandatory prison term so imposed consecutively 5679
to and prior to any prison term imposed for the underlying 5680
felony under division (A), (B)(2), or (B)(3) of this section or 5681
any other section of the Revised Code, and consecutively to any 5682
other prison term or mandatory prison term previously or 5683
subsequently imposed upon the offender. 5684

(d) If a mandatory prison term is imposed upon an offender 5685
pursuant to division (B)(7) or (8) of this section, the offender 5686
shall serve the mandatory prison term so imposed consecutively 5687
to any other mandatory prison term imposed under that division 5688
or under any other provision of law and consecutively to any 5689
other prison term or mandatory prison term previously or 5690
subsequently imposed upon the offender. 5691

(e) If a mandatory prison term is imposed upon an offender 5692
pursuant to division (B)~~(10)~~(11) of this section, the offender 5693
shall serve the mandatory prison term consecutively to any other 5694
mandatory prison term imposed under that division, consecutively 5695
to and prior to any prison term imposed for the underlying 5696
felony, and consecutively to any other prison term or mandatory 5697
prison term previously or subsequently imposed upon the 5698
offender. 5699

(2) If an offender who is an inmate in a jail, prison, or 5700

other residential detention facility violates section 2917.02, 5701
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 5702
(2) of section 2921.34 of the Revised Code, if an offender who 5703
is under detention at a detention facility commits a felony 5704
violation of section 2923.131 of the Revised Code, or if an 5705
offender who is an inmate in a jail, prison, or other 5706
residential detention facility or is under detention at a 5707
detention facility commits another felony while the offender is 5708
an escapee in violation of division (A) (1) or (2) of section 5709
2921.34 of the Revised Code, any prison term imposed upon the 5710
offender for one of those violations shall be served by the 5711
offender consecutively to the prison term or term of 5712
imprisonment the offender was serving when the offender 5713
committed that offense and to any other prison term previously 5714
or subsequently imposed upon the offender. 5715

(3) If a prison term is imposed for a violation of 5716
division (B) of section 2911.01 of the Revised Code, a violation 5717
of division (A) of section 2913.02 of the Revised Code in which 5718
the stolen property is a firearm or dangerous ordnance, or a 5719
felony violation of division (B) of section 2921.331 of the 5720
Revised Code, the offender shall serve that prison term 5721
consecutively to any other prison term or mandatory prison term 5722
previously or subsequently imposed upon the offender. 5723

(4) If multiple prison terms are imposed on an offender 5724
for convictions of multiple offenses, the court may require the 5725
offender to serve the prison terms consecutively if the court 5726
finds that the consecutive service is necessary to protect the 5727
public from future crime or to punish the offender and that 5728
consecutive sentences are not disproportionate to the 5729
seriousness of the offender's conduct and to the danger the 5730
offender poses to the public, and if the court also finds any of 5731

the following:

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

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

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

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

violation of division (A) (1) or (2) of section 2903.06 of the 5762
Revised Code pursuant to division (A) of this section or section 5763
2929.142 of the Revised Code. 5764

(6) If a mandatory prison term is imposed on an offender 5765
pursuant to division (B) (9) of this section, the offender shall 5766
serve the mandatory prison term consecutively to and prior to 5767
any prison term imposed for the underlying violation of division 5768
(A) (1) or (2) of section 2903.11 of the Revised Code and 5769
consecutively to and prior to any other prison term or mandatory 5770
prison term previously or subsequently imposed on the offender. 5771

(7) If a mandatory prison term is imposed on an offender 5772
pursuant to division (B) (10) of this section, the offender shall 5773
serve that mandatory prison term consecutively to and prior to 5774
any prison term imposed for the underlying felonious assault. 5775
Except as otherwise provided in division (C) of this section, 5776
any other prison term or mandatory prison term previously or 5777
subsequently imposed upon the offender may be served 5778
concurrently with, or consecutively to, the prison term imposed 5779
pursuant to division (B) (10) of this section. 5780

(8) Any prison term imposed for a violation of section 5781
2903.04 of the Revised Code that is based on a violation of 5782
section 2925.03~~or~~, 2925.031, 2925.032, 2925.11, 2925.111, or 5783
2925.112 of the Revised Code or on a violation of section 5784
2925.05 of the Revised Code that is not funding of marihuana 5785
trafficking shall run consecutively to any prison term imposed 5786
for the violation of section 2925.03~~or~~, 2925.031, 2925.032, 5787
2925.11, 2925.111, or 2925.112 of the Revised Code or for the 5788
violation of section 2925.05 of the Revised Code that is not 5789
funding of marihuana trafficking. 5790

(9) When consecutive prison terms are imposed pursuant to 5791

division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 5792
division (H) (1) or (2) of this section, subject to division (C) 5793
(8) of this section, the term to be served is the aggregate of 5794
all of the terms so imposed. 5795

(10) When a court sentences an offender to a non-life 5796
felony indefinite prison term, any definite prison term or 5797
mandatory definite prison term previously or subsequently 5798
imposed on the offender in addition to that indefinite sentence 5799
that is required to be served consecutively to that indefinite 5800
sentence shall be served prior to the indefinite sentence. 5801

(11) If a court is sentencing an offender for a felony of 5802
the first or second degree, if division (A) (1) (a) or (2) (a) of 5803
this section applies with respect to the sentencing for the 5804
offense, and if the court is required under the Revised Code 5805
section that sets forth the offense or any other Revised Code 5806
provision to impose a mandatory prison term for the offense, the 5807
court shall impose the required mandatory prison term as the 5808
minimum term imposed under division (A) (1) (a) or (2) (a) of this 5809
section, whichever is applicable. 5810

(D) (1) If a court imposes a prison term, other than a term 5811
of life imprisonment, for a felony of the first degree, for a 5812
felony of the second degree, for a felony sex offense, or for a 5813
felony of the third degree that is an offense of violence and 5814
that is not a felony sex offense, it shall include in the 5815
sentence a requirement that the offender be subject to a period 5816
of post-release control after the offender's release from 5817
imprisonment, in accordance with section 2967.28 of the Revised 5818
Code. If a court imposes a sentence including a prison term of a 5819
type described in this division on or after July 11, 2006, the 5820
failure of a court to include a post-release control requirement 5821

in the sentence pursuant to this division does not negate, 5822
limit, or otherwise affect the mandatory period of post-release 5823
control that is required for the offender under division (B) of 5824
section 2967.28 of the Revised Code. Section 2929.191 of the 5825
Revised Code applies if, prior to July 11, 2006, a court imposed 5826
a sentence including a prison term of a type described in this 5827
division and failed to include in the sentence pursuant to this 5828
division a statement regarding post-release control. 5829

(2) If a court imposes a prison term for a felony of the 5830
third, fourth, or fifth degree that is not subject to division 5831
(D)(1) of this section, it shall include in the sentence a 5832
requirement that the offender be subject to a period of post- 5833
release control after the offender's release from imprisonment, 5834
in accordance with that division, if the parole board determines 5835
that a period of post-release control is necessary. Section 5836
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5837
a court imposed a sentence including a prison term of a type 5838
described in this division and failed to include in the sentence 5839
pursuant to this division a statement regarding post-release 5840
control. 5841

(E) The court shall impose sentence upon the offender in 5842
accordance with section 2971.03 of the Revised Code, and Chapter 5843
2971. of the Revised Code applies regarding the prison term or 5844
term of life imprisonment without parole imposed upon the 5845
offender and the service of that term of imprisonment if any of 5846
the following apply: 5847

(1) A person is convicted of or pleads guilty to a violent 5848
sex offense or a designated homicide, assault, or kidnapping 5849
offense, and, in relation to that offense, the offender is 5850
adjudicated a sexually violent predator. 5851

(2) A person is convicted of or pleads guilty to a 5852
violation of division (A) (1) (b) of section 2907.02 of the 5853
Revised Code committed on or after January 2, 2007, and either 5854
the court does not impose a sentence of life without parole when 5855
authorized pursuant to division (B) of section 2907.02 of the 5856
Revised Code, or division (B) of section 2907.02 of the Revised 5857
Code provides that the court shall not sentence the offender 5858
pursuant to section 2971.03 of the Revised Code. 5859

(3) A person is convicted of or pleads guilty to attempted 5860
rape committed on or after January 2, 2007, and a specification 5861
of the type described in section 2941.1418, 2941.1419, or 5862
2941.1420 of the Revised Code. 5863

(4) A person is convicted of or pleads guilty to a 5864
violation of section 2905.01 of the Revised Code committed on or 5865
after January 1, 2008, and that section requires the court to 5866
sentence the offender pursuant to section 2971.03 of the Revised 5867
Code. 5868

(5) A person is convicted of or pleads guilty to 5869
aggravated murder committed on or after January 1, 2008, and 5870
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 5871
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 5872
(d) of section 2929.03, or division (A) or (B) of section 5873
2929.06 of the Revised Code requires the court to sentence the 5874
offender pursuant to division (B) (3) of section 2971.03 of the 5875
Revised Code. 5876

(6) A person is convicted of or pleads guilty to murder 5877
committed on or after January 1, 2008, and division (B) (2) of 5878
section 2929.02 of the Revised Code requires the court to 5879
sentence the offender pursuant to section 2971.03 of the Revised 5880
Code. 5881

(F) If a person who has been convicted of or pleaded
guilty to a felony is sentenced to a prison term or term of
imprisonment under this section, sections 2929.02 to 2929.06 of
the Revised Code, section 2929.142 of the Revised Code, section
2971.03 of the Revised Code, or any other provision of law,
section 5120.163 of the Revised Code applies regarding the
person while the person is confined in a state correctional
institution.

(G) If an offender who is convicted of or pleads guilty to
a felony that is an offense of violence also is convicted of or
pleads guilty to a specification of the type described in
section 2941.142 of the Revised Code that charges the offender
with having committed the felony while participating in a
criminal gang, the court shall impose upon the offender an
additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty
to aggravated murder, murder, or a felony of the first, second,
or third degree that is an offense of violence also is convicted
of or pleads guilty to a specification of the type described in
section 2941.143 of the Revised Code that charges the offender
with having committed the offense in a school safety zone or
towards a person in a school safety zone, the court shall impose
upon the offender an additional prison term of two years. The
offender shall serve the additional two years consecutively to
and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to
a felony violation of section 2907.22, 2907.24, 2907.241, or
2907.25 of the Revised Code and to a specification of the type
described in section 2941.1421 of the Revised Code and if the
court imposes a prison term on the offender for the felony

violation, the court may impose upon the offender an additional
prison term as follows:

(i) Subject to division (H) (2) (a) (ii) of this section, an
additional prison term of one, two, three, four, five, or six
months;

(ii) If the offender previously has been convicted of or
pleaded guilty to one or more felony or misdemeanor violations
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of
the Revised Code and also was convicted of or pleaded guilty to
a specification of the type described in section 2941.1421 of
the Revised Code regarding one or more of those violations, an
additional prison term of one, two, three, four, five, six,
seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under
division (H) (2) (a) of this section, the court may directly
impose on the offender a sanction that requires the offender to
wear a real-time processing, continual tracking electronic
monitoring device during the period of time specified by the
court. The period of time specified by the court shall equal the
duration of an additional prison term that the court could have
imposed upon the offender under division (H) (2) (a) of this
section. A sanction imposed under this division shall commence
on the date specified by the court, provided that the sanction
shall not commence until after the offender has served the
prison term imposed for the felony violation of section 2907.22,
2907.24, 2907.241, or 2907.25 of the Revised Code and any
residential sanction imposed for the violation under section
2929.16 of the Revised Code. A sanction imposed under this
division shall be considered to be a community control sanction
for purposes of section 2929.15 of the Revised Code, and all

provisions of the Revised Code that pertain to community control 5942
sanctions shall apply to a sanction imposed under this division, 5943
except to the extent that they would by their nature be clearly 5944
inapplicable. The offender shall pay all costs associated with a 5945
sanction imposed under this division, including the cost of the 5946
use of the monitoring device. 5947

(I) At the time of sentencing, the court may recommend the 5948
offender for placement in a program of shock incarceration under 5949
section 5120.031 of the Revised Code or for placement in an 5950
intensive program prison under section 5120.032 of the Revised 5951
Code, disapprove placement of the offender in a program of shock 5952
incarceration or an intensive program prison of that nature, or 5953
make no recommendation on placement of the offender. In no case 5954
shall the department of rehabilitation and correction place the 5955
offender in a program or prison of that nature unless the 5956
department determines as specified in section 5120.031 or 5957
5120.032 of the Revised Code, whichever is applicable, that the 5958
offender is eligible for the placement. 5959

If the court disapproves placement of the offender in a 5960
program or prison of that nature, the department of 5961
rehabilitation and correction shall not place the offender in 5962
any program of shock incarceration or intensive program prison. 5963

If the court recommends placement of the offender in a 5964
program of shock incarceration or in an intensive program 5965
prison, and if the offender is subsequently placed in the 5966
recommended program or prison, the department shall notify the 5967
court of the placement and shall include with the notice a brief 5968
description of the placement. 5969

If the court recommends placement of the offender in a 5970
program of shock incarceration or in an intensive program prison 5971

and the department does not subsequently place the offender in 5972
the recommended program or prison, the department shall send a 5973
notice to the court indicating why the offender was not placed 5974
in the recommended program or prison. 5975

If the court does not make a recommendation under this 5976
division with respect to an offender and if the department 5977
determines as specified in section 5120.031 or 5120.032 of the 5978
Revised Code, whichever is applicable, that the offender is 5979
eligible for placement in a program or prison of that nature, 5980
the department shall screen the offender and determine if there 5981
is an available program of shock incarceration or an intensive 5982
program prison for which the offender is suited. If there is an 5983
available program of shock incarceration or an intensive program 5984
prison for which the offender is suited, the department shall 5985
notify the court of the proposed placement of the offender as 5986
specified in section 5120.031 or 5120.032 of the Revised Code 5987
and shall include with the notice a brief description of the 5988
placement. The court shall have ten days from receipt of the 5989
notice to disapprove the placement. 5990

(J) If a person is convicted of or pleads guilty to 5991
aggravated vehicular homicide in violation of division (A) (1) of 5992
section 2903.06 of the Revised Code and division (B) (2) (c) of 5993
that section applies, the person shall be sentenced pursuant to 5994
section 2929.142 of the Revised Code. 5995

(K) (1) The court shall impose an additional mandatory 5996
prison term of two, three, four, five, six, seven, eight, nine, 5997
ten, or eleven years on an offender who is convicted of or 5998
pleads guilty to a violent felony offense if the offender also 5999
is convicted of or pleads guilty to a specification of the type 6000
described in section 2941.1424 of the Revised Code that charges 6001

that the offender is a violent career criminal and had a firearm 6002
on or about the offender's person or under the offender's 6003
control while committing the presently charged violent felony 6004
offense and displayed or brandished the firearm, indicated that 6005
the offender possessed a firearm, or used the firearm to 6006
facilitate the offense. The offender shall serve the prison term 6007
imposed under this division consecutively to and prior to the 6008
prison term imposed for the underlying offense. The prison term 6009
shall not be reduced pursuant to section 2929.20 or 2967.19 or 6010
any other provision of Chapter 2967. or 5120. of the Revised 6011
Code. A court may not impose more than one sentence under 6012
division (B) (2) (a) of this section and this division for acts 6013
committed as part of the same act or transaction. 6014

(2) As used in division (K) (1) of this section, "violent 6015
career criminal" and "violent felony offense" have the same 6016
meanings as in section 2923.132 of the Revised Code. 6017

Sec. 2929.15. (A) (1) If in sentencing an offender for a 6018
felony the court is not required to impose a prison term, a 6019
mandatory prison term, or a term of life imprisonment upon the 6020
offender, the court may directly impose a sentence that consists 6021
of one or more community control sanctions authorized pursuant 6022
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 6023
the court is sentencing an offender for a fourth degree felony 6024
OVI offense under division (G) (1) of section 2929.13 of the 6025
Revised Code, in addition to the mandatory term of local 6026
incarceration imposed under that division and the mandatory fine 6027
required by division (B) (3) of section 2929.18 of the Revised 6028
Code, the court may impose upon the offender a community control 6029
sanction or combination of community control sanctions in 6030
accordance with sections 2929.16 and 2929.17 of the Revised 6031
Code. If the court is sentencing an offender for a third or 6032

fourth degree felony OVI offense under division (G) (2) of 6033
section 2929.13 of the Revised Code, in addition to the 6034
mandatory prison term or mandatory prison term and additional 6035
prison term imposed under that division, the court also may 6036
impose upon the offender a community control sanction or 6037
combination of community control sanctions under section 2929.16 6038
or 2929.17 of the Revised Code, but the offender shall serve all 6039
of the prison terms so imposed prior to serving the community 6040
control sanction. 6041

The duration of all community control sanctions imposed 6042
upon an offender under this division shall not exceed five 6043
years. If the offender absconds or otherwise leaves the 6044
jurisdiction of the court in which the offender resides without 6045
obtaining permission from the court or the offender's probation 6046
officer to leave the jurisdiction of the court, or if the 6047
offender is confined in any institution for the commission of 6048
any offense while under a community control sanction, the period 6049
of the community control sanction ceases to run until the 6050
offender is brought before the court for its further action. If 6051
the court sentences the offender to one or more nonresidential 6052
sanctions under section 2929.17 of the Revised Code, the court 6053
shall impose as a condition of the nonresidential sanctions 6054
that, during the period of the sanctions, the offender must 6055
abide by the law and must not leave the state without the 6056
permission of the court or the offender's probation officer. The 6057
court may impose any other conditions of release under a 6058
community control sanction that the court considers appropriate, 6059
including, but not limited to, requiring that the offender not 6060
ingest or be injected with a drug of abuse and submit to random 6061
drug testing as provided in division (D) of this section to 6062
determine whether the offender ingested or was injected with a 6063

drug of abuse and requiring that the results of the drug test 6064
indicate that the offender did not ingest or was not injected 6065
with a drug of abuse. 6066

(2) (a) If a court sentences an offender to any community 6067
control sanction or combination of community control sanctions 6068
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 6069
the Revised Code, the court shall place the offender under the 6070
general control and supervision of a department of probation in 6071
the county that serves the court for purposes of reporting to 6072
the court a violation of any condition of the sanctions, any 6073
condition of release under a community control sanction imposed 6074
by the court, a violation of law, or the departure of the 6075
offender from this state without the permission of the court or 6076
the offender's probation officer. Alternatively, if the offender 6077
resides in another county and a county department of probation 6078
has been established in that county or that county is served by 6079
a multicounty probation department established under section 6080
2301.27 of the Revised Code, the court may request the court of 6081
common pleas of that county to receive the offender into the 6082
general control and supervision of that county or multicounty 6083
department of probation for purposes of reporting to the court a 6084
violation of any condition of the sanctions, any condition of 6085
release under a community control sanction imposed by the court, 6086
a violation of law, or the departure of the offender from this 6087
state without the permission of the court or the offender's 6088
probation officer, subject to the jurisdiction of the trial 6089
judge over and with respect to the person of the offender, and 6090
to the rules governing that department of probation. 6091

If there is no department of probation in the county that 6092
serves the court, the court shall place the offender, regardless 6093
of the offender's county of residence, under the general control 6094

and supervision of the adult parole authority or an entity 6095
authorized under division (B) of section 2301.27 of the Revised 6096
Code to provide probation and supervisory services to counties 6097
for purposes of reporting to the court a violation of any of the 6098
sanctions, any condition of release under a community control 6099
sanction imposed by the court, a violation of law, or the 6100
departure of the offender from this state without the permission 6101
of the court or the offender's probation officer. 6102

(b) If the court imposing sentence upon an offender 6103
sentences the offender to any community control sanction or 6104
combination of community control sanctions authorized pursuant 6105
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 6106
if the offender violates any condition of the sanctions, any 6107
condition of release under a community control sanction imposed 6108
by the court, violates any law, or departs the state without the 6109
permission of the court or the offender's probation officer, the 6110
public or private person or entity that operates or administers 6111
the sanction or the program or activity that comprises the 6112
sanction shall report the violation or departure directly to the 6113
sentencing court, or shall report the violation or departure to 6114
the county or multicounty department of probation with general 6115
control and supervision over the offender under division (A) (2) 6116
(a) of this section or the officer of that department who 6117
supervises the offender, or, if there is no such department with 6118
general control and supervision over the offender under that 6119
division, to the adult parole authority or an entity authorized 6120
under division (B) of section 2301.27 of the Revised Code to 6121
provide probation and supervisory services to the county. If the 6122
public or private person or entity that operates or administers 6123
the sanction or the program or activity that comprises the 6124
sanction reports the violation or departure to the county or 6125

multicounty department of probation, the adult parole authority, 6126
or any other entity providing probation and supervisory services 6127
to the county, the department's, authority's, or other entity's 6128
officers may treat the offender as if the offender were on 6129
probation and in violation of the probation, and shall report 6130
the violation of the condition of the sanction, any condition of 6131
release under a community control sanction imposed by the court, 6132
the violation of law, or the departure from the state without 6133
the required permission to the sentencing court. 6134

(3) If an offender who is eligible for community control 6135
sanctions under this section admits to being drug addicted or 6136
the court has reason to believe that the offender is drug 6137
addicted, and if the offense for which the offender is being 6138
sentenced was related to the addiction, the court may require 6139
that the offender be assessed by a properly credentialed 6140
professional within a specified period of time and shall require 6141
the professional to file a written assessment of the offender 6142
with the court. If a court imposes treatment and recovery 6143
support services as a community control sanction, the court 6144
shall direct the level and type of treatment and recovery 6145
support services after consideration of the written assessment, 6146
if available at the time of sentencing, and recommendations of 6147
the professional and other treatment and recovery support 6148
services providers. 6149

(4) If an assessment completed pursuant to division (A) (3) 6150
of this section indicates that the offender is addicted to drugs 6151
or alcohol, the court may include in any community control 6152
sanction imposed for a violation of section 2925.02, 2925.03, 6153
2925.04, 2925.05, 2925.06, 2925.11, 2925.111, 2925.112, 2925.13, 6154
2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a 6155
requirement that the offender participate in alcohol and drug 6156

addiction services and recovery supports certified under section 6157
5119.36 of the Revised Code or offered by a properly 6158
credentialed community addiction services provider. 6159

(B) (1) If the conditions of a community control sanction 6160
imposed for a felony are violated or if the offender violates a 6161
law or leaves the state without the permission of the court or 6162
the offender's probation officer, the sentencing court may 6163
impose upon the violator one or more of the following penalties: 6164

(a) A longer time under the same sanction if the total 6165
time under the sanctions does not exceed the five-year limit 6166
specified in division (A) of this section; 6167

(b) A more restrictive sanction under section 2929.16, 6168
2929.17, or 2929.18 of the Revised Code, including but not 6169
limited to, a new term in a community-based correctional 6170
facility, halfway house, or jail pursuant to division (A) (6) of 6171
section 2929.16 of the Revised Code; 6172

(c) A prison term on the offender pursuant to section 6173
2929.14 of the Revised Code and division (B) (3) of this section, 6174
provided that a prison term imposed under this division is 6175
subject to the following limitations, as applicable: 6176

(i) If the prison term is imposed for any technical 6177
violation of the conditions of a community control sanction 6178
imposed for a felony of the fifth degree ~~or for any violation of~~ 6179
~~law committed while under a community control sanction imposed~~ 6180
~~for such a felony that consists of a new criminal offense and~~ 6181
~~that is not a felony~~, the prison term shall not exceed ninety 6182
new days, which shall be in addition to the period of the 6183
community control. 6184

(ii) If the prison term is imposed for any technical 6185

violation of the conditions of a community control sanction 6186
imposed for a felony of the fourth degree that is not an offense 6187
of violence and is not a sexually oriented offense ~~or for any~~ 6188
~~violation of law committed while under a community control~~ 6189
~~sanction imposed for such a felony that consists of a new~~ 6190
~~criminal offense and that is not a felony,~~ the prison term shall 6191
not exceed one hundred eighty new days, which shall be in 6192
addition to the period of the community control. 6193

(2) If an offender was acting pursuant to division (B) (2) 6194
(b) of section 2925.11 of the Revised Code and in so doing 6195
violated the conditions of a community control sanction based on 6196
a minor drug possession offense, as defined in section 2925.11 6197
of the Revised Code, the sentencing court may consider the 6198
offender's conduct in seeking or obtaining medical assistance 6199
for another in good faith or for self or may consider the 6200
offender being the subject of another person seeking or 6201
obtaining medical assistance in accordance with that division as 6202
a mitigating factor before imposing any of the penalties 6203
described in division (B) (1) of this section. 6204

(3) The prison term, if any, imposed upon a violator 6205
pursuant to this division and division (B) (1) of this section 6206
shall be within the range of prison terms described in this 6207
division and shall not exceed the prison term specified in the 6208
notice provided to the offender at the sentencing hearing 6209
pursuant to division (B) (2) of section 2929.19 of the Revised 6210
Code. The court may reduce the longer period of time that the 6211
offender is required to spend under the longer sanction, the 6212
more restrictive sanction, or a prison term imposed pursuant to 6213
division (B) (1) of this section by the time the offender 6214
successfully spent under the sanction that was initially 6215
imposed. Except as otherwise specified in this division, the 6216

prison term imposed under this division and division (B) (1) of 6217
this section shall be within the range of prison terms available 6218
as a definite term for the offense for which the sanction that 6219
was violated was imposed. If the offense for which the sanction 6220
that was violated was imposed is a felony of the first or second 6221
degree committed on or after ~~the effective date of this~~ 6222
~~amendment~~ March 22, 2019, the prison term so imposed under this 6223
division shall be within the range of prison terms available as 6224
a minimum term for the offense under division (A) (1) (a) or (2) 6225
(a) of section 2929.14 of the Revised Code. 6226

(4) As used in divisions (B) (1) to (3) of this section, 6227
"technical violation" means a violation of the conditions of a 6228
community control sanction imposed for a felony of the fifth 6229
degree, or for a felony of the fourth degree that is not an 6230
offense of violence and is not a sexually oriented offense, and 6231
to which neither of the following applies: 6232

(a) The violation consists of a new criminal offense that 6233
is a felony or that is a misdemeanor other than a minor 6234
misdemeanor, and the violation is committed while under the 6235
community control sanction. 6236

(b) The violation consists of or includes the offender's 6237
articulated or demonstrated refusal to participate in the 6238
community control sanction imposed on the offender or any of its 6239
conditions, and the refusal demonstrates to the court that the 6240
offender has abandoned the objects of the community control 6241
sanction or condition. 6242

(C) If an offender, for a significant period of time, 6243
fulfills the conditions of a sanction imposed pursuant to 6244
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 6245
exemplary manner, the court may reduce the period of time under 6246

the sanction or impose a less restrictive sanction, but the 6247
court shall not permit the offender to violate any law or permit 6248
the offender to leave the state without the permission of the 6249
court or the offender's probation officer. 6250

(D) (1) If a court under division (A) (1) of this section 6251
imposes a condition of release under a community control 6252
sanction that requires the offender to submit to random drug 6253
testing, the department of probation, the adult parole 6254
authority, or any other entity that has general control and 6255
supervision of the offender under division (A) (2) (a) of this 6256
section may cause the offender to submit to random drug testing 6257
performed by a laboratory or entity that has entered into a 6258
contract with any of the governmental entities or officers 6259
authorized to enter into a contract with that laboratory or 6260
entity under section 341.26, 753.33, or 5120.63 of the Revised 6261
Code. 6262

(2) If no laboratory or entity described in division (D) 6263
(1) of this section has entered into a contract as specified in 6264
that division, the department of probation, the adult parole 6265
authority, or any other entity that has general control and 6266
supervision of the offender under division (A) (2) (a) of this 6267
section shall cause the offender to submit to random drug 6268
testing performed by a reputable public laboratory to determine 6269
whether the individual who is the subject of the drug test 6270
ingested or was injected with a drug of abuse. 6271

(3) A laboratory or entity that has entered into a 6272
contract pursuant to section 341.26, 753.33, or 5120.63 of the 6273
Revised Code shall perform the random drug tests under division 6274
(D) (1) of this section in accordance with the applicable 6275
standards that are included in the terms of that contract. A 6276

public laboratory shall perform the random drug tests under 6277
division (D) (2) of this section in accordance with the standards 6278
set forth in the policies and procedures established by the 6279
department of rehabilitation and correction pursuant to section 6280
5120.63 of the Revised Code. An offender who is required under 6281
division (A) (1) of this section to submit to random drug testing 6282
as a condition of release under a community control sanction and 6283
whose test results indicate that the offender ingested or was 6284
injected with a drug of abuse shall pay the fee for the drug 6285
test if the department of probation, the adult parole authority, 6286
or any other entity that has general control and supervision of 6287
the offender requires payment of a fee. A laboratory or entity 6288
that performs the random drug testing on an offender under 6289
division (D) (1) or (2) of this section shall transmit the 6290
results of the drug test to the appropriate department of 6291
probation, the adult parole authority, or any other entity that 6292
has general control and supervision of the offender under 6293
division (A) (2) (a) of this section. 6294

Sec. 2931.03. The court of common pleas has original 6295
jurisdiction of all crimes and offenses, including in cases 6296
transferred to the court under division (A) (3) of section 6297
1901.20 or division (A) (3) of section 1907.02 of the Revised 6298
Code, except that the court of common pleas does not have 6299
original jurisdiction in cases of minor offenses the exclusive 6300
jurisdiction of which is vested in courts inferior to the court 6301
of common pleas. 6302

A judge of a court of common pleas does not have the 6303
authority to dismiss a criminal complaint, charge, information, 6304
or indictment solely at the request of the complaining witness 6305
and over the objection of the prosecuting attorney or other 6306
chief legal officer who is responsible for the prosecution of 6307

the case.

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Sec. 2941.1410. (A) Except as provided in sections
2925.03, 2925.031, 2925.032, and 2925.11 and division (E) (1) of
section 2925.05 of the Revised Code, the determination by a
court that an offender is a major drug offender is precluded
unless the indictment, count in the indictment, or information
charging the offender specifies that the offender is a major
drug offender. The specification shall be stated at the end of
the body of the indictment, count, or information, and shall be
stated in substantially the following form:

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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or prosecuting attorney's
name when appropriate) further find and specify that (set forth
that the offender is a major drug offender)."

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(B) Imposition of a three, four, five, six, seven, or
eight-year mandatory prison term upon an offender under division
(B) ~~(9)~~ (11) of section 2929.14 of the Revised Code, pursuant to
determination by a court that an offender is a major drug
offender, is precluded unless the indictment, count in the
indictment, or information charging the offender with the
violation of section 2925.03, 2925.031, 2925.032, 2925.05, or
2925.11 of the Revised Code specifies that the offender is a
major drug offender and that the drug involved in the violation
is a fentanyl-related compound or a compound, mixture,
preparation, or substance containing a fentanyl-related
compound. The specification shall be stated at the end of the
body of the indictment, count, or information, and shall be
stated in substantially the following form:

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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or prosecuting attorney's

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name when appropriate) further find and specify that (set forth 6338
that the offender is a major drug offender and the drug involved 6339
in the violation is a fentanyl-related compound or a compound, 6340
mixture, preparation, or substance containing a fentanyl-related 6341
compound)." 6342

(C) The court shall determine the issue of whether an 6343
offender is a major drug offender. 6344

(D) As used in this section, "major drug offender" has the 6345
same meaning as in section 2929.01 of the Revised Code. 6346

Sec. 2945.71. (A) Subject to division (D) of this section, 6347
a person against whom a charge is pending in a court not of 6348
record, or against whom a charge of minor misdemeanor is pending 6349
in a court of record, shall be brought to trial within thirty 6350
days after the person's arrest or the service of summons. 6351

(B) Subject to division (D) of this section, a person 6352
against whom a charge of misdemeanor, other than a minor 6353
misdemeanor, is pending in a court of record, shall be brought 6354
to trial as follows: 6355

(1) Within forty-five days after the person's arrest or 6356
the service of summons, if the offense charged is a misdemeanor 6357
of the third or fourth degree, or other misdemeanor for which 6358
the maximum penalty is imprisonment for not more than sixty 6359
days; 6360

(2) Within ninety days after the person's arrest or the 6361
service of summons, if the offense charged is a misdemeanor of 6362
the first or second degree, or other misdemeanor for which the 6363
maximum penalty is imprisonment for more than sixty days; 6364

(3) Within two hundred seventy days after the person's 6365
arrest or the service of summons, if the offense charged is an 6366

unclassified misdemeanor arising out of a violation of section 6367
2925.11 or 2925.112 of the Revised Code. 6368

(C) A person against whom a charge of felony is pending: 6369

(1) Notwithstanding any provisions to the contrary in 6370
Criminal Rule 5(B), shall be accorded a preliminary hearing 6371
within fifteen consecutive days after the person's arrest if the 6372
accused is not held in jail in lieu of bail on the pending 6373
charge or within ten consecutive days after the person's arrest 6374
if the accused is held in jail in lieu of bail on the pending 6375
charge; 6376

(2) Shall be brought to trial within two hundred seventy 6377
days after the person's arrest. 6378

(D) A person against whom one or more charges of different 6379
degrees, whether felonies, misdemeanors, or combinations of 6380
felonies and misdemeanors, all of which arose out of the same 6381
act or transaction, are pending shall be brought to trial on all 6382
of the charges within the time period required for the highest 6383
degree of offense charged, as determined under divisions (A), 6384
(B), and (C) of this section. 6385

(E) For purposes of computing time under divisions (A), 6386
(B), (C) (2), and (D) of this section, each day during which the 6387
accused is held in jail in lieu of bail on the pending charge 6388
shall be counted as three days. This division does not apply for 6389
purposes of computing time under division (C) (1) of this 6390
section. 6391

(F) This section shall not be construed to modify in any 6392
way section 2941.401 or sections 2963.30 to 2963.35 of the 6393
Revised Code. 6394

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 6395

the Revised Code: 6396

(A) (1) "Eligible offender" means either of the following: 6397

(a) Anyone who has been convicted of one or more offenses, 6398
but not more than five felonies, in this state or any other 6399
jurisdiction, if all of the offenses in this state are felonies 6400
of the fourth or fifth degree ~~or~~, misdemeanors, or reclassified 6401
misdemeanor drug possession offenses and none of those offenses 6402
are an offense of violence or a felony sex offense and all of 6403
the offenses in another jurisdiction, if committed in this 6404
state, would be felonies of the fourth or fifth degree ~~or~~, 6405
misdemeanors, or reclassified misdemeanor drug possession 6406
offenses and none of those offenses would be an offense of 6407
violence or a felony sex offense; 6408

(b) Anyone who has been convicted of an offense in this 6409
state or any other jurisdiction, to whom division (A) (1) (a) of 6410
this section does not apply, and who has not more than one 6411
felony conviction, not more than two misdemeanor convictions, or 6412
not more than one felony conviction and one misdemeanor 6413
conviction in this state or any other jurisdiction. When two or 6414
more convictions result from or are connected with the same act 6415
or result from offenses committed at the same time, they shall 6416
be counted as one conviction. When two or three convictions 6417
result from the same indictment, information, or complaint, from 6418
the same plea of guilty, or from the same official proceeding, 6419
and result from related criminal acts that were committed within 6420
a three-month period but do not result from the same act or from 6421
offenses committed at the same time, they shall be counted as 6422
one conviction, provided that a court may decide as provided in 6423
division (C) (1) (a) of section 2953.32 of the Revised Code that 6424
it is not in the public interest for the two or three 6425

convictions to be counted as one conviction.

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(2) For purposes of, and except as otherwise provided in,
division (A)(1)(b) of this section, a conviction for a minor
misdemeanor, for a violation of any section in Chapter 4507.,
4510., 4511., 4513., or 4549. of the Revised Code, or for a
violation of a municipal ordinance that is substantially similar
to any section in those chapters is not a conviction. However, a
conviction for a violation of section 4511.19, 4511.251,
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections
4549.41 to 4549.46 of the Revised Code, for a violation of
section 4510.11 or 4510.14 of the Revised Code that is based
upon the offender's operation of a vehicle during a suspension
imposed under section 4511.191 or 4511.196 of the Revised Code,
for a violation of a substantially equivalent municipal
ordinance, for a felony violation of Title XLV of the Revised
Code, or for a violation of a substantially equivalent former
law of this state or former municipal ordinance shall be
considered a conviction.

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

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

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

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(E) "Official proceeding" has the same meaning as in 6455
section 2921.01 of the Revised Code. 6456

(F) "Community control sanction" has the same meaning as 6457
in section 2929.01 of the Revised Code. 6458

(G) "Post-release control" and "post-release control 6459
sanction" have the same meanings as in section 2967.01 of the 6460
Revised Code. 6461

(H) "DNA database," "DNA record," and "law enforcement 6462
agency" have the same meanings as in section 109.573 of the 6463
Revised Code. 6464

(I) "Fingerprints filed for record" means any fingerprints 6465
obtained by the superintendent of the bureau of criminal 6466
identification and investigation pursuant to sections 109.57 and 6467
109.571 of the Revised Code. 6468

(J) (1) "Reclassified misdemeanor drug possession offense" 6469
means any of the following: 6470

(a) Any offense that is a qualifying misdemeanor drug 6471
possession offense; 6472

(b) Any offense committed in any jurisdiction other than 6473
this state that, if committed in this state, would be an offense 6474
described in division (J) (1) (a) of this section. 6475

(2) Any reference in sections 2953.31 to 2953.36 of the 6476
Revised Code to a felony does not include any reclassified 6477
misdemeanor drug possession offense, and references in those 6478
sections to a misdemeanor shall include reclassified misdemeanor 6479
drug possession offenses. 6480

(K) "Qualifying misdemeanor drug possession offense" means 6481
a violation of section 2925.11 of the Revised Code that was 6482

committed prior to the effective date of this amendment and to
which both of the following apply:

(a) At the time of the commission of the violation, the
violation was a felony under the version of section 2925.11 of
the Revised Code that then was in effect.

(b) On the effective date of this amendment, the offense
classification of the violation was reduced to a misdemeanor
under the version of section 2925.11, 2925.111, or 2925.112 of
the Revised Code that took effect on that date.

Sec. 2953.32. (A) (1) Except as provided in section 2953.61
of the Revised Code, an eligible offender may apply to the
sentencing court if convicted in this state, or to a court of
common pleas if convicted in another state or in a federal
court, for the sealing of the record of the case that pertains
to the conviction. Application may be made at one of the
following times:

(a) At the expiration of three years after the offender's
final discharge if convicted of one felony, provided that
application may be made prior to that time if authorized under
division (A) (1) (d) of this section;

(b) When division (A) (1) (a) of section 2953.31 of the
Revised Code applies to the offender, at the expiration of four
years after the offender's final discharge if convicted of two
felonies, or at the expiration of five years after final
discharge if convicted of three, four, or five felonies;

(c) At the expiration of one year after the offender's
final discharge if convicted of a misdemeanor, provided that
application may be made prior to that time if authorized under
division (A) (1) (d) of this section;

(d) If the conviction was of a violation of section 6512
2925.11, 2925.111, or 2925.112 of the Revised Code that is a 6513
misdemeanor or a felony of the fourth or fifth degree or that 6514
was a violation of a municipal ordinance of a municipal 6515
corporation of this state that is substantially equivalent to 6516
either section, at any time after successful completion of 6517
either of the following: 6518

(i) A treatment program or other type of program imposed 6519
on the eligible offender with respect to the offense, by a drug 6520
court; 6521

(ii) An intervention plan imposed on the eligible offender 6522
with respect to the offense, pursuant to a grant of intervention 6523
in lieu of conviction under section 2951.041 of the Revised 6524
Code. 6525

(2) Any person who has been arrested for any misdemeanor 6526
offense and who has effected a bail forfeiture for the offense 6527
charged may apply to the court in which the misdemeanor criminal 6528
case was pending when bail was forfeited for the sealing of the 6529
record of the case that pertains to the charge. Except as 6530
provided in section 2953.61 of the Revised Code, the application 6531
may be filed at any time after the expiration of one year from 6532
the date on which the bail forfeiture was entered upon the 6533
minutes of the court or the journal, whichever entry occurs 6534
first. 6535

(3) On and after the effective date of this amendment, any 6536
conviction of a violation of section 2925.11, 2925.111, or 6537
2925.112 of the Revised Code that, prior to that date, was a 6538
felony and that is a reclassified misdemeanor drug possession 6539
offense on and after that date shall be considered and treated 6540
for purposes of sections 2953.31 to 2953.36 of the Revised Code 6541

as if it were, and always had been, a conviction of a
misdemeanor.

(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. The
probation officer or county department of probation that the
court directs to make inquiries concerning the applicant shall
determine whether or not the applicant was fingerprinted at the
time of arrest or under section 109.60 of the Revised Code. If
the applicant was so fingerprinted, the probation officer or
county department of probation shall include with the written
report a record of the applicant's fingerprints. If the
applicant was convicted of or pleaded guilty to a violation of
division (A) (2) or (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 an eligible
offender or whether the forfeiture of bail was agreed to by the

applicant and the prosecutor in the case. If the applicant 6572
applies as an eligible offender pursuant to division (A)(1) of 6573
this section and has two or three convictions that result from 6574
the same indictment, information, or complaint, from the same 6575
plea of guilty, or from the same official proceeding, and result 6576
from related criminal acts that were committed within a three- 6577
month period but do not result from the same act or from 6578
offenses committed at the same time, in making its determination 6579
under this division, the court initially shall determine whether 6580
it is not in the public interest for the two or three 6581
convictions to be counted as one conviction. If the court 6582
determines that it is not in the public interest for the two or 6583
three convictions to be counted as one conviction, the court 6584
shall determine that the applicant is not an eligible offender; 6585
if the court does not make that determination, the court shall 6586
determine that the offender is an eligible offender. 6587

(b) Determine whether criminal proceedings are pending 6588
against the applicant; 6589

(c) If the applicant is an eligible offender who applies 6590
pursuant to division (A)(1) of this section, determine whether 6591
the applicant has been rehabilitated to the satisfaction of the 6592
court; 6593

(d) If the prosecutor has filed an objection in accordance 6594
with division (B) of this section, consider the reasons against 6595
granting the application specified by the prosecutor in the 6596
objection; 6597

(e) Weigh the interests of the applicant in having the 6598
records pertaining to the applicant's conviction or bail 6599
forfeiture sealed against the legitimate needs, if any, of the 6600
government to maintain those records. 6601

(2) If the court determines, after complying with division 6602
(C) (1) of this section, that the applicant is an eligible 6603
offender or the subject of a bail forfeiture, that no criminal 6604
proceeding is pending against the applicant, that the interests 6605
of the applicant in having the records pertaining to the 6606
applicant's conviction or bail forfeiture sealed are not 6607
outweighed by any legitimate governmental needs to maintain 6608
those records, and that the rehabilitation of an applicant who 6609
is an eligible offender applying pursuant to division (A) (1) of 6610
this section has been attained to the satisfaction of the court, 6611
the court, except as provided in division (C) (4), (G), (H), or 6612
(I) of this section, shall order all official records of the 6613
case that pertain to the conviction or bail forfeiture sealed 6614
and, except as provided in division (F) of this section, all 6615
index references to the case that pertain to the conviction or 6616
bail forfeiture deleted and, in the case of bail forfeitures, 6617
shall dismiss the charges in the case. The proceedings in the 6618
case that pertain to the conviction or bail forfeiture shall be 6619
considered not to have occurred and the conviction or bail 6620
forfeiture of the person who is the subject of the proceedings 6621
shall be sealed, except that upon conviction of a subsequent 6622
offense, the sealed record of prior conviction or bail 6623
forfeiture may be considered by the court in determining the 6624
sentence or other appropriate disposition, including the relief 6625
provided for in sections 2953.31 to 2953.33 of the Revised Code. 6626

(3) An applicant may request the sealing of the records of 6627
more than one case in a single application under this section. 6628
Upon the filing of an application under this section, the 6629
applicant, unless indigent, shall pay a fee of fifty dollars, 6630
regardless of the number of records the application requests to 6631
have sealed. The court shall pay thirty dollars of the fee into 6632

the state treasury. It shall pay twenty dollars of the fee into 6633
the county general revenue fund if the sealed conviction or bail 6634
forfeiture was pursuant to a state statute, or into the general 6635
revenue fund of the municipal corporation involved if the sealed 6636
conviction or bail forfeiture was pursuant to a municipal 6637
ordinance. 6638

(4) If the court orders the official records pertaining to 6639
the case sealed, the court shall do one of the following: 6640

(a) If the applicant was fingerprinted at the time of 6641
arrest or under section 109.60 of the Revised Code and the 6642
record of the applicant's fingerprints was provided to the court 6643
under division (B) of this section, forward a copy of the 6644
sealing order and the record of the applicant's fingerprints to 6645
the bureau of criminal identification and investigation. 6646

(b) If the applicant was not fingerprinted at the time of 6647
arrest or under section 109.60 of the Revised Code, or the 6648
record of the applicant's fingerprints was not provided to the 6649
court under division (B) of this section, but fingerprinting was 6650
required for the offense, order the applicant to appear before a 6651
sheriff to have the applicant's fingerprints taken according to 6652
the fingerprint system of identification on the forms furnished 6653
by the superintendent of the bureau of criminal identification 6654
and investigation. The sheriff shall forward the applicant's 6655
fingerprints to the court. The court shall forward the 6656
applicant's fingerprints and a copy of the sealing order to the 6657
bureau of criminal identification and investigation. 6658

Failure of the court to order fingerprints at the time of 6659
sealing does not constitute a reversible error. 6660

(D) Inspection of the sealed records included in the order 6661

may be made only by the following persons or for the following 6662
purposes: 6663

(1) By a law enforcement officer or prosecutor, or the 6664
assistants of either, to determine whether the nature and 6665
character of the offense with which a person is to be charged 6666
would be affected by virtue of the person's previously having 6667
been convicted of a crime; 6668

(2) By the parole or probation officer of the person who 6669
is the subject of the records, for the exclusive use of the 6670
officer in supervising the person while on parole or under a 6671
community control sanction or a post-release control sanction, 6672
and in making inquiries and written reports as requested by the 6673
court or adult parole authority; 6674

(3) Upon application by the person who is the subject of 6675
the records, by the persons named in the application; 6676

(4) By a law enforcement officer who was involved in the 6677
case, for use in the officer's defense of a civil action arising 6678
out of the officer's involvement in that case; 6679

(5) By a prosecuting attorney or the prosecuting 6680
attorney's assistants, to determine a defendant's eligibility to 6681
enter a pre-trial diversion program established pursuant to 6682
section 2935.36 of the Revised Code; 6683

(6) By any law enforcement agency or any authorized 6684
employee of a law enforcement agency or by the department of 6685
rehabilitation and correction or department of youth services as 6686
part of a background investigation of a person who applies for 6687
employment with the agency or with the department; 6688

(7) By any law enforcement agency or any authorized 6689
employee of a law enforcement agency, for the purposes set forth 6690

in, and in the manner provided in, section 2953.321 of the 6691
Revised Code; 6692

(8) By the bureau of criminal identification and 6693
investigation or any authorized employee of the bureau for the 6694
purpose of providing information to a board or person pursuant 6695
to division (F) or (G) of section 109.57 of the Revised Code; 6696

(9) By the bureau of criminal identification and 6697
investigation or any authorized employee of the bureau for the 6698
purpose of performing a criminal history records check on a 6699
person to whom a certificate as prescribed in section 109.77 of 6700
the Revised Code is to be awarded; 6701

(10) By the bureau of criminal identification and 6702
investigation or any authorized employee of the bureau for the 6703
purpose of conducting a criminal records check of an individual 6704
pursuant to division (B) of section 109.572 of the Revised Code 6705
that was requested pursuant to any of the sections identified in 6706
division (B)(1) of that section; 6707

(11) By the bureau of criminal identification and 6708
investigation, an authorized employee of the bureau, a sheriff, 6709
or an authorized employee of a sheriff in connection with a 6710
criminal records check described in section 311.41 of the 6711
Revised Code; 6712

(12) By the attorney general or an authorized employee of 6713
the attorney general or a court for purposes of determining a 6714
person's classification pursuant to Chapter 2950. of the Revised 6715
Code; 6716

(13) By a court, the registrar of motor vehicles, a 6717
prosecuting attorney or the prosecuting attorney's assistants, 6718
or a law enforcement officer for the purpose of assessing points 6719

against a person under section 4510.036 of the Revised Code or 6720
for taking action with regard to points assessed. 6721

When the nature and character of the offense with which a 6722
person is to be charged would be affected by the information, it 6723
may be used for the purpose of charging the person with an 6724
offense. 6725

(E) In any criminal proceeding, proof of any otherwise 6726
admissible prior conviction may be introduced and proved, 6727
notwithstanding the fact that for any such prior conviction an 6728
order of sealing previously was issued pursuant to sections 6729
2953.31 to 2953.36 of the Revised Code. 6730

(F) The person or governmental agency, office, or 6731
department that maintains sealed records pertaining to 6732
convictions or bail forfeitures that have been sealed pursuant 6733
to this section may maintain a manual or computerized index to 6734
the sealed records. The index shall contain only the name of, 6735
and alphanumeric identifiers that relate to, the persons who are 6736
the subject of the sealed records, the word "sealed," and the 6737
name of the person, agency, office, or department that has 6738
custody of the sealed records, and shall not contain the name of 6739
the crime committed. The index shall be made available by the 6740
person who has custody of the sealed records only for the 6741
purposes set forth in divisions (C), (D), and (E) of this 6742
section. 6743

(G) Notwithstanding any provision of this section or 6744
section 2953.33 of the Revised Code that requires otherwise, a 6745
board of education of a city, local, exempted village, or joint 6746
vocational school district that maintains records of an 6747
individual who has been permanently excluded under sections 6748
3301.121 and 3313.662 of the Revised Code is permitted to 6749

maintain records regarding a conviction that was used as the 6750
basis for the individual's permanent exclusion, regardless of a 6751
court order to seal the record. An order issued under this 6752
section to seal the record of a conviction does not revoke the 6753
adjudication order of the superintendent of public instruction 6754
to permanently exclude the individual who is the subject of the 6755
sealing order. An order issued under this section to seal the 6756
record of a conviction of an individual may be presented to a 6757
district superintendent as evidence to support the contention 6758
that the superintendent should recommend that the permanent 6759
exclusion of the individual who is the subject of the sealing 6760
order be revoked. Except as otherwise authorized by this 6761
division and sections 3301.121 and 3313.662 of the Revised Code, 6762
any school employee in possession of or having access to the 6763
sealed conviction records of an individual that were the basis 6764
of a permanent exclusion of the individual is subject to section 6765
2953.35 of the Revised Code. 6766

(H) For purposes of sections 2953.31 to 2953.36 of the 6767
Revised Code, DNA records collected in the DNA database and 6768
fingerprints filed for record by the superintendent of the 6769
bureau of criminal identification and investigation shall not be 6770
sealed unless the superintendent receives a certified copy of a 6771
final court order establishing that the offender's conviction 6772
has been overturned. For purposes of this section, a court order 6773
is not "final" if time remains for an appeal or application for 6774
discretionary review with respect to the order. 6775

(I) The sealing of a record under this section does not 6776
affect the assessment of points under section 4510.036 of the 6777
Revised Code and does not erase points assessed against a person 6778
as a result of the sealed record. 6779

Sec. 2953.52. (A)(1) Any person, who is found not guilty 6780
of an offense by a jury or a court or who is the defendant named 6781
in a dismissed complaint, indictment, or information, including 6782
a dismissal of the type described in division (D)(2)(b) of 6783
section 2925.11 of the Revised Code, may apply to the court for 6784
an order to seal the person's official records in the case. 6785
Except as provided in section 2953.61 of the Revised Code, the 6786
application may be filed at any time after the finding of not 6787
guilty or the dismissal of the complaint, indictment, or 6788
information is entered upon the minutes of the court or the 6789
journal, whichever entry occurs first. 6790

(2) Any person, against whom a no bill is entered by a 6791
grand jury, may apply to the court for an order to seal his 6792
official records in the case. Except as provided in section 6793
2953.61 of the Revised Code, the application may be filed at any 6794
time after the expiration of two years after the date on which 6795
the foreperson or deputy foreperson of the grand jury reports to 6796
the court that the grand jury has reported a no bill. 6797

(B)(1) Upon the filing of an application pursuant to 6798
division (A) of this section, the court shall set a date for a 6799
hearing and shall notify the prosecutor in the case of the 6800
hearing on the application. The prosecutor may object to the 6801
granting of the application by filing an objection with the 6802
court prior to the date set for the hearing. The prosecutor 6803
shall specify in the objection the reasons the prosecutor 6804
believes justify a denial of the application. 6805

(2) The court shall do each of the following, except as 6806
provided in division (B)(3) of this section: 6807

(a)(i) Determine whether the person was found not guilty 6808
in the case, or the complaint, indictment, or information in the 6809

case was dismissed, or a no bill was returned in the case and a 6810
period of two years or a longer period as required by section 6811
2953.61 of the Revised Code has expired from the date of the 6812
report to the court of that no bill by the foreperson or deputy 6813
foreperson of the grand jury; 6814

(ii) If the complaint, indictment, or information in the 6815
case was dismissed, determine whether it was dismissed with 6816
prejudice or without prejudice and, if it was dismissed without 6817
prejudice, determine whether the relevant statute of limitations 6818
has expired~~+~~, provided that this division does not apply if the 6819
complaint, indictment, or information was a charge of a drug 6820
possession offense and the charge was dismissed as described in 6821
division (D) (2) (b) of section 2925.11 of the Revised Code. 6822

(b) Determine whether criminal proceedings are pending 6823
against the person; 6824

(c) If the prosecutor has filed an objection in accordance 6825
with division (B) (1) of this section, consider the reasons 6826
against granting the application specified by the prosecutor in 6827
the objection; 6828

(d) Weigh the interests of the person in having the 6829
official records pertaining to the case sealed against the 6830
legitimate needs, if any, of the government to maintain those 6831
records. 6832

(3) If the court determines after complying with division 6833
(B) (2) (a) of this section that the person was found not guilty 6834
in the case, that the complaint, indictment, or information was 6835
a charge of a drug possession offense and the charge was 6836
dismissed as described in division (D) (2) (b) of section 2925.11 6837
of the Revised Code, that the complaint, indictment, or 6838

information in the case was a charge other than a charge of a 6839
drug possession offense and was dismissed with prejudice, or 6840
that the complaint, indictment, or information in the case was a 6841
charge other than a charge of a drug possession offense and was 6842
dismissed without prejudice and that the relevant statute of 6843
limitations has expired, the court shall issue an order to the 6844
superintendent of the bureau of criminal identification and 6845
investigation directing that the superintendent seal or cause to 6846
be sealed the official records in the case consisting of DNA 6847
specimens that are in the possession of the bureau and all DNA 6848
records and DNA profiles. The determinations and considerations 6849
described in divisions (B) (2) (b), (c), and (d) of this section 6850
do not apply with respect to a determination of the court 6851
described in this division. 6852

(4) The determinations described in this division are 6853
separate from the determination described in division (B) (3) of 6854
this section. If the court determines, after complying with 6855
division (B) (2) of this section, that the person was found not 6856
guilty in the case, that the complaint, indictment, or 6857
information was a charge of a drug possession offense and the 6858
charge was dismissed as described in division (D) (2) (b) of 6859
section 2925.11 of the Revised Code, that the complaint, 6860
indictment, or information in the case was a charge other than a 6861
charge of a drug possession offense and was dismissed, or that a 6862
no bill was returned in the case and that the appropriate period 6863
of time has expired from the date of the report to the court of 6864
the no bill by the foreperson or deputy foreperson of the grand 6865
jury; that no criminal proceedings are pending against the 6866
person; and the interests of the person in having the records 6867
pertaining to the case sealed are not outweighed by any 6868
legitimate governmental needs to maintain such records, or if 6869

division (E) (2) (b) of section 4301.69 of the Revised Code 6870
applies, in addition to the order required under division (B) (3) 6871
of this section, the court shall issue an order directing that 6872
all official records pertaining to the case be sealed and that, 6873
except as provided in section 2953.53 of the Revised Code, the 6874
proceedings in the case be deemed not to have occurred. 6875

(5) Any DNA specimens, DNA records, and DNA profiles 6876
ordered to be sealed under this section shall not be sealed if 6877
the person with respect to whom the order applies is otherwise 6878
eligible to have DNA records or a DNA profile in the national 6879
DNA index system. 6880

(C) As used in this section, "drug possession offense" 6881
means a violation of section 2925.11, 2925.111, or 2925.112 of 6882
the Revised Code. 6883

Sec. 2981.01. (A) Forfeitures under this chapter shall be 6884
governed by all of the following purposes: 6885

(1) To provide economic disincentives and remedies to 6886
deter and offset the economic effect of offenses by seizing and 6887
forfeiting contraband, proceeds, and certain instrumentalities; 6888

(2) To ensure that seizures and forfeitures of 6889
instrumentalities are proportionate to the offense committed; 6890

(3) To protect third parties from wrongful forfeiture of 6891
their property; 6892

(4) To prioritize restitution for victims of offenses. 6893

(B) As used in this chapter: 6894

(1) "Aircraft" has the same meaning as in section 4561.01 6895
of the Revised Code. 6896

(2) "Computers," "computer networks," "computer systems," 6897
"computer software," and "telecommunications device" have the 6898
same meanings as in section 2913.01 of the Revised Code. 6899

(3) "Financial institution" means a bank, credit union, 6900
savings and loan association, or a licensee or registrant under 6901
Chapter 1321. of the Revised Code. 6902

(4) "Firearm" and "dangerous ordnance" have the same 6903
meanings as in section 2923.11 of the Revised Code. 6904

(5) "Innocent person" includes any bona fide purchaser of 6905
property that is subject to forfeiture, including any person who 6906
establishes a valid claim to or interest in the property in 6907
accordance with section 2981.04 of the Revised Code, and any 6908
victim of an alleged offense. 6909

(6) "Instrumentality" means property otherwise lawful to 6910
possess that is used in or intended to be used in an offense. An 6911
"instrumentality" may include, but is not limited to, a firearm, 6912
a mobile instrumentality, a computer, a computer network, a 6913
computer system, computer software, a telecommunications device, 6914
money, and any other means of exchange. 6915

(7) "Law enforcement agency" includes, but is not limited 6916
to, the state board of pharmacy, the enforcement division of the 6917
department of taxation, the Ohio casino control commission, and 6918
the office of the prosecutor. 6919

(8) "Mobile instrumentality" means an instrumentality that 6920
is inherently mobile and used in the routine transport of 6921
persons. "Mobile instrumentality" includes, but is not limited 6922
to, any vehicle, any watercraft, and any aircraft. 6923

(9) "Money" has the same meaning as in section 1301.201 of 6924
the Revised Code. 6925

(10) "Offense" means any act or omission that could be charged as a criminal offense or a delinquent act, whether or not a formal criminal prosecution or delinquent child proceeding began at the time the forfeiture is initiated. Except as otherwise specified, an offense for which property may be forfeited includes any felony and any misdemeanor. The commission of an "offense" includes the commission of a delinquent act.

(11) "Proceeds" means both of the following:

(a) In cases involving unlawful goods, services, or activities, "proceeds" means any property derived directly or indirectly from an offense. "Proceeds" may include, but is not limited to, money or any other means of exchange. "Proceeds" is not limited to the net gain or profit realized from the offense. "Proceeds" does not include property, including money or other means of exchange, if all of the following apply to that property:

(i) It is held under clear title by a law enforcement agency.

(ii) It is used or may be used to purchase contraband for the purpose of investigating any drug abuse offense, as defined in section 2925.01 of the Revised Code.

(iii) If it is used to purchase contraband under division (B) (11) (a) (ii) of this section, the property continues to be considered the property of the law enforcement agency if the agency establishes a clear chain of custody of it.

(b) In cases involving lawful goods or services that are sold or provided in an unlawful manner, "proceeds" means the amount of money or other means of exchange acquired through the

illegal transactions resulting in the forfeiture, less the 6955
direct costs lawfully incurred in providing the goods or 6956
services. The lawful costs deduction does not include any part 6957
of the overhead expenses of, or income taxes paid by, the entity 6958
providing the goods or services. The alleged offender or 6959
delinquent child has the burden to prove that any costs are 6960
lawfully incurred. 6961

(12) "Property" means "property" as defined in section 6962
2901.01 of the Revised Code and any benefit, privilege, claim, 6963
position, interest in an enterprise, or right derived, directly 6964
or indirectly, from the offense. 6965

(13) "Property subject to forfeiture" includes contraband 6966
and proceeds and may include instrumentalities as provided in 6967
this chapter. 6968

(14) "Prosecutor" has the same meaning as in section 6969
2935.01 of the Revised Code. When relevant, "prosecutor" also 6970
includes the attorney general. 6971

(15) "Vehicle" has the same meaning as in section 4501.01 6972
of the Revised Code. 6973

(16) "Watercraft" has the same meaning as in section 6974
1546.01 of the Revised Code. 6975

(C) The penalties and procedures under Chapters 2923., 6976
2925., 2933., and 3772. of the Revised Code remain in effect to 6977
the extent that they do not conflict with this chapter. 6978

(D) (1) If, prior to the effective date of this amendment, 6979
a person committed a violation of the version of section 2925.11 6980
of the Revised Code that was in effect prior to that effective 6981
date, if the violation was a felony when it was committed, and 6982
if on that effective date the violation is changed to an 6983

unclassified misdemeanor, notwithstanding the change of the 6984
classification of the violation to an unclassified misdemeanor, 6985
on and after that effective date, the provisions of this chapter 6986
remain applicable with respect to the person and the violation 6987
to the same extent as if the charge against the person had 6988
remained a charge of a felony. This division applies regardless 6989
of whether, on the effective date of this amendment, a 6990
forfeiture proceeding is pending under this chapter against the 6991
person based on the violation. 6992

(2) If, prior to the effective date of this amendment, 6993
property of a person was forfeited under this chapter based on a 6994
violation of the version of section 2925.11 of the Revised Code 6995
that was in effect prior to that effective date, if the 6996
violation was a felony when it was committed, and if on that 6997
effective date the violation is changed to an unclassified 6998
misdemeanor, notwithstanding the change of the classification of 6999
the violation to an unclassified misdemeanor, on and after that 7000
effective date, the change of the classification of the 7001
violation does not affect the validity of the forfeiture and, 7002
for purposes of this chapter, the violation shall be considered 7003
as if it had remained a felony. 7004

Sec. 5119.93. (A) A person may initiate proceedings for 7005
treatment for an individual suffering from alcohol and other 7006
drug abuse by filing a verified petition in the probate court- 7007
~~and paying a filing fee in the same amount, if any, that is~~ 7008
~~charged for the filing under section 5122.11 of the Revised Code~~ 7009
~~of an affidavit seeking the hospitalization of a person.~~ The 7010
petition and all subsequent court documents shall be entitled: 7011
"In the interest of (name of respondent)." A spouse, relative, 7012
or guardian of the individual concerning whom the petition is 7013
filed shall file the petition. A petition filed under this 7014

division shall be kept confidential and shall not be disclosed 7015
by any person, except as needed for purposes of this section or 7016
when disclosure is ordered by a court. 7017

(B) A petition filed under division (A) of this section 7018
shall set forth all of the following: 7019

(1) The petitioner's relationship to the respondent; 7020

(2) The respondent's name, residence address, and current 7021
location, if known; 7022

(3) The name and residence of the respondent's parents, if 7023
living and if known, or of the respondent's legal guardian, if 7024
any and if known; 7025

(4) The name and residence of the respondent's spouse, if 7026
any and if known; 7027

(5) The name and residence of the person having custody of 7028
the respondent, if any, or if no such person is known, the name 7029
and residence of a near relative or a statement that the person 7030
is unknown; 7031

(6) The petitioner's belief, including the factual basis 7032
for the belief, that the respondent is suffering from alcohol 7033
and other drug abuse and presents an imminent danger or imminent 7034
threat of danger to self, family, or others if not treated for 7035
alcohol or other drug abuse; 7036

(7) If the petitioner's belief specified in division (B) 7037
(6) of this section is that the respondent is suffering from 7038
opioid or opiate abuse, the information provided in the petition 7039
under that division also shall include any evidence that the 7040
respondent has overdosed and been revived one or more times by 7041
an opioid antagonist, overdosed in a vehicle, or overdosed in 7042

the presence of a minor.

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(C) (1) Any petition filed pursuant to divisions (A) and
(B) of this section shall be accompanied by a certificate of a
physician who has examined the respondent within two days prior
to the day that the petition is filed in the probate court. The
physician shall be authorized to practice medicine and surgery
or osteopathic medicine and surgery under Chapter 4731. of the
Revised Code. A physician who is responsible for admitting
persons into treatment, if that physician examines the
respondent, may be the physician who completes the certificate.
The physician's certificate shall set forth the physician's
findings in support of the need to treat the respondent for
alcohol or other drug abuse. The certificate shall indicate if
the respondent presents an imminent danger or imminent threat of
danger to self, family, or others if not treated. Further, the
certificate shall indicate the type and length of treatment
required and if the respondent can reasonably benefit from
treatment. If the physician's certificate indicates that
inpatient treatment is required, the certificate shall identify
any inpatient facilities known to the physician that are able
and willing to provide the recommended inpatient treatment.

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If the respondent refuses to undergo an examination with a
physician concerning the respondent's possible need for
treatment for alcohol or other drug abuse, the petition shall
state that the respondent has refused all requests made by the
petitioner to undergo a physician's examination. In that case,
the petitioner shall not be required to provide a physician's
certificate with the petition.

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(2) Any petition filed pursuant to divisions (A) and (B)
of this section shall contain a statement that the petitioner

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has arranged for treatment of the respondent. Further, the 7073
petition shall be accompanied by a statement from the person or 7074
facility who has agreed to provide the treatment that verifies 7075
that the person or facility has agreed to provide the treatment 7076
and the estimated cost of the treatment. 7077

(D) Any petition filed pursuant to divisions (A) and (B) 7078
of this section shall be accompanied by both of the following: 7079

(1) One of the following: 7080

(a) A security deposit to be deposited with the clerk of 7081
the probate court that will cover half of the estimated cost of 7082
treatment of the respondent; 7083

(b) Documentation establishing that insurance coverage of 7084
the petitioner or respondent will cover at least half of the 7085
estimated cost of treatment of the respondent; 7086

(c) Other evidence to the satisfaction of the court 7087
establishing that the petitioner or respondent will be able to 7088
cover some of the estimated cost of treatment of the respondent. 7089

(2) One of the following: 7090

(a) A guarantee, signed by the petitioner or another 7091
person authorized to file the petition, obligating the guarantor 7092
to pay the costs of the examinations of the respondent conducted 7093
by the physician and qualified health professional under 7094
division (B) (5) of section 5119.94 of the Revised Code, the 7095
costs of the respondent that are associated with a hearing 7096
conducted in accordance with section 5119.94 of the Revised Code 7097
and that the court determines to be appropriate, and the costs 7098
of any treatment ordered by the court; 7099

(b) Documentation establishing that insurance coverage of 7100

the petitioner or respondent will cover the costs described in 7101
division (D) (2) (a) of this section; 7102

(c) Documentation establishing that, consistent with the 7103
evidence described in division (D) (1) (c) of this section, the 7104
petitioner or respondent will cover some of the costs described 7105
in division (D) (2) (a) of this section. 7106

Sec. 5119.94. (A) Upon receipt of a petition filed under 7107
section 5119.93 of the Revised Code ~~and the payment of the~~ 7108
~~appropriate filing fee, if any,~~ the probate court shall examine 7109
the petitioner under oath as to the contents of the petition. 7110

(B) If, after reviewing the allegations contained in the 7111
petition and examining the petitioner under oath, it appears to 7112
the probate court that there is probable cause to believe the 7113
respondent may reasonably benefit from treatment, the court 7114
shall do all of the following: 7115

(1) Schedule a hearing to be held within seven days to 7116
determine if there is clear and convincing evidence that the 7117
respondent may reasonably benefit from treatment for alcohol and 7118
other drug abuse; 7119

(2) Notify the respondent, the legal guardian, if any and 7120
if known, and the spouse, parents, or nearest relative or friend 7121
of the respondent concerning the allegations and contents of the 7122
petition and of the date and purpose of the hearing; 7123

(3) Notify the respondent that the respondent may retain 7124
counsel and, if the person is unable to obtain an attorney, that 7125
the respondent may be represented by court-appointed counsel at 7126
public expense if the person is indigent. Upon the appointment 7127
of an attorney to represent an indigent respondent, the court 7128
shall notify the respondent of the name, address, and telephone 7129

number of the attorney appointed to represent the respondent. 7130

(4) Notify the respondent that the court shall cause the 7131
respondent to be examined not later than twenty-four hours 7132
before the hearing date by a physician for the purpose of a 7133
physical examination and by a qualified health professional for 7134
the purpose of a drug and alcohol addiction assessment and 7135
diagnosis. In addition, the court shall notify the respondent 7136
that the respondent may have an independent expert evaluation of 7137
the person's physical and mental condition conducted at the 7138
respondent's own expense. 7139

(5) Cause the respondent to be examined not later than 7140
twenty-four hours before the hearing date by a ~~physician for the~~ 7141
~~purpose of a physical examination and by a~~ qualified health 7142
professional for the purpose of a drug and alcohol addiction 7143
assessment and diagnosis; 7144

(6) Conduct the hearing. 7145

(C) The ~~physician and~~ qualified health professional who 7146
~~examine~~ examines the respondent pursuant to division (B) (5) of 7147
this section or who ~~are~~ is obtained by the respondent at the 7148
respondent's own expense shall certify ~~their~~ the professional's 7149
findings to the court within twenty-four hours of the 7150
~~examinations~~ examination. The findings of each qualified health 7151
professional shall include a recommendation for treatment if the 7152
qualified health professional determines that treatment is 7153
necessary. 7154

(D) (1) (a) If upon completion of the hearing held under 7155
this section the probate court finds by clear and convincing 7156
evidence that the respondent may reasonably benefit from 7157
treatment, the court ~~may~~ shall order the treatment after 7158

considering the qualified health professionals' recommendations 7159
for treatment that have been submitted to the court under 7160
division (C) of this section. Evidence that the respondent has 7161
overdosed and been revived one or more times by an opioid 7162
antagonist, overdosed in a vehicle, or overdosed in the presence 7163
of a minor is sufficient to satisfy this evidentiary 7164
requirement. If the court orders the treatment under this 7165
division, the order shall specify the type of treatment to be 7166
provided, the type of required aftercare, and the duration of 7167
the required aftercare which shall be at least three months and 7168
shall not exceed six months, and the court shall order the 7169
treatment to be provided through a community addiction services 7170
provider or by an individual licensed or certified by the state 7171
medical board under Chapter 4731. of the Revised Code, the 7172
chemical dependency professionals board under Chapter 4758. of 7173
the Revised Code, the counselor, social worker, and marriage and 7174
family therapist board under Chapter 4757. of the Revised Code, 7175
or a similar board of another state authorized to provide 7176
substance abuse treatment. In addition, the court also may order 7177
that the respondent submit to periodic examinations by a 7178
qualified mental health professional to determine if the 7179
treatment remains necessary. 7180

(b) If the qualified health professional who examines the 7181
respondent certifies that the respondent meets the criteria 7182
specified in division (B)(6) of section 5119.93 of the Revised 7183
Code, if the court orders treatment under division (D)(1)(a) of 7184
this section, and if the court finds by clear and convincing 7185
evidence that the respondent presents an imminent danger or 7186
imminent threat of danger to self, family, or others as a result 7187
of alcohol or other drug abuse, separate from the treatment 7188
described in division (D)(1)(a) of this section, the court may 7189

order that the respondent be hospitalized for a period not to 7190
exceed seventy-two hours. The court shall direct that the order 7191
shall be executed as soon as possible, but not later than 7192
seventy-two hours, after its issuance. If the order cannot be 7193
executed within seventy-two hours after its issuance, it remains 7194
valid for sixty days after its issuance, subject to tolling as 7195
described in division (D)(1)(c) of this section, and may be 7196
executed at any time during that six-month period or that six- 7197
month period as extended by the tolling. Any respondent who has 7198
been admitted to a hospital under this division shall be 7199
released within seventy-two hours of admittance, unless the 7200
respondent voluntarily agrees to remain longer. A respondent who 7201
voluntarily agrees to remain longer may be hospitalized for the 7202
additional period of time agreed to by the respondent. No 7203
respondent ordered under this division to be hospitalized shall 7204
be held in jail pending transportation to the hospital unless 7205
the court has previously found the respondent to be in contempt 7206
of court for either failure to undergo treatment or failure to 7207
appear at an evaluation ordered under this section. 7208

(c) The six-month period for execution of an order 7209
specified in division (D)(1)(b) of this section shall not run 7210
during any time when the respondent purposely avoids execution 7211
of the order. Proof that the respondent departed this state or 7212
concealed the respondent's identity or whereabouts is prima- 7213
facie evidence of the respondent's purpose to avoid the 7214
execution. 7215

(2)(a) Failure of a respondent to undergo and complete any 7216
treatment ordered pursuant to this division is contempt of 7217
court. Any community addiction services provider or person 7218
providing treatment under this division shall notify the probate 7219
court of a respondent's failure to undergo or complete the 7220

ordered treatment.

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(b) In addition to and separate from the sanction
specified in division (D) (2) (a) of this section, if a respondent
fails to undergo and complete any treatment ordered pursuant to
this section, the court may issue a summons. The summons shall
be directed to the respondent and shall command the respondent
to appear at a time and place specified in the summons. If a
respondent who has been summoned under this division fails to
appear at the specified time and place, the court may order a
peace officer, as defined in section 2935.01 of the Revised
Code, to transport the respondent to a place described in
division (D) (1) (a) of this section or a hospital for treatment.
The peace officer, with the approval of the officer's agency,
may provide for the transportation of the respondent by a
private entity. The transportation costs of the peace officer or
the private entity shall be included within the costs of
treatment.

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(E) If, at any time after a petition is filed under
section 5119.93 of the Revised Code, the probate court finds
that there is not probable cause to continue treatment or if the
petitioner withdraws the petition, then the court shall dismiss
the proceedings against the respondent.

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Section 2. That existing sections 1901.186, 1901.20,
1907.02, 2901.13, 2923.02, 2923.13, 2925.01, 2925.03, 2925.11,
2929.01, 2929.13, 2929.14, 2929.15, 2931.03, 2941.1410, 2945.71,
2953.31, 2953.32, 2953.52, 2981.01, 5119.93, and 5119.94 of the
Revised Code are hereby repealed.

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Section 3. That sections 109.572, 128.04, 177.01,
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41,
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22,

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2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 7251
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 7252
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 7253
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 7254
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 7255
5119.37, 5120.53, 5153.111, and 5502.13 of the Revised Code be 7256
amended to read as follows: 7257

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 7258
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 7259
Code, a completed form prescribed pursuant to division (C) (1) of 7260
this section, and a set of fingerprint impressions obtained in 7261
the manner described in division (C) (2) of this section, the 7262
superintendent of the bureau of criminal identification and 7263
investigation shall conduct a criminal records check in the 7264
manner described in division (B) of this section to determine 7265
whether any information exists that indicates that the person 7266
who is the subject of the request previously has been convicted 7267
of or pleaded guilty to any of the following: 7268

(a) A violation of section 2903.01, 2903.02, 2903.03, 7269
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7270
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 7271
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 7272
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 7273
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 7274
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7275
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 7276
Code, felonious sexual penetration in violation of former 7277
section 2907.12 of the Revised Code, a violation of section 7278
2905.04 of the Revised Code as it existed prior to July 1, 1996, 7279
a violation of section 2919.23 of the Revised Code that would 7280
have been a violation of section 2905.04 of the Revised Code as 7281

it existed prior to July 1, 1996, had the violation been 7282
committed prior to that date, or a violation of section 2925.11, 7283
2925.111, or 2925.112 of the Revised Code that is not a minor 7284
drug possession offense; 7285

(b) A violation of an existing or former law of this 7286
state, any other state, or the United States that is 7287
substantially equivalent to any of the offenses listed in 7288
division (A) (1) (a) of this section; 7289

(c) If the request is made pursuant to section 3319.39 of 7290
the Revised Code for an applicant who is a teacher, any offense 7291
specified in section 3319.31 of the Revised Code. 7292

(2) On receipt of a request pursuant to section 3712.09 or 7293
3721.121 of the Revised Code, a completed form prescribed 7294
pursuant to division (C) (1) of this section, and a set of 7295
fingerprint impressions obtained in the manner described in 7296
division (C) (2) of this section, the superintendent of the 7297
bureau of criminal identification and investigation shall 7298
conduct a criminal records check with respect to any person who 7299
has applied for employment in a position for which a criminal 7300
records check is required by those sections. The superintendent 7301
shall conduct the criminal records check in the manner described 7302
in division (B) of this section to determine whether any 7303
information exists that indicates that the person who is the 7304
subject of the request previously has been convicted of or 7305
pleaded guilty to any of the following: 7306

(a) A violation of section 2903.01, 2903.02, 2903.03, 7307
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7308
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7309
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7310
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 7311

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 7312
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 7313
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7314
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 7315
2925.23, or 3716.11 of the Revised Code; 7316

(b) An existing or former law of this state, any other 7317
state, or the United States that is substantially equivalent to 7318
any of the offenses listed in division (A) (2) (a) of this 7319
section. 7320

(3) On receipt of a request pursuant to section 173.27, 7321
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 7322
5123.081, or 5123.169 of the Revised Code, a completed form 7323
prescribed pursuant to division (C) (1) of this section, and a 7324
set of fingerprint impressions obtained in the manner described 7325
in division (C) (2) of this section, the superintendent of the 7326
bureau of criminal identification and investigation shall 7327
conduct a criminal records check of the person for whom the 7328
request is made. The superintendent shall conduct the criminal 7329
records check in the manner described in division (B) of this 7330
section to determine whether any information exists that 7331
indicates that the person who is the subject of the request 7332
previously has been convicted of, has pleaded guilty to, or 7333
(except in the case of a request pursuant to section 5164.34, 7334
5164.341, or 5164.342 of the Revised Code) has been found 7335
eligible for intervention in lieu of conviction for any of the 7336
following, regardless of the date of the conviction, the date of 7337
entry of the guilty plea, or (except in the case of a request 7338
pursuant to section 5164.34, 5164.341, or 5164.342 of the 7339
Revised Code) the date the person was found eligible for 7340
intervention in lieu of conviction: 7341

(a) A violation of section 959.13, 959.131, 2903.01, 7342
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 7343
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 7344
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 7345
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 7346
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 7347
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 7348
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 7349
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 7350
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 7351
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 7352
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 7353
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 7354
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 7355
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 7356
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 7357
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 7358
2925.06, 2925.09, 2925.11, 2925.111, 2925.112, 2925.13, 2925.14, 7359
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 7360
2927.12, or 3716.11 of the Revised Code; 7361

(b) Felonious sexual penetration in violation of former 7362
section 2907.12 of the Revised Code; 7363

(c) A violation of section 2905.04 of the Revised Code as 7364
it existed prior to July 1, 1996; 7365

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 7366
the Revised Code when the underlying offense that is the object 7367
of the conspiracy, attempt, or complicity is one of the offenses 7368
listed in divisions (A) (3) (a) to (c) of this section; 7369

(e) A violation of an existing or former municipal 7370
ordinance or law of this state, any other state, or the United 7371

States that is substantially equivalent to any of the offenses 7372
listed in divisions (A) (3) (a) to (d) of this section. 7373

(4) On receipt of a request pursuant to section 2151.86 or 7374
2151.904 of the Revised Code, a completed form prescribed 7375
pursuant to division (C) (1) of this section, and a set of 7376
fingerprint impressions obtained in the manner described in 7377
division (C) (2) of this section, the superintendent of the 7378
bureau of criminal identification and investigation shall 7379
conduct a criminal records check in the manner described in 7380
division (B) of this section to determine whether any 7381
information exists that indicates that the person who is the 7382
subject of the request previously has been convicted of or 7383
pleaded guilty to any of the following: 7384

(a) A violation of section 959.13, 2903.01, 2903.02, 7385
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 7386
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 7387
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 7388
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 7389
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 7390
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 7391
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 7392
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 7393
2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 7394
Code, a violation of section 2905.04 of the Revised Code as it 7395
existed prior to July 1, 1996, a violation of section 2919.23 of 7396
the Revised Code that would have been a violation of section 7397
2905.04 of the Revised Code as it existed prior to July 1, 1996, 7398
had the violation been committed prior to that date, a violation 7399
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 7400
that is not a minor drug possession offense, two or more OVI or 7401
OVUAC violations committed within the three years immediately 7402

preceding the submission of the application or petition that is 7403
the basis of the request, or felonious sexual penetration in 7404
violation of former section 2907.12 of the Revised Code; 7405

(b) A violation of an existing or former law of this 7406
state, any other state, or the United States that is 7407
substantially equivalent to any of the offenses listed in 7408
division (A)(4)(a) of this section. 7409

(5) Upon receipt of a request pursuant to section 5104.013 7410
of the Revised Code, a completed form prescribed pursuant to 7411
division (C)(1) of this section, and a set of fingerprint 7412
impressions obtained in the manner described in division (C)(2) 7413
of this section, the superintendent of the bureau of criminal 7414
identification and investigation shall conduct a criminal 7415
records check in the manner described in division (B) of this 7416
section to determine whether any information exists that 7417
indicates that the person who is the subject of the request has 7418
been convicted of or pleaded guilty to any of the following: 7419

(a) A violation of section 2151.421, 2903.01, 2903.02, 7420
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 7421
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 7422
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 7423
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 7424
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 7425
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 7426
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 7427
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 7428
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 7429
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 7430
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 7431
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 7432

2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 7433
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 7434
sexual penetration in violation of former section 2907.12 of the 7435
Revised Code, a violation of section 2905.04 of the Revised Code 7436
as it existed prior to July 1, 1996, a violation of section 7437
2919.23 of the Revised Code that would have been a violation of 7438
section 2905.04 of the Revised Code as it existed prior to July 7439
1, 1996, had the violation been committed prior to that date, a 7440
violation of section 2925.11, 2925.111, or 2925.112 of the 7441
Revised Code that is not a minor drug possession offense, a 7442
violation of section 2923.02 or 2923.03 of the Revised Code that 7443
relates to a crime specified in this division, or a second 7444
violation of section 4511.19 of the Revised Code within five 7445
years of the date of application for licensure or certification. 7446

(b) A violation of an existing or former law of this 7447
state, any other state, or the United States that is 7448
substantially equivalent to any of the offenses or violations 7449
described in division (A) (5) (a) of this section. 7450

(6) Upon receipt of a request pursuant to section 5153.111 7451
of the Revised Code, a completed form prescribed pursuant to 7452
division (C) (1) of this section, and a set of fingerprint 7453
impressions obtained in the manner described in division (C) (2) 7454
of this section, the superintendent of the bureau of criminal 7455
identification and investigation shall conduct a criminal 7456
records check in the manner described in division (B) of this 7457
section to determine whether any information exists that 7458
indicates that the person who is the subject of the request 7459
previously has been convicted of or pleaded guilty to any of the 7460
following: 7461

(a) A violation of section 2903.01, 2903.02, 2903.03, 7462

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7463
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 7464
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 7465
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 7466
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 7467
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 7468
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 7469
3716.11 of the Revised Code, felonious sexual penetration in 7470
violation of former section 2907.12 of the Revised Code, a 7471
violation of section 2905.04 of the Revised Code as it existed 7472
prior to July 1, 1996, a violation of section 2919.23 of the 7473
Revised Code that would have been a violation of section 2905.04 7474
of the Revised Code as it existed prior to July 1, 1996, had the 7475
violation been committed prior to that date, or a violation of 7476
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 7477
is not a minor drug possession offense; 7478

(b) A violation of an existing or former law of this 7479
state, any other state, or the United States that is 7480
substantially equivalent to any of the offenses listed in 7481
division (A)(6)(a) of this section. 7482

(7) On receipt of a request for a criminal records check 7483
from an individual pursuant to section 4749.03 or 4749.06 of the 7484
Revised Code, accompanied by a completed copy of the form 7485
prescribed in division (C)(1) of this section and a set of 7486
fingerprint impressions obtained in a manner described in 7487
division (C)(2) of this section, the superintendent of the 7488
bureau of criminal identification and investigation shall 7489
conduct a criminal records check in the manner described in 7490
division (B) of this section to determine whether any 7491
information exists indicating that the person who is the subject 7492
of the request has been convicted of or pleaded guilty to a 7493

felony in this state or in any other state. If the individual 7494
indicates that a firearm will be carried in the course of 7495
business, the superintendent shall require information from the 7496
federal bureau of investigation as described in division (B) (2) 7497
of this section. Subject to division (F) of this section, the 7498
superintendent shall report the findings of the criminal records 7499
check and any information the federal bureau of investigation 7500
provides to the director of public safety. 7501

(8) On receipt of a request pursuant to section 1321.37, 7502
1321.53, or 4763.05 of the Revised Code, a completed form 7503
prescribed pursuant to division (C) (1) of this section, and a 7504
set of fingerprint impressions obtained in the manner described 7505
in division (C) (2) of this section, the superintendent of the 7506
bureau of criminal identification and investigation shall 7507
conduct a criminal records check with respect to any person who 7508
has applied for a license, permit, or certification from the 7509
department of commerce or a division in the department. The 7510
superintendent shall conduct the criminal records check in the 7511
manner described in division (B) of this section to determine 7512
whether any information exists that indicates that the person 7513
who is the subject of the request previously has been convicted 7514
of or pleaded guilty to any of the following: a violation of 7515
section 2913.02, 2913.11, 2913.31, 2913.51, ~~or~~ 2925.03, 7516
2925.031, or 2925.032 of the Revised Code; any other criminal 7517
offense involving theft, receiving stolen property, 7518
embezzlement, forgery, fraud, passing bad checks, money 7519
laundering, or drug trafficking, or any criminal offense 7520
involving money or securities, as set forth in Chapters 2909., 7521
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 7522
Code; or any existing or former law of this state, any other 7523
state, or the United States that is substantially equivalent to 7524

those offenses. 7525

(9) On receipt of a request for a criminal records check 7526
from the treasurer of state under section 113.041 of the Revised 7527
Code or from an individual under section 928.03, 4701.08, 7528
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 7529
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 7530
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 7531
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 7532
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 7533
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 7534
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 7535
Code, accompanied by a completed form prescribed under division 7536
(C) (1) of this section and a set of fingerprint impressions 7537
obtained in the manner described in division (C) (2) of this 7538
section, the superintendent of the bureau of criminal 7539
identification and investigation shall conduct a criminal 7540
records check in the manner described in division (B) of this 7541
section to determine whether any information exists that 7542
indicates that the person who is the subject of the request has 7543
been convicted of or pleaded guilty to any criminal offense in 7544
this state or any other state. Subject to division (F) of this 7545
section, the superintendent shall send the results of a check 7546
requested under section 113.041 of the Revised Code to the 7547
treasurer of state and shall send the results of a check 7548
requested under any of the other listed sections to the 7549
licensing board specified by the individual in the request. 7550

(10) On receipt of a request pursuant to section 124.74, 7551
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 7552
Code, a completed form prescribed pursuant to division (C) (1) of 7553
this section, and a set of fingerprint impressions obtained in 7554
the manner described in division (C) (2) of this section, the 7555

superintendent of the bureau of criminal identification and 7556
investigation shall conduct a criminal records check in the 7557
manner described in division (B) of this section to determine 7558
whether any information exists that indicates that the person 7559
who is the subject of the request previously has been convicted 7560
of or pleaded guilty to any criminal offense under any existing 7561
or former law of this state, any other state, or the United 7562
States. 7563

(11) On receipt of a request for a criminal records check 7564
from an appointing or licensing authority under section 3772.07 7565
of the Revised Code, a completed form prescribed under division 7566
(C)(1) of this section, and a set of fingerprint impressions 7567
obtained in the manner prescribed in division (C)(2) of this 7568
section, the superintendent of the bureau of criminal 7569
identification and investigation shall conduct a criminal 7570
records check in the manner described in division (B) of this 7571
section to determine whether any information exists that 7572
indicates that the person who is the subject of the request 7573
previously has been convicted of or pleaded guilty or no contest 7574
to any offense under any existing or former law of this state, 7575
any other state, or the United States that is a disqualifying 7576
offense as defined in section 3772.07 of the Revised Code or 7577
substantially equivalent to such an offense. 7578

(12) On receipt of a request pursuant to section 2151.33 7579
or 2151.412 of the Revised Code, a completed form prescribed 7580
pursuant to division (C)(1) of this section, and a set of 7581
fingerprint impressions obtained in the manner described in 7582
division (C)(2) of this section, the superintendent of the 7583
bureau of criminal identification and investigation shall 7584
conduct a criminal records check with respect to any person for 7585
whom a criminal records check is required under that section. 7586

The superintendent shall conduct the criminal records check in 7587
the manner described in division (B) of this section to 7588
determine whether any information exists that indicates that the 7589
person who is the subject of the request previously has been 7590
convicted of or pleaded guilty to any of the following: 7591

(a) A violation of section 2903.01, 2903.02, 2903.03, 7592
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7593
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7594
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7595
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 7596
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 7597
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 7598
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7599
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 7600
2925.23, or 3716.11 of the Revised Code; 7601

(b) An existing or former law of this state, any other 7602
state, or the United States that is substantially equivalent to 7603
any of the offenses listed in division (A)(12)(a) of this 7604
section. 7605

(13) On receipt of a request pursuant to section 3796.12 7606
of the Revised Code, a completed form prescribed pursuant to 7607
division (C)(1) of this section, and a set of fingerprint 7608
impressions obtained in a manner described in division (C)(2) of 7609
this section, the superintendent of the bureau of criminal 7610
identification and investigation shall conduct a criminal 7611
records check in the manner described in division (B) of this 7612
section to determine whether any information exists that 7613
indicates that the person who is the subject of the request 7614
previously has been convicted of or pleaded guilty to the 7615
following: 7616

(a) A disqualifying offense as specified in rules adopted 7617
under division (B) (2) (b) of section 3796.03 of the Revised Code 7618
if the person who is the subject of the request is an 7619
administrator or other person responsible for the daily 7620
operation of, or an owner or prospective owner, officer or 7621
prospective officer, or board member or prospective board member 7622
of, an entity seeking a license from the department of commerce 7623
under Chapter 3796. of the Revised Code; 7624

(b) A disqualifying offense as specified in rules adopted 7625
under division (B) (2) (b) of section 3796.04 of the Revised Code 7626
if the person who is the subject of the request is an 7627
administrator or other person responsible for the daily 7628
operation of, or an owner or prospective owner, officer or 7629
prospective officer, or board member or prospective board member 7630
of, an entity seeking a license from the state board of pharmacy 7631
under Chapter 3796. of the Revised Code. 7632

(14) On receipt of a request required by section 3796.13 7633
of the Revised Code, a completed form prescribed pursuant to 7634
division (C) (1) of this section, and a set of fingerprint 7635
impressions obtained in a manner described in division (C) (2) of 7636
this section, the superintendent of the bureau of criminal 7637
identification and investigation shall conduct a criminal 7638
records check in the manner described in division (B) of this 7639
section to determine whether any information exists that 7640
indicates that the person who is the subject of the request 7641
previously has been convicted of or pleaded guilty to the 7642
following: 7643

(a) A disqualifying offense as specified in rules adopted 7644
under division (B) (8) (a) of section 3796.03 of the Revised Code 7645
if the person who is the subject of the request is seeking 7646

employment with an entity licensed by the department of commerce 7647
under Chapter 3796. of the Revised Code; 7648

(b) A disqualifying offense as specified in rules adopted 7649
under division (B) (14) (a) of section 3796.04 of the Revised Code 7650
if the person who is the subject of the request is seeking 7651
employment with an entity licensed by the state board of 7652
pharmacy under Chapter 3796. of the Revised Code. 7653

(15) On receipt of a request pursuant to section 4768.06 7654
of the Revised Code, a completed form prescribed under division 7655
(C) (1) of this section, and a set of fingerprint impressions 7656
obtained in the manner described in division (C) (2) of this 7657
section, the superintendent of the bureau of criminal 7658
identification and investigation shall conduct a criminal 7659
records check in the manner described in division (B) of this 7660
section to determine whether any information exists indicating 7661
that the person who is the subject of the request has been 7662
convicted of or pleaded guilty to a felony in this state or in 7663
any other state. 7664

(16) On receipt of a request pursuant to division (B) of 7665
section 4764.07 or division (A) of section 4735.143 of the 7666
Revised Code, a completed form prescribed under division (C) (1) 7667
of this section, and a set of fingerprint impressions obtained 7668
in the manner described in division (C) (2) of this section, the 7669
superintendent of the bureau of criminal identification and 7670
investigation shall conduct a criminal records check in the 7671
manner described in division (B) of this section to determine 7672
whether any information exists indicating that the person who is 7673
the subject of the request has been convicted of or pleaded 7674
guilty to any crime of moral turpitude, a felony, or an 7675
equivalent offense in any other state or the United States. 7676

(17) On receipt of a request for a criminal records check 7677
under section 147.022 of the Revised Code, a completed form 7678
prescribed under division (C)(1) of this section, and a set of 7679
fingerprint impressions obtained in the manner prescribed in 7680
division (C)(2) of this section, the superintendent of the 7681
bureau of criminal identification and investigation shall 7682
conduct a criminal records check in the manner described in 7683
division (B) of this section to determine whether any 7684
information exists that indicates that the person who is the 7685
subject of the request previously has been convicted of or 7686
pleaded guilty or no contest to any disqualifying offense, as 7687
defined in section 147.011 of the Revised Code, or to any 7688
offense under any existing or former law of this state, any 7689
other state, or the United States that is substantially 7690
equivalent to such a disqualifying offense. 7691

(B) Subject to division (F) of this section, the 7692
superintendent shall conduct any criminal records check to be 7693
conducted under this section as follows: 7694

(1) The superintendent shall review or cause to be 7695
reviewed any relevant information gathered and compiled by the 7696
bureau under division (A) of section 109.57 of the Revised Code 7697
that relates to the person who is the subject of the criminal 7698
records check, including, if the criminal records check was 7699
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 7700
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 7701
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 7702
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 7703
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 7704
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 7705
5153.111 of the Revised Code, any relevant information contained 7706
in records that have been sealed under section 2953.32 of the 7707

Revised Code; 7708

(2) If the request received by the superintendent asks for 7709
information from the federal bureau of investigation, the 7710
superintendent shall request from the federal bureau of 7711
investigation any information it has with respect to the person 7712
who is the subject of the criminal records check, including 7713
fingerprint-based checks of national crime information databases 7714
as described in 42 U.S.C. 671 if the request is made pursuant to 7715
section 2151.86 or 5104.013 of the Revised Code or if any other 7716
Revised Code section requires fingerprint-based checks of that 7717
nature, and shall review or cause to be reviewed any information 7718
the superintendent receives from that bureau. If a request under 7719
section 3319.39 of the Revised Code asks only for information 7720
from the federal bureau of investigation, the superintendent 7721
shall not conduct the review prescribed by division (B)(1) of 7722
this section. 7723

(3) The superintendent or the superintendent's designee 7724
may request criminal history records from other states or the 7725
federal government pursuant to the national crime prevention and 7726
privacy compact set forth in section 109.571 of the Revised 7727
Code. 7728

(4) The superintendent shall include in the results of the 7729
criminal records check a list or description of the offenses 7730
listed or described in division (A)(1), (2), (3), (4), (5), (6), 7731
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 7732
of this section, whichever division requires the superintendent 7733
to conduct the criminal records check. The superintendent shall 7734
exclude from the results any information the dissemination of 7735
which is prohibited by federal law. 7736

(5) The superintendent shall send the results of the 7737

criminal records check to the person to whom it is to be sent 7738
not later than the following number of days after the date the 7739
superintendent receives the request for the criminal records 7740
check, the completed form prescribed under division (C) (1) of 7741
this section, and the set of fingerprint impressions obtained in 7742
the manner described in division (C) (2) of this section: 7743

(a) If the superintendent is required by division (A) of 7744
this section (other than division (A) (3) of this section) to 7745
conduct the criminal records check, thirty; 7746

(b) If the superintendent is required by division (A) (3) 7747
of this section to conduct the criminal records check, sixty. 7748

(C) (1) The superintendent shall prescribe a form to obtain 7749
the information necessary to conduct a criminal records check 7750
from any person for whom a criminal records check is to be 7751
conducted under this section. The form that the superintendent 7752
prescribes pursuant to this division may be in a tangible 7753
format, in an electronic format, or in both tangible and 7754
electronic formats. 7755

(2) The superintendent shall prescribe standard impression 7756
sheets to obtain the fingerprint impressions of any person for 7757
whom a criminal records check is to be conducted under this 7758
section. Any person for whom a records check is to be conducted 7759
under this section shall obtain the fingerprint impressions at a 7760
county sheriff's office, municipal police department, or any 7761
other entity with the ability to make fingerprint impressions on 7762
the standard impression sheets prescribed by the superintendent. 7763
The office, department, or entity may charge the person a 7764
reasonable fee for making the impressions. The standard 7765
impression sheets the superintendent prescribes pursuant to this 7766
division may be in a tangible format, in an electronic format, 7767

or in both tangible and electronic formats. 7768

(3) Subject to division (D) of this section, the 7769
superintendent shall prescribe and charge a reasonable fee for 7770
providing a criminal records check under this section. The 7771
person requesting the criminal records check shall pay the fee 7772
prescribed pursuant to this division. In the case of a request 7773
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 7774
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 7775
fee shall be paid in the manner specified in that section. 7776

(4) The superintendent of the bureau of criminal 7777
identification and investigation may prescribe methods of 7778
forwarding fingerprint impressions and information necessary to 7779
conduct a criminal records check, which methods shall include, 7780
but not be limited to, an electronic method. 7781

(D) The results of a criminal records check conducted 7782
under this section, other than a criminal records check 7783
specified in division (A) (7) of this section, are valid for the 7784
person who is the subject of the criminal records check for a 7785
period of one year from the date upon which the superintendent 7786
completes the criminal records check. If during that period the 7787
superintendent receives another request for a criminal records 7788
check to be conducted under this section for that person, the 7789
superintendent shall provide the results from the previous 7790
criminal records check of the person at a lower fee than the fee 7791
prescribed for the initial criminal records check. 7792

(E) When the superintendent receives a request for 7793
information from a registered private provider, the 7794
superintendent shall proceed as if the request was received from 7795
a school district board of education under section 3319.39 of 7796
the Revised Code. The superintendent shall apply division (A) (1) 7797

(c) of this section to any such request for an applicant who is 7798
a teacher. 7799

(F)(1) Subject to division (F)(2) of this section, all 7800
information regarding the results of a criminal records check 7801
conducted under this section that the superintendent reports or 7802
sends under division (A)(7) or (9) of this section to the 7803
director of public safety, the treasurer of state, or the 7804
person, board, or entity that made the request for the criminal 7805
records check shall relate to the conviction of the subject 7806
person, or the subject person's plea of guilty to, a criminal 7807
offense. 7808

(2) Division (F)(1) of this section does not limit, 7809
restrict, or preclude the superintendent's release of 7810
information that relates to the arrest of a person who is 7811
eighteen years of age or older, to an adjudication of a child as 7812
a delinquent child, or to a criminal conviction of a person 7813
under eighteen years of age in circumstances in which a release 7814
of that nature is authorized under division (E)(2), (3), or (4) 7815
of section 109.57 of the Revised Code pursuant to a rule adopted 7816
under division (E)(1) of that section. 7817

(G) As used in this section: 7818

(1) "Criminal records check" means any criminal records 7819
check conducted by the superintendent of the bureau of criminal 7820
identification and investigation in accordance with division (B) 7821
of this section. 7822

(2) "Minor drug possession offense" has the same meaning 7823
as in section 2925.01 of the Revised Code. 7824

(3) "OVI or OVUAC violation" means a violation of section 7825
4511.19 of the Revised Code or a violation of an existing or 7826

former law of this state, any other state, or the United States 7827
that is substantially equivalent to section 4511.19 of the 7828
Revised Code. 7829

(4) "Registered private provider" means a nonpublic school 7830
or entity registered with the superintendent of public 7831
instruction under section 3310.41 of the Revised Code to 7832
participate in the autism scholarship program or section 3310.58 7833
of the Revised Code to participate in the Jon Peterson special 7834
needs scholarship program. 7835

Sec. 128.04. (A) Public safety answering point personnel 7836
who are certified as emergency service telecommunicators under 7837
section 4742.03 of the Revised Code shall receive training in 7838
informing individuals who call about an apparent drug overdose 7839
about the immunity from prosecution for a minor drug possession 7840
offense created by ~~section~~ sections 2925.11, 2925.111, and 7841
2925.112 of the Revised Code. 7842

(B) Public safety answering point personnel who receive a 7843
call about an apparent drug overdose shall make reasonable 7844
efforts, upon the caller's inquiry, to inform the caller about 7845
the immunity from prosecution for a minor drug possession 7846
offense created by ~~section~~ sections 2925.11, 2925.111, and 7847
2925.112 of the Revised Code. 7848

Sec. 177.01. (A) The organized crime investigations 7849
commission, consisting of seven members, is hereby established 7850
in the office of the attorney general. One of the members shall 7851
be the attorney general. Of the remaining members, each of whom 7852
shall be appointed by the governor with the advice and consent 7853
of the senate, two shall be prosecuting attorneys, two shall be 7854
county sheriffs, and two shall be chief municipal law 7855
enforcement officers. No more than four members of the 7856

commission shall be members of the same political party. 7857

Of the initial appointments to the commission, one member 7858
who is a prosecuting attorney and one who is a county sheriff 7859
each shall be appointed for terms ending September 3, 1987, one 7860
member who is a prosecuting attorney and one who is a chief 7861
municipal law enforcement officer each shall be appointed for 7862
terms ending September 3, 1988, and one member who is a county 7863
sheriff and one who is a chief municipal law enforcement officer 7864
each shall be appointed for terms ending September 3, 1989. 7865
Thereafter, terms of office of persons appointed to the 7866
commission shall be for three years, with each term ending on 7867
the same day of the same month of the year as did the term that 7868
it succeeds. Members may be reappointed. Each appointed member 7869
shall hold office from the date of the member's appointment 7870
until the end of the term for which the member was appointed, 7871
except that an appointed member who ceases to hold the office or 7872
position of prosecuting attorney, county sheriff, or chief 7873
municipal law enforcement officer prior to the expiration of the 7874
member's term of office on the commission shall cease to be a 7875
member of the commission on the date that the member ceases to 7876
hold the office or position. Vacancies shall be filled in the 7877
manner provided for original appointments. Any member appointed 7878
to fill a vacancy occurring prior to the expiration of the term 7879
for which the member's predecessor was appointed shall take 7880
office on the commission when the member is confirmed by the 7881
senate and shall hold office for the remainder of such term. Any 7882
member shall continue in office subsequent to the expiration 7883
date of the member's term until the member's successor takes 7884
office, or until a period of sixty days has elapsed, whichever 7885
occurs first. 7886

The attorney general shall become a member of the 7887

commission on September 3, 1986. Successors in office to that 7888
attorney general shall become members of the commission on the 7889
day they assume the office of attorney general. An attorney 7890
general's term of office as a member of the commission shall 7891
continue for as long as the person in question holds the office 7892
of attorney general. 7893

Each member of the commission may designate, in writing, 7894
another person to represent the member on the commission. If a 7895
member makes such a designation, either the member or the 7896
designee may perform the member's duties and exercise the 7897
member's authority on the commission. If a member makes such a 7898
designation, the member may revoke the designation by sending 7899
written notice of the revocation to the commission. Upon such a 7900
revocation, the member may designate a different person to 7901
represent the member on the commission by sending written notice 7902
of the designation to the commission at least two weeks prior to 7903
the date on which the new designation is to take effect. 7904

The attorney general or a person the attorney general 7905
designates pursuant to this division to represent the attorney 7906
general on the commission shall serve as chairperson of the 7907
commission. The commission shall meet within two weeks after all 7908
appointed members have been appointed, at a time and place 7909
determined by the governor. The commission shall organize by 7910
selecting a vice-chairperson and other officers who are 7911
necessary and shall adopt rules to govern its procedures. 7912
Thereafter, the commission shall meet at least once every six 7913
months, or more often upon the call of the chairperson or the 7914
written request of two or more members. Each member of the 7915
commission shall have one vote. Four members constitute a 7916
quorum, and four votes are required to validate an action of the 7917
commission. 7918

The members of the commission shall serve without 7919
compensation, but each member shall be reimbursed for actual and 7920
necessary expenses incurred in the performance of official 7921
duties. In the absence of the chairperson, the vice-chairperson 7922
shall perform the duties of the chairperson. 7923

(B) The commission shall coordinate investigations of 7924
organized criminal activity and perform all of the functions and 7925
duties relative to the investigations that are set forth in 7926
section 177.02 of the Revised Code, and it shall cooperate with 7927
departments and officers of the government of the United States 7928
in the suppression of organized criminal activity. 7929

(C) The commission shall appoint and fix the compensation 7930
of a director and such technical and clerical employees who are 7931
necessary to exercise the powers and carry out the duties of the 7932
commission, may enter into contracts with one or more 7933
consultants to assist in exercising those powers and carrying 7934
out those duties, and may enter into contracts and purchase any 7935
equipment necessary to the performance of its duties. The 7936
director and employees of the commission shall be members of the 7937
unclassified service as defined in section 124.11 of the Revised 7938
Code. The commission shall require the director and each 7939
employee, prior to commencing employment with the commission, to 7940
undergo an investigation for the purpose of obtaining a security 7941
clearance and, after the initial investigation, may require the 7942
director and each employee to undergo an investigation for that 7943
purpose at any time during the director's or employee's 7944
employment with the commission. The commission may require any 7945
consultant with whom it contracts to undergo an investigation 7946
for the purpose of obtaining a security clearance. An 7947
investigation under this division may include, but is not 7948
limited to, a polygraph examination and shall be conducted by an 7949

organization designated by the commission. 7950

(D) An appointed commission member may be removed from 7951
office as a member of the commission by the vote of four members 7952
of the commission or by the governor for any of the following 7953
reasons: 7954

(1) Neglect of duty, misconduct, incompetence, or 7955
malfeasance in office; 7956

(2) Conviction of or a plea of guilty to a felony or an 7957
offense of moral turpitude; 7958

(3) Being mentally ill or mentally incompetent; 7959

(4) Being the subject of an investigation by a task force 7960
established by the commission or another law enforcement agency, 7961
where the proof of criminal activity is evident or the 7962
presumption great; 7963

(5) Engaging in any activity or associating with any 7964
persons or organization inappropriate to the member's position 7965
as a member of the commission. 7966

(E) As used in sections 177.01 to 177.03 of the Revised 7967
Code: 7968

(1) "Organized criminal activity" means any combination or 7969
conspiracy to engage in activity that constitutes "engaging in a 7970
pattern of corrupt activity;" any violation, combination of 7971
violations, or conspiracy to commit one or more violations of 7972
section 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 7973
~~or 2925.11, 2925.111, or 2925.112~~ of the Revised Code other than 7974
a violation of section 2925.11, 2925.111, or 2925.112 of the 7975
Revised Code that is a minor drug possession offense; or any 7976
criminal activity that relates to the corruption of a public 7977

official, as defined in section 2921.01 of the Revised Code, or 7978
of a public servant of the type described in division (B) (3) of 7979
that section. 7980

(2) A person is engaging in an activity that constitutes 7981
"engaging in a pattern of corrupt activity" if any of the 7982
following apply: 7983

(a) The person is or was employed by, or associated with, 7984
an enterprise and the person conducts or participates in, 7985
directly or indirectly, the affairs of the enterprise through a 7986
pattern of corrupt activity or the collection of an unlawful 7987
debt. 7988

(b) The person, through a pattern of corrupt activity or 7989
the collection of an unlawful debt, acquires or maintains, 7990
directly or indirectly, an interest in, or control of, an 7991
enterprise or real property. 7992

(c) The person knowingly has received proceeds derived, 7993
directly or indirectly, from a pattern of corrupt activity or 7994
the collection of an unlawful debt and the person uses or 7995
invests, directly or indirectly, a part of those proceeds, or 7996
proceeds derived from the use or investment of any of those 7997
proceeds, in the acquisition of title to, or a right, interest, 7998
or equity in, real property or the establishment or operation of 7999
an enterprise. A purchase of securities on the open market with 8000
intent to make an investment, without intent to control or 8001
participate in the control of the issuer, and without intent to 8002
assist another to do so is not an activity that constitutes 8003
"engaging in a pattern of corrupt activity" if the securities of 8004
the issuer held after the purchase by the purchaser, the members 8005
of the purchaser's immediate family, and the purchaser's or 8006
members' accomplices in any pattern of corrupt activity or the 8007

collection of an unlawful debt, do not aggregate one per cent of 8008
the outstanding securities of any one class of the issuer and do 8009
not confer, in law or in fact, the power to elect one or more 8010
directors of the issuer. 8011

(3) "Pattern of corrupt activity" means two or more 8012
incidents of corrupt activity, whether or not there has been a 8013
prior conviction, that are related to the affairs of the same 8014
enterprise, are not isolated, and are not so closely related to 8015
each other and connected in time and place that they constitute 8016
a single event. At least one of the incidents forming the 8017
pattern shall occur on or after September 3, 1986. Unless any 8018
incident was an aggravated murder or murder, the most recent of 8019
the incidents forming the pattern shall occur within six years 8020
after the commission of any prior incident forming the pattern, 8021
excluding any period of imprisonment served by any person 8022
engaging in the corrupt activity. 8023

(4) "Corrupt activity," "unlawful debt," "enterprise," 8024
"person," "real property," and "beneficial interest" have the 8025
same meanings as in section 2923.31 of the Revised Code. 8026

(5) "Minor drug possession offense" has the same meaning 8027
as in section 2925.01 of the Revised Code. 8028

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 8029
section, any person having knowledge of a child who appears to 8030
be a juvenile traffic offender or to be a delinquent child may 8031
file a sworn complaint with respect to that child in the 8032
juvenile court of the county in which the child has a residence 8033
or legal settlement or in which the traffic offense or 8034
delinquent act allegedly occurred. The sworn complaint may be 8035
upon information and belief, and, in addition to the allegation 8036
that the child is a delinquent child or a juvenile traffic 8037

offender, the complaint shall allege the particular facts upon 8038
which the allegation that the child is a delinquent child or a 8039
juvenile traffic offender is based. 8040

If a child appears to be a delinquent child who is 8041
eligible for a serious youthful offender dispositional sentence 8042
under section 2152.11 of the Revised Code and if the prosecuting 8043
attorney desires to seek a serious youthful offender 8044
dispositional sentence under section 2152.13 of the Revised Code 8045
in regard to the child, the prosecuting attorney of the county 8046
in which the alleged delinquency occurs may initiate a case in 8047
the juvenile court of the county by presenting the case to a 8048
grand jury for indictment, by charging the child in a bill of 8049
information as a serious youthful offender pursuant to section 8050
2152.13 of the Revised Code, by requesting a serious youthful 8051
offender dispositional sentence in the original complaint 8052
alleging that the child is a delinquent child, or by filing with 8053
the juvenile court a written notice of intent to seek a serious 8054
youthful offender dispositional sentence. This paragraph does 8055
not apply regarding the imposition of a serious youthful 8056
offender dispositional sentence pursuant to section 2152.121 of 8057
the Revised Code. 8058

(2) Any person having knowledge of a child who appears to 8059
be a delinquent child for violating a court order regarding the 8060
child's adjudication as an unruly child for being an habitual 8061
truant, may file a sworn complaint with respect to that child, 8062
or with respect to that child and the parent, guardian, or other 8063
person having care of the child, in the juvenile court of the 8064
county in which the child has a residence or legal settlement or 8065
in which the child is supposed to attend public school. The 8066
sworn complaint may be upon information and belief and shall 8067
allege that the child is a delinquent child for violating a 8068

court order regarding the child's prior adjudication as an 8069
unruly child for being a habitual truant and, in addition, the 8070
particular facts upon which that allegation is based. If the 8071
complaint contains allegations regarding the child's parent, 8072
guardian, or other person having care of the child, the 8073
complaint additionally shall allege that the parent, guardian, 8074
or other person having care of the child has failed to cause the 8075
child's attendance at school in violation of section 3321.38 of 8076
the Revised Code and, in addition, the particular facts upon 8077
which that allegation is based. 8078

(B) Any person with standing under applicable law may file 8079
a complaint for the determination of any other matter over which 8080
the juvenile court is given jurisdiction by section 2151.23 of 8081
the Revised Code. The complaint shall be filed in the county in 8082
which the child who is the subject of the complaint is found or 8083
was last known to be found. 8084

(C) Within ten days after the filing of a complaint or the 8085
issuance of an indictment, the court shall give written notice 8086
of the filing of the complaint or the issuance of an indictment 8087
and of the substance of the complaint or indictment to the 8088
superintendent of a city, local, exempted village, or joint 8089
vocational school district if the complaint or indictment 8090
alleges that a child committed an act that would be a criminal 8091
offense if committed by an adult, that the child was sixteen 8092
years of age or older at the time of the commission of the 8093
alleged act, and that the alleged act is any of the following: 8094

(1) A violation of section 2923.122 of the Revised Code 8095
that relates to property owned or controlled by, or to an 8096
activity held under the auspices of, the board of education of 8097
that school district; 8098

(2) A violation of section 2923.12 of the Revised Code, of 8099
a substantially similar municipal ordinance, or of section 8100
2925.03, 2925.031, or 2925.032 of the Revised Code that was 8101
committed on property owned or controlled by, or at an activity 8102
held under the auspices of, the board of education of that 8103
school district; 8104

(3) A violation of section 2925.11, 2925.111, or 2925.112 8105
of the Revised Code that was committed on property owned or 8106
controlled by, or at an activity held under the auspices of, the 8107
board of education of that school district, other than a 8108
violation of that section that would be a minor drug possession 8109
offense if committed by an adult; 8110

(4) A violation of section 2903.01, 2903.02, 2903.03, 8111
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 8112
Code, or a violation of former section 2907.12 of the Revised 8113
Code, that was committed on property owned or controlled by, or 8114
at an activity held under the auspices of, the board of 8115
education of that school district, if the victim at the time of 8116
the commission of the alleged act was an employee of the board 8117
of education of that school district; 8118

(5) Complicity in any violation described in division (C) 8119
(1), (2), (3), or (4) of this section that was alleged to have 8120
been committed in the manner described in division (C) (1), (2), 8121
(3), or (4) of this section, regardless of whether the act of 8122
complicity was committed on property owned or controlled by, or 8123
at an activity held under the auspices of, the board of 8124
education of that school district. 8125

(D) A public children services agency, acting pursuant to 8126
a complaint or an action on a complaint filed under this 8127
section, is not subject to the requirements of section 3127.23 8128

of the Revised Code. 8129

(E) For purposes of the record to be maintained by the 8130
clerk under division (B) of section 2152.71 of the Revised Code, 8131
when a complaint is filed that alleges that a child is a 8132
delinquent child, the court shall determine if the victim of the 8133
alleged delinquent act was sixty-five years of age or older or 8134
permanently and totally disabled at the time of the alleged 8135
commission of the act. 8136

(F)(1) At any time after the filing of a complaint 8137
alleging that a child is a delinquent child and before 8138
adjudication, the court may hold a hearing to determine whether 8139
to hold the complaint in abeyance pending the child's successful 8140
completion of actions that constitute a method to divert the 8141
child from the juvenile court system if the child agrees to the 8142
hearing and either of the following applies: 8143

(a) The act charged would be a violation of section 8144
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 8145
were an adult. 8146

(b) The court has reason to believe that the child is a 8147
victim of a violation of section 2905.32 of the Revised Code, 8148
regardless of whether any person has been convicted of a 8149
violation of that section or of any other section for 8150
victimizing the child, and the act charged is related to the 8151
child's victimization. 8152

(2) The prosecuting attorney has the right to participate 8153
in any hearing held under division (F)(1) of this section, to 8154
object to holding the complaint that is the subject of the 8155
hearing in abeyance, and to make recommendations related to 8156
diversion actions. No statement made by a child at a hearing 8157

held under division (F)(1) of this section is admissible in any 8158
subsequent proceeding against the child. 8159

(3) If either division (F)(1)(a) or (b) of this section 8160
applies, the court shall promptly appoint a guardian ad litem 8161
for the child. The court shall not appoint the child's attorney 8162
as guardian ad litem. If the court decides to hold the complaint 8163
in abeyance, the guardian ad litem shall make recommendations 8164
that are in the best interest of the child to the court. 8165

(4) If after a hearing the court decides to hold the 8166
complaint in abeyance, the court may make any orders regarding 8167
placement, services, supervision, diversion actions, and 8168
conditions of abeyance, including, but not limited to, 8169
engagement in trauma-based behavioral health services or 8170
education activities, that the court considers appropriate and 8171
in the best interest of the child. The court may hold the 8172
complaint in abeyance for up to ninety days while the child 8173
engages in diversion actions. If the child violates the 8174
conditions of abeyance or does not complete the diversion 8175
actions to the court's satisfaction within ninety days, the 8176
court may extend the period of abeyance for not more than two 8177
additional ninety-day periods. 8178

(5) If the court holds the complaint in abeyance and the 8179
child complies with the conditions of abeyance and completes the 8180
diversion actions to the court's satisfaction, the court shall 8181
dismiss the complaint and order that the records pertaining to 8182
the case be expunged immediately. If the child fails to complete 8183
the diversion actions to the court's satisfaction, the court 8184
shall proceed upon the complaint. 8185

Sec. 2152.18. (A) When a juvenile court commits a 8186
delinquent child to the custody of the department of youth 8187

services pursuant to this chapter, the court shall not designate 8188
the specific institution in which the department is to place the 8189
child but instead shall specify that the child is to be 8190
institutionalized in a secure facility. 8191

(B) When a juvenile court commits a delinquent child to 8192
the custody of the department of youth services pursuant to this 8193
chapter, the court shall state in the order of commitment the 8194
total number of days that the child has been confined in 8195
connection with the delinquent child complaint upon which the 8196
order of commitment is based. The court shall not include days 8197
that the child has been under electronic monitoring or house 8198
arrest or days that the child has been confined in a halfway 8199
house. The department shall reduce the minimum period of 8200
institutionalization that was ordered by both the total number 8201
of days that the child has been so confined as stated by the 8202
court in the order of commitment and the total number of any 8203
additional days that the child has been confined subsequent to 8204
the order of commitment but prior to the transfer of physical 8205
custody of the child to the department. 8206

(C) (1) When a juvenile court commits a delinquent child to 8207
the custody of the department of youth services pursuant to this 8208
chapter, the court shall provide the department with the child's 8209
medical records, a copy of the report of any mental examination 8210
of the child ordered by the court, the Revised Code section or 8211
sections the child violated and the degree of each violation, 8212
the warrant to convey the child to the department, a copy of the 8213
court's journal entry ordering the commitment of the child to 8214
the legal custody of the department, a copy of the arrest record 8215
pertaining to the act for which the child was adjudicated a 8216
delinquent child, a copy of any victim impact statement 8217
pertaining to the act, and any other information concerning the 8218

child that the department reasonably requests. The court also 8219
shall complete the form for the standard predisposition 8220
investigation report that the department furnishes pursuant to 8221
section 5139.04 of the Revised Code and provide the department 8222
with the completed form. 8223

The department may refuse to accept physical custody of a 8224
delinquent child who is committed to the legal custody of the 8225
department until the court provides to the department the 8226
documents specified in this division. No officer or employee of 8227
the department who refuses to accept physical custody of a 8228
delinquent child who is committed to the legal custody of the 8229
department shall be subject to prosecution or contempt of court 8230
for the refusal if the court fails to provide the documents 8231
specified in this division at the time the court transfers the 8232
physical custody of the child to the department. 8233

(2) Within twenty working days after the department of 8234
youth services receives physical custody of a delinquent child 8235
from a juvenile court, the court shall provide the department 8236
with a certified copy of the child's birth certificate and the 8237
child's social security number or, if the court made all 8238
reasonable efforts to obtain the information but was 8239
unsuccessful, with documentation of the efforts it made to 8240
obtain the information. 8241

(3) If an officer is preparing pursuant to section 2947.06 8242
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 8243
presentence investigation report pertaining to a person, the 8244
department shall make available to the officer, for use in 8245
preparing the report, any records or reports it possesses 8246
regarding that person that it received from a juvenile court 8247
pursuant to division (C) (1) of this section or that pertain to 8248

the treatment of that person after the person was committed to 8249
the custody of the department as a delinquent child. 8250

(D) (1) Within ten days after an adjudication that a child 8251
is a delinquent child, the court shall give written notice of 8252
the adjudication to the superintendent of a city, local, 8253
exempted village, or joint vocational school district, and to 8254
the principal of the school the child attends, if the basis of 8255
the adjudication was the commission of an act that would be a 8256
criminal offense if committed by an adult, if the act was 8257
committed by the delinquent child when the child was fourteen 8258
years of age or older, and if the act is any of the following: 8259

(a) An act that would be a felony or an offense of 8260
violence if committed by an adult, an act in the commission of 8261
which the child used or brandished a firearm, or an act that is 8262
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 8263
2907.24, or 2907.241 of the Revised Code and that would be a 8264
misdemeanor if committed by an adult; 8265

(b) A violation of section 2923.12 of the Revised Code or 8266
of a substantially similar municipal ordinance that would be a 8267
misdemeanor if committed by an adult and that was committed on 8268
property owned or controlled by, or at an activity held under 8269
the auspices of, the board of education of that school district; 8270

(c) A violation of division (A) of section 2925.03~~or,~~ 8271
2925.031, 2925.032, 2925.11, 2925.111, or 2925.112 of the 8272
Revised Code that would be a misdemeanor if committed by an 8273
adult, that was committed on property owned or controlled by, or 8274
at an activity held under the auspices of, the board of 8275
education of that school district, and that is not a minor drug 8276
possession offense; 8277

(d) An act that would be a criminal offense if committed 8278
by an adult and that results in serious physical harm to persons 8279
or serious physical harm to property while the child is at 8280
school, on any other property owned or controlled by the board, 8281
or at an interscholastic competition, an extracurricular event, 8282
or any other school program or activity; 8283

(e) Complicity in any violation described in division (D) 8284
(1) (a), (b), (c), or (d) of this section that was alleged to 8285
have been committed in the manner described in division (D) (1) 8286
(a), (b), (c), or (d) of this section, regardless of whether the 8287
act of complicity was committed on property owned or controlled 8288
by, or at an activity held under the auspices of, the board of 8289
education of that school district. 8290

(2) The notice given pursuant to division (D) (1) of this 8291
section shall include the name of the child who was adjudicated 8292
to be a delinquent child, the child's age at the time the child 8293
committed the act that was the basis of the adjudication, and 8294
identification of the violation of the law or ordinance that was 8295
the basis of the adjudication. 8296

(3) Within fourteen days after committing a delinquent 8297
child to the custody of the department of youth services, the 8298
court shall give notice to the school attended by the child of 8299
the child's commitment by sending to that school a copy of the 8300
court's journal entry ordering the commitment. As soon as 8301
possible after receipt of the notice described in this division, 8302
the school shall provide the department with the child's school 8303
transcript. However, the department shall not refuse to accept a 8304
child committed to it, and a child committed to it shall not be 8305
held in a county or district detention facility, because of a 8306
school's failure to provide the school transcript that it is 8307

required to provide under this division. 8308

(4) Within fourteen days after discharging or releasing a 8309
child from an institution under its control, the department of 8310
youth services shall provide the court and the superintendent of 8311
the school district in which the child is entitled to attend 8312
school under section 3313.64 or 3313.65 of the Revised Code with 8313
the following: 8314

(a) An updated copy of the child's school transcript; 8315

(b) A report outlining the child's behavior in school 8316
while in the custody of the department; 8317

(c) The child's current individualized education program, 8318
as defined in section 3323.01 of the Revised Code, if such a 8319
program has been developed for the child; 8320

(d) A summary of the institutional record of the child's 8321
behavior. 8322

The department also shall provide the court with a copy of 8323
any portion of the child's institutional record that the court 8324
specifically requests, within five working days of the request. 8325

(E) At any hearing at which a child is adjudicated a 8326
delinquent child or as soon as possible after the hearing, the 8327
court shall notify all victims of the delinquent act who may be 8328
entitled to a recovery under any of the following sections of 8329
the right of the victims to recover, pursuant to section 3109.09 8330
of the Revised Code, compensatory damages from the child's 8331
parents; of the right of the victims to recover, pursuant to 8332
section 3109.10 of the Revised Code, compensatory damages from 8333
the child's parents for willful and malicious assaults committed 8334
by the child; and of the right of the victims to recover an 8335
award of reparations pursuant to sections 2743.51 to 2743.72 of 8336

the Revised Code. 8337

Sec. 2743.60. (A) The attorney general or the court of 8338
claims shall not make or order an award of reparations to a 8339
claimant if the criminally injurious conduct upon which the 8340
claimant bases a claim never was reported to a law enforcement 8341
officer or agency. 8342

(B) (1) The attorney general or the court of claims shall 8343
not make or order an award of reparations to a claimant if any 8344
of the following apply: 8345

(a) The claimant is the offender or an accomplice of the 8346
offender who committed the criminally injurious conduct, or the 8347
award would unjustly benefit the offender or accomplice. 8348

(b) Except as provided in division (B) (2) of this section, 8349
both of the following apply: 8350

(i) The victim was a passenger in a motor vehicle and knew 8351
or reasonably should have known that the driver was under the 8352
influence of alcohol, a drug of abuse, or both. 8353

(ii) The claimant is seeking compensation for injuries 8354
proximately caused by the driver described in division (B) (1) (b) 8355
(i) of this section being under the influence of alcohol, a drug 8356
of abuse, or both. 8357

(c) Both of the following apply: 8358

(i) The victim was under the influence of alcohol, a drug 8359
of abuse, or both and was a passenger in a motor vehicle and, if 8360
sober, should have reasonably known that the driver was under 8361
the influence of alcohol, a drug of abuse, or both. 8362

(ii) The claimant is seeking compensation for injuries 8363
proximately caused by the driver described in division (B) (1) (b) 8364

(i) of this section being under the influence of alcohol, a drug 8365
of abuse, or both. 8366

(2) Division (B)(1)(b) of this section does not apply if 8367
on the date of the occurrence of the criminally injurious 8368
conduct, the victim was under sixteen years of age or was at 8369
least sixteen years of age but less than eighteen years of age 8370
and was riding with a parent, guardian, or care-provider. 8371

(C) The attorney general or the court of claims, upon a 8372
finding that the claimant or victim has not fully cooperated 8373
with appropriate law enforcement agencies, may deny a claim or 8374
reconsider and reduce an award of reparations. 8375

(D) The attorney general or the court of claims shall 8376
reduce an award of reparations or deny a claim for an award of 8377
reparations that is otherwise payable to a claimant to the 8378
extent that the economic loss upon which the claim is based is 8379
recouped from other persons, including collateral sources. If an 8380
award is reduced or a claim is denied because of the expected 8381
recoupment of all or part of the economic loss of the claimant 8382
from a collateral source, the amount of the award or the denial 8383
of the claim shall be conditioned upon the claimant's economic 8384
loss being recouped by the collateral source. If the award or 8385
denial is conditioned upon the recoupment of the claimant's 8386
economic loss from a collateral source and it is determined that 8387
the claimant did not unreasonably fail to present a timely claim 8388
to the collateral source and will not receive all or part of the 8389
expected recoupment, the claim may be reopened and an award may 8390
be made in an amount equal to the amount of expected recoupment 8391
that it is determined the claimant will not receive from the 8392
collateral source. 8393

If the claimant recoups all or part of the economic loss 8394

upon which the claim is based from any other person or entity, 8395
including a collateral source, the attorney general may recover 8396
pursuant to section 2743.72 of the Revised Code the part of the 8397
award that represents the economic loss for which the claimant 8398
received the recoupment from the other person or entity. 8399

(E) (1) Except as otherwise provided in division (E) (2) of 8400
this section, the attorney general or the court of claims shall 8401
not make an award to a claimant if any of the following applies: 8402

(a) The victim was convicted of a felony within ten years 8403
prior to the criminally injurious conduct that gave rise to the 8404
claim or is convicted of a felony during the pendency of the 8405
claim. 8406

(b) The claimant was convicted of a felony within ten 8407
years prior to the criminally injurious conduct that gave rise 8408
to the claim or is convicted of a felony during the pendency of 8409
the claim. 8410

(c) It is proved by a preponderance of the evidence that 8411
the victim or the claimant engaged, within ten years prior to 8412
the criminally injurious conduct that gave rise to the claim or 8413
during the pendency of the claim, in an offense of violence, a 8414
violation of section 2925.03, 2925.031, or 2925.032 of the 8415
Revised Code, or any substantially similar offense that also 8416
would constitute a felony under the laws of this state, another 8417
state, or the United States. 8418

(d) The claimant was convicted of a violation of section 8419
2919.22 or 2919.25 of the Revised Code, or of any state law or 8420
municipal ordinance substantially similar to either section, 8421
within ten years prior to the criminally injurious conduct that 8422
gave rise to the claim or during the pendency of the claim. 8423

(e) It is proved by a preponderance of the evidence that 8424
the victim at the time of the criminally injurious conduct that 8425
gave rise to the claim engaged in conduct that was a felony 8426
violation of section 2925.11, 2925.111, or 2925.112 of the 8427
Revised Code or engaged in any substantially similar conduct 8428
that would constitute a felony under the laws of this state, 8429
another state, or the United States. 8430

(2) The attorney general or the court of claims may make 8431
an award to a minor dependent of a deceased victim for 8432
dependent's economic loss or for counseling pursuant to division 8433
(F) (2) of section 2743.51 of the Revised Code if the minor 8434
dependent is not ineligible under division (E) (1) of this 8435
section due to the minor dependent's criminal history and if the 8436
victim was not killed while engaging in illegal conduct that 8437
contributed to the criminally injurious conduct that gave rise 8438
to the claim. For purposes of this section, the use of illegal 8439
drugs by the deceased victim shall not be deemed to have 8440
contributed to the criminally injurious conduct that gave rise 8441
to the claim. 8442

(F) In determining whether to make an award of reparations 8443
pursuant to this section, the attorney general or the court of 8444
claims shall consider whether there was contributory misconduct 8445
by the victim or the claimant. The attorney general or the court 8446
of claims shall reduce an award of reparations or deny a claim 8447
for an award of reparations to the extent it is determined to be 8448
reasonable because of the contributory misconduct of the 8449
claimant or the victim. 8450

When the attorney general decides whether a claim should 8451
be denied because of an allegation of contributory misconduct, 8452
the burden of proof on the issue of that alleged contributory 8453

misconduct shall be upon the claimant, if either of the 8454
following apply: 8455

(1) The victim was convicted of a felony more than ten 8456
years prior to the criminally injurious conduct that is the 8457
subject of the claim or has a record of felony arrests under the 8458
laws of this state, another state, or the United States. 8459

(2) There is good cause to believe that the victim engaged 8460
in an ongoing course of criminal conduct within five years or 8461
less of the criminally injurious conduct that is the subject of 8462
the claim. 8463

(G) The attorney general or the court of claims shall not 8464
make an award of reparations to a claimant if the criminally 8465
injurious conduct that caused the injury or death that is the 8466
subject of the claim occurred to a victim who was an adult and 8467
while the victim, after being convicted of or pleading guilty to 8468
an offense, was serving a sentence of imprisonment in any 8469
detention facility, as defined in section 2921.01 of the Revised 8470
Code. 8471

(H) If a claimant unreasonably fails to present a claim 8472
timely to a source of benefits or advantages that would have 8473
been a collateral source and that would have reimbursed the 8474
claimant for all or a portion of a particular expense, the 8475
attorney general or the court of claims may reduce an award of 8476
reparations or deny a claim for an award of reparations to the 8477
extent that it is reasonable to do so. 8478

(I) Reparations payable to a victim and to all other 8479
claimants sustaining economic loss because of injury to or the 8480
death of that victim shall not exceed fifty thousand dollars in 8481
the aggregate. If the attorney general or the court of claims 8482

reduces an award under division (F) of this section, the maximum 8483
aggregate amount of reparations payable under this division 8484
shall be reduced proportionately to the reduction under division 8485
(F) of this section. 8486

(J) Nothing in this section shall be construed to prohibit 8487
an award to a claimant whose claim is based on the claimant's 8488
being a victim of a violation of section 2905.32 of the Revised 8489
Code if the claimant was less than eighteen years of age when 8490
the criminally injurious conduct occurred. 8491

Sec. 2923.01. (A) No person, with purpose to commit or to 8492
promote or facilitate the commission of aggravated murder, 8493
murder, kidnapping, abduction, compelling prostitution, 8494
promoting prostitution, trafficking in persons, aggravated 8495
arson, arson, aggravated robbery, robbery, aggravated burglary, 8496
burglary, trespassing in a habitation when a person is present 8497
or likely to be present, engaging in a pattern of corrupt 8498
activity, corrupting another with drugs, a felony drug 8499
trafficking, manufacturing, processing, or possession offense, 8500
theft of drugs, or illegal processing of drug documents, the 8501
commission of a felony offense of unauthorized use of a vehicle, 8502
illegally transmitting multiple commercial electronic mail 8503
messages or unauthorized access of a computer in violation of 8504
section 2923.421 of the Revised Code, or the commission of a 8505
violation of any provision of Chapter 3734. of the Revised Code, 8506
other than section 3734.18 of the Revised Code, that relates to 8507
hazardous wastes, shall do either of the following: 8508

(1) With another person or persons, plan or aid in 8509
planning the commission of any of the specified offenses; 8510

(2) Agree with another person or persons that one or more 8511
of them will engage in conduct that facilitates the commission 8512

of any of the specified offenses. 8513

(B) No person shall be convicted of conspiracy unless a 8514
substantial overt act in furtherance of the conspiracy is 8515
alleged and proved to have been done by the accused or a person 8516
with whom the accused conspired, subsequent to the accused's 8517
entrance into the conspiracy. For purposes of this section, an 8518
overt act is substantial when it is of a character that 8519
manifests a purpose on the part of the actor that the object of 8520
the conspiracy should be completed. 8521

(C) When the offender knows or has reasonable cause to 8522
believe that a person with whom the offender conspires also has 8523
conspired or is conspiring with another to commit the same 8524
offense, the offender is guilty of conspiring with that other 8525
person, even though the other person's identity may be unknown 8526
to the offender. 8527

(D) It is no defense to a charge under this section that, 8528
in retrospect, commission of the offense that was the object of 8529
the conspiracy was impossible under the circumstances. 8530

(E) A conspiracy terminates when the offense or offenses 8531
that are its objects are committed or when it is abandoned by 8532
all conspirators. In the absence of abandonment, it is no 8533
defense to a charge under this section that no offense that was 8534
the object of the conspiracy was committed. 8535

(F) A person who conspires to commit more than one offense 8536
is guilty of only one conspiracy, when the offenses are the 8537
object of the same agreement or continuous conspiratorial 8538
relationship. 8539

(G) When a person is convicted of committing or attempting 8540
to commit a specific offense or of complicity in the commission 8541

of or attempt to commit the specific offense, the person shall 8542
not be convicted of conspiracy involving the same offense. 8543

(H) (1) No person shall be convicted of conspiracy upon the 8544
testimony of a person with whom the defendant conspired, 8545
unsupported by other evidence. 8546

(2) If a person with whom the defendant allegedly has 8547
conspired testifies against the defendant in a case in which the 8548
defendant is charged with conspiracy and if the testimony is 8549
supported by other evidence, the court, when it charges the 8550
jury, shall state substantially the following: 8551

"The testimony of an accomplice that is supported by other 8552
evidence does not become inadmissible because of the 8553
accomplice's complicity, moral turpitude, or self-interest, but 8554
the admitted or claimed complicity of a witness may affect the 8555
witness' credibility and make the witness' testimony subject to 8556
grave suspicion, and require that it be weighed with great 8557
caution. 8558

It is for you, as jurors, in the light of all the facts 8559
presented to you from the witness stand, to evaluate such 8560
testimony and to determine its quality and worth or its lack of 8561
quality and worth." 8562

(3) "Conspiracy," as used in division (H) (1) of this 8563
section, does not include any conspiracy that results in an 8564
attempt to commit an offense or in the commission of an offense. 8565

(I) The following are affirmative defenses to a charge of 8566
conspiracy: 8567

(1) After conspiring to commit an offense, the actor 8568
thwarted the success of the conspiracy under circumstances 8569
manifesting a complete and voluntary renunciation of the actor's 8570

criminal purpose. 8571

(2) After conspiring to commit an offense, the actor 8572
abandoned the conspiracy prior to the commission of or attempt 8573
to commit any offense that was the object of the conspiracy, 8574
either by advising all other conspirators of the actor's 8575
abandonment, or by informing any law enforcement authority of 8576
the existence of the conspiracy and of the actor's participation 8577
in the conspiracy. 8578

(J) Whoever violates this section is guilty of conspiracy, 8579
which is one of the following: 8580

(1) A felony of the first degree, when one of the objects 8581
of the conspiracy is aggravated murder, murder, or an offense 8582
for which the maximum penalty is imprisonment for life; 8583

(2) A felony of the next lesser degree than the most 8584
serious offense that is the object of the conspiracy, when the 8585
most serious offense that is the object of the conspiracy is a 8586
felony of the first, second, third, or fourth degree; 8587

(3) A felony punishable by a fine of not more than twenty- 8588
five thousand dollars or imprisonment for not more than eighteen 8589
months, or both, when the offense that is the object of the 8590
conspiracy is a violation of any provision of Chapter 3734. of 8591
the Revised Code, other than section 3734.18 of the Revised 8592
Code, that relates to hazardous wastes; 8593

(4) A misdemeanor of the first degree, when the most 8594
serious offense that is the object of the conspiracy is a felony 8595
of the fifth degree. 8596

(K) This section does not define a separate conspiracy 8597
offense or penalty where conspiracy is defined as an offense by 8598
one or more sections of the Revised Code, other than this 8599

section. In such a case, however: 8600

(1) With respect to the offense specified as the object of 8601
the conspiracy in the other section or sections, division (A) of 8602
this section defines the voluntary act or acts and culpable 8603
mental state necessary to constitute the conspiracy; 8604

(2) Divisions (B) to (I) of this section are incorporated 8605
by reference in the conspiracy offense defined by the other 8606
section or sections of the Revised Code. 8607

(L) (1) In addition to the penalties that otherwise are 8608
imposed for conspiracy, a person who is found guilty of 8609
conspiracy to engage in a pattern of corrupt activity is subject 8610
to divisions (B) (2) and (3) of section 2923.32, division (A) of 8611
section 2981.04, and division (D) of section 2981.06 of the 8612
Revised Code. 8613

(2) If a person is convicted of or pleads guilty to 8614
conspiracy and if the most serious offense that is the object of 8615
the conspiracy is a felony drug trafficking, manufacturing, 8616
processing, or possession offense, in addition to the penalties 8617
or sanctions that may be imposed for the conspiracy under 8618
division (J) (2) or (4) of this section and Chapter 2929. of the 8619
Revised Code, both of the following apply: 8620

(a) The provisions of divisions ~~(D)~~, ~~(F)~~, (L), (N), and 8621
~~(G)~~ (O) of section 2925.03 and the related provisions of 8622
sections 2925.031 and 2925.032, division (D) of section 2925.04, 8623
division (D) of section 2925.05, division (D) of section 8624
2925.06, and division (E) of section 2925.11 and the related 8625
provisions of sections 2925.111 and 2925.112 of the Revised Code 8626
that pertain to mandatory and additional fines, driver's or 8627
commercial driver's license or permit suspensions, and 8628

professionally licensed persons and that would apply under the 8629
appropriate provisions of those divisions to a person who is 8630
convicted of or pleads guilty to the felony drug trafficking, 8631
manufacturing, processing, or possession offense that is the 8632
most serious offense that is the basis of the conspiracy shall 8633
apply to the person who is convicted of or pleads guilty to the 8634
conspiracy as if the person had been convicted of or pleaded 8635
guilty to the felony drug trafficking, manufacturing, 8636
processing, or possession offense that is the most serious 8637
offense that is the basis of the conspiracy. 8638

(b) The court that imposes sentence upon the person who is 8639
convicted of or pleads guilty to the conspiracy shall comply 8640
with the provisions identified as being applicable under 8641
division (L) (2) of this section, in addition to any other 8642
penalty or sanction that it imposes for the conspiracy under 8643
division (J) (2) or (4) of this section and Chapter 2929. of the 8644
Revised Code. 8645

(M) As used in this section: 8646

(1) "Felony drug trafficking, manufacturing, processing, 8647
or possession offense" means any of the following that is a 8648
felony: 8649

(a) A violation of section 2925.03, 2925.031, 2925.032, 8650
2925.04, 2925.05, or 2925.06 of the Revised Code; 8651

(b) A violation of section 2925.11, 2925.111, or 2925.112 8652
of the Revised Code that is not a minor drug possession offense. 8653

(2) "Minor drug possession offense" has the same meaning 8654
as in section 2925.01 of the Revised Code. 8655

Sec. 2923.241. (A) As used in this section: 8656

(1) "Controlled substance" has the same meaning as in 8657
section 3719.01 of the Revised Code. 8658

(2) "Hidden compartment" means a container, space, or 8659
enclosure that conceals, hides, or otherwise prevents the 8660
discovery of the contents of the container, space, or enclosure. 8661
"Hidden compartment" includes, but is not limited to, any of the 8662
following: 8663

(a) False, altered, or modified fuel tanks; 8664

(b) Any original factory equipment on a vehicle that has 8665
been modified to conceal, hide, or prevent the discovery of the 8666
modified equipment's contents; 8667

(c) Any compartment, space, box, or other closed container 8668
that is added or attached to existing compartments, spaces, 8669
boxes, or closed containers integrated or attached to a vehicle. 8670

(3) "Vehicle" has the same meaning as in section 4511.01 8671
of the Revised Code and includes, but is not limited to, a motor 8672
vehicle, commercial tractor, trailer, noncommercial trailer, 8673
semitrailer, mobile home, recreational vehicle, or motor home. 8674

(4) "Motor vehicle," "commercial trailer," "trailer," 8675
"noncommercial trailer," "semitrailer," "mobile home," 8676
"manufacturer," "recreational vehicle," and "motor home" have 8677
the same meanings as in section 4501.01 of the Revised Code. 8678

(5) "Motor vehicle dealer" has the same meaning as in 8679
section 4517.01 of the Revised Code. 8680

(B) No person shall knowingly design, build, construct, or 8681
fabricate a vehicle with a hidden compartment, or modify or 8682
alter any portion of a vehicle in order to create or add a 8683
hidden compartment, with the intent to facilitate the unlawful 8684

concealment or transportation of a controlled substance. 8685

(C) No person shall knowingly operate, possess, or use a 8686
vehicle with a hidden compartment with knowledge that the hidden 8687
compartment is used or intended to be used to facilitate the 8688
unlawful concealment or transportation of a controlled 8689
substance. 8690

(D) No person who has been convicted of or pleaded guilty 8691
to a violation of aggravated trafficking in drugs under section 8692
2925.03 of the Revised Code as it existed prior to the effective 8693
date of this amendment that is a felony of the first or second 8694
degree, or a violation of section 2925.03, 2925.031, or 2925.032 8695
of the Revised Code as those sections exist on and after the 8696
effective date of this amendment and that involve a schedule I 8697
or schedule II controlled substance and are a felony of the 8698
first or second degree, shall operate, possess, or use a vehicle 8699
with a hidden compartment. 8700

(E) Whoever violates division (B) of this section is 8701
guilty of designing a vehicle with a hidden compartment used to 8702
transport a controlled substance. Except as otherwise provided 8703
in this division, designing a vehicle with a hidden compartment 8704
used to transport a controlled substance is a felony of the 8705
fourth degree. If the offender previously has been convicted of 8706
or pleaded guilty to a violation of division (B) of this 8707
section, designing a vehicle with a hidden compartment used to 8708
transport a controlled substance is a felony of the third 8709
degree. 8710

(F) Whoever violates division (C) or (D) of this section 8711
is guilty of operating a vehicle with a hidden compartment used 8712
to transport a controlled substance. Except as otherwise 8713
provided in this division, operating a vehicle with a hidden 8714

compartment used to transport a controlled substance is a felony 8715
of the fourth degree. Except as otherwise provided in this 8716
division, if the offender previously has been convicted of or 8717
pleaded guilty to a violation of division (C) or (D) of this 8718
section, operating a vehicle with a hidden compartment used to 8719
transport a controlled substance is a felony of the third 8720
degree. If the hidden compartment contains a controlled 8721
substance at the time of the offense, operating a vehicle with a 8722
hidden compartment used to transport a controlled substance is a 8723
felony of the second degree. 8724

(G) This section does not apply to any law enforcement 8725
officer acting in the performance of the law enforcement 8726
officer's duties. 8727

(H) (1) This section does not apply to any licensed motor 8728
vehicle dealer or motor vehicle manufacturer that in the 8729
ordinary course of business repairs, purchases, receives in 8730
trade, leases, or sells a motor vehicle. 8731

(2) This section does not impose a duty on a licensed 8732
motor vehicle dealer to know, discover, report, repair, or 8733
disclose the existence of a hidden compartment to any person. 8734

(I) This section does not apply to a box, safe, container, 8735
or other item added to a vehicle for the purpose of securing 8736
valuables, electronics, or firearms provided that at the time of 8737
discovery the box, safe, container, or other item added to the 8738
vehicle does not contain a controlled substance or visible 8739
residue of a controlled substance. 8740

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 8741
the Revised Code: 8742

(A) "Beneficial interest" means any of the following: 8743

(1) The interest of a person as a beneficiary under a 8744
trust in which the trustee holds title to personal or real 8745
property; 8746

(2) The interest of a person as a beneficiary under any 8747
other trust arrangement under which any other person holds title 8748
to personal or real property for the benefit of such person; 8749

(3) The interest of a person under any other form of 8750
express fiduciary arrangement under which any other person holds 8751
title to personal or real property for the benefit of such 8752
person. 8753

"Beneficial interest" does not include the interest of a 8754
stockholder in a corporation or the interest of a partner in 8755
either a general or limited partnership. 8756

(B) "Costs of investigation and prosecution" and "costs of 8757
investigation and litigation" mean all of the costs incurred by 8758
the state or a county or municipal corporation under sections 8759
2923.31 to 2923.36 of the Revised Code in the prosecution and 8760
investigation of any criminal action or in the litigation and 8761
investigation of any civil action, and includes, but is not 8762
limited to, the costs of resources and personnel. 8763

(C) "Enterprise" includes any individual, sole 8764
proprietorship, partnership, limited partnership, corporation, 8765
trust, union, government agency, or other legal entity, or any 8766
organization, association, or group of persons associated in 8767
fact although not a legal entity. "Enterprise" includes illicit 8768
as well as licit enterprises. 8769

(D) "Innocent person" includes any bona fide purchaser of 8770
property that is allegedly involved in a violation of section 8771
2923.32 of the Revised Code, including any person who 8772

establishes a valid claim to or interest in the property in 8773
accordance with division (E) of section 2981.04 of the Revised 8774
Code, and any victim of an alleged violation of that section or 8775
of any underlying offense involved in an alleged violation of 8776
that section. 8777

(E) "Pattern of corrupt activity" means two or more 8778
incidents of corrupt activity, whether or not there has been a 8779
prior conviction, that are related to the affairs of the same 8780
enterprise, are not isolated, and are not so closely related to 8781
each other and connected in time and place that they constitute 8782
a single event. 8783

At least one of the incidents forming the pattern shall 8784
occur on or after January 1, 1986. Unless any incident was an 8785
aggravated murder or murder, the last of the incidents forming 8786
the pattern shall occur within six years after the commission of 8787
any prior incident forming the pattern, excluding any period of 8788
imprisonment served by any person engaging in the corrupt 8789
activity. 8790

For the purposes of the criminal penalties that may be 8791
imposed pursuant to section 2923.32 of the Revised Code, at 8792
least one of the incidents forming the pattern shall constitute 8793
a felony under the laws of this state in existence at the time 8794
it was committed or, if committed in violation of the laws of 8795
the United States or of any other state, shall constitute a 8796
felony under the law of the United States or the other state and 8797
would be a criminal offense under the law of this state if 8798
committed in this state. 8799

(F) "Pecuniary value" means money, a negotiable 8800
instrument, a commercial interest, or anything of value, as 8801
defined in section 1.03 of the Revised Code, or any other 8802

property or service that has a value in excess of one hundred 8803
dollars. 8804

(G) "Person" means any person, as defined in section 1.59 8805
of the Revised Code, and any governmental officer, employee, or 8806
entity. 8807

(H) "Personal property" means any personal property, any 8808
interest in personal property, or any right, including, but not 8809
limited to, bank accounts, debts, corporate stocks, patents, or 8810
copyrights. Personal property and any beneficial interest in 8811
personal property are deemed to be located where the trustee of 8812
the property, the personal property, or the instrument 8813
evidencing the right is located. 8814

(I) "Corrupt activity" means engaging in, attempting to 8815
engage in, conspiring to engage in, or soliciting, coercing, or 8816
intimidating another person to engage in any of the following: 8817

(1) Conduct defined as "racketeering activity" under the 8818
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 8819
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 8820

(2) Conduct constituting any of the following: 8821

(a) A violation of section 1315.55, 1322.07, 2903.01, 8822
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 8823
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 8824
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 8825
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 8826
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 8827
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 8828
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 8829
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 8830
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 8831

or (F) of section 1707.44; division (A) (1) or (2) of section 8832
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 8833
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 8834
division (C), (D), or (E) of section 4719.07; section 4719.08; 8835
or division (A) of section 4719.09 of the Revised Code. 8836

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 8837
3769.19 of the Revised Code as it existed prior to July 1, 1996, 8838
any violation of section 2915.02 of the Revised Code that occurs 8839
on or after July 1, 1996, and that, had it occurred prior to 8840
that date, would have been a violation of section 3769.11 of the 8841
Revised Code as it existed prior to that date, or any violation 8842
of section 2915.05 of the Revised Code that occurs on or after 8843
July 1, 1996, and that, had it occurred prior to that date, 8844
would have been a violation of section 3769.15, 3769.16, or 8845
3769.19 of the Revised Code as it existed prior to that date. 8846

(c) Any violation of section 2907.21, 2907.22, 2907.31, 8847
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 8848
2913.47, 2913.51, 2915.03, 2925.03, 2925.031, 2925.032, 2925.04, 8849
2925.05, or 2925.37 of the Revised Code, any violation of 8850
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 8851
is a felony of the first, second, third, or fourth degree and 8852
that occurs on or after July 1, 1996, any violation of section 8853
2915.02 of the Revised Code that occurred prior to July 1, 1996, 8854
any violation of section 2915.02 of the Revised Code that occurs 8855
on or after July 1, 1996, and that, had it occurred prior to 8856
that date, would not have been a violation of section 3769.11 of 8857
the Revised Code as it existed prior to that date, any violation 8858
of section 2915.06 of the Revised Code as it existed prior to 8859
July 1, 1996, or any violation of division (B) of section 8860
2915.05 of the Revised Code as it exists on and after July 1, 8861
1996, when the proceeds of the violation, the payments made in 8862

the violation, the amount of a claim for payment or for any 8863
other benefit that is false or deceptive and that is involved in 8864
the violation, or the value of the contraband or other property 8865
illegally possessed, sold, or purchased in the violation exceeds 8866
one thousand dollars, or any combination of violations described 8867
in division (I) (2) (c) of this section when the total proceeds of 8868
the combination of violations, payments made in the combination 8869
of violations, amount of the claims for payment or for other 8870
benefits that is false or deceptive and that is involved in the 8871
combination of violations, or value of the contraband or other 8872
property illegally possessed, sold, or purchased in the 8873
combination of violations exceeds one thousand dollars; 8874

(d) Any violation of section 5743.112 of the Revised Code 8875
when the amount of unpaid tax exceeds one hundred dollars; 8876

(e) Any violation or combination of violations of section 8877
2907.32 of the Revised Code involving any material or 8878
performance containing a display of bestiality or of sexual 8879
conduct, as defined in section 2907.01 of the Revised Code, that 8880
is explicit and depicted with clearly visible penetration of the 8881
genitals or clearly visible penetration by the penis of any 8882
orifice when the total proceeds of the violation or combination 8883
of violations, the payments made in the violation or combination 8884
of violations, or the value of the contraband or other property 8885
illegally possessed, sold, or purchased in the violation or 8886
combination of violations exceeds one thousand dollars; 8887

(f) Any combination of violations described in division 8888
(I) (2) (c) of this section and violations of section 2907.32 of 8889
the Revised Code involving any material or performance 8890
containing a display of bestiality or of sexual conduct, as 8891
defined in section 2907.01 of the Revised Code, that is explicit 8892

and depicted with clearly visible penetration of the genitals or 8893
clearly visible penetration by the penis of any orifice when the 8894
total proceeds of the combination of violations, payments made 8895
in the combination of violations, amount of the claims for 8896
payment or for other benefits that is false or deceptive and 8897
that is involved in the combination of violations, or value of 8898
the contraband or other property illegally possessed, sold, or 8899
purchased in the combination of violations exceeds one thousand 8900
dollars; 8901

(g) Any violation of section 2905.32 of the Revised Code 8902
to the extent the violation is not based solely on the same 8903
conduct that constitutes corrupt activity pursuant to division 8904
(I) (2) (c) of this section due to the conduct being in violation 8905
of section 2907.21 of the Revised Code. 8906

(3) Conduct constituting a violation of any law of any 8907
state other than this state that is substantially similar to the 8908
conduct described in division (I) (2) of this section, provided 8909
the defendant was convicted of the conduct in a criminal 8910
proceeding in the other state; 8911

(4) Animal or ecological terrorism; 8912

(5) (a) Conduct constituting any of the following: 8913

(i) Organized retail theft; 8914

(ii) Conduct that constitutes one or more violations of 8915
any law of any state other than this state, that is 8916
substantially similar to organized retail theft, and that if 8917
committed in this state would be organized retail theft, if the 8918
defendant was convicted of or pleaded guilty to the conduct in a 8919
criminal proceeding in the other state. 8920

(b) By enacting division (I) (5) (a) of this section, it is 8921

the intent of the general assembly to add organized retail theft 8922
and the conduct described in division (I)(5)(a)(ii) of this 8923
section as conduct constituting corrupt activity. The enactment 8924
of division (I)(5)(a) of this section and the addition by 8925
division (I)(5)(a) of this section of organized retail theft and 8926
the conduct described in division (I)(5)(a)(ii) of this section 8927
as conduct constituting corrupt activity does not limit or 8928
preclude, and shall not be construed as limiting or precluding, 8929
any prosecution for a violation of section 2923.32 of the 8930
Revised Code that is based on one or more violations of section 8931
2913.02 or 2913.51 of the Revised Code, one or more similar 8932
offenses under the laws of this state or any other state, or any 8933
combination of any of those violations or similar offenses, even 8934
though the conduct constituting the basis for those violations 8935
or offenses could be construed as also constituting organized 8936
retail theft or conduct of the type described in division (I)(5) 8937
(a)(ii) of this section. 8938

(J) "Real property" means any real property or any 8939
interest in real property, including, but not limited to, any 8940
lease of, or mortgage upon, real property. Real property and any 8941
beneficial interest in it is deemed to be located where the real 8942
property is located. 8943

(K) "Trustee" means any of the following: 8944

(1) Any person acting as trustee under a trust in which 8945
the trustee holds title to personal or real property; 8946

(2) Any person who holds title to personal or real 8947
property for which any other person has a beneficial interest; 8948

(3) Any successor trustee. 8949

"Trustee" does not include an assignee or trustee for an 8950

insolvent debtor or an executor, administrator, administrator 8951
with the will annexed, testamentary trustee, guardian, or 8952
committee, appointed by, under the control of, or accountable to 8953
a court. 8954

(L) "Unlawful debt" means any money or other thing of 8955
value constituting principal or interest of a debt that is 8956
legally unenforceable in this state in whole or in part because 8957
the debt was incurred or contracted in violation of any federal 8958
or state law relating to the business of gambling activity or 8959
relating to the business of lending money at an usurious rate 8960
unless the creditor proves, by a preponderance of the evidence, 8961
that the usurious rate was not intentionally set and that it 8962
resulted from a good faith error by the creditor, 8963
notwithstanding the maintenance of procedures that were adopted 8964
by the creditor to avoid an error of that nature. 8965

(M) "Animal activity" means any activity that involves the 8966
use of animals or animal parts, including, but not limited to, 8967
hunting, fishing, trapping, traveling, camping, the production, 8968
preparation, or processing of food or food products, clothing or 8969
garment manufacturing, medical research, other research, 8970
entertainment, recreation, agriculture, biotechnology, or 8971
service activity that involves the use of animals or animal 8972
parts. 8973

(N) "Animal facility" means a vehicle, building, 8974
structure, nature preserve, or other premises in which an animal 8975
is lawfully kept, handled, housed, exhibited, bred, or offered 8976
for sale, including, but not limited to, a zoo, rodeo, circus, 8977
amusement park, hunting preserve, or premises in which a horse 8978
or dog event is held. 8979

(O) "Animal or ecological terrorism" means the commission 8980

of any felony that involves causing or creating a substantial 8981
risk of physical harm to any property of another, the use of a 8982
deadly weapon or dangerous ordnance, or purposely, knowingly, or 8983
recklessly causing serious physical harm to property and that 8984
involves an intent to obstruct, impede, or deter any person from 8985
participating in a lawful animal activity, from mining, 8986
forestry, harvesting, gathering, or processing natural 8987
resources, or from being lawfully present in or on an animal 8988
facility or research facility. 8989

(P) "Research facility" means a place, laboratory, 8990
institution, medical care facility, government facility, or 8991
public or private educational institution in which a scientific 8992
test, experiment, or investigation involving the use of animals 8993
or other living organisms is lawfully carried out, conducted, or 8994
attempted. 8995

(Q) "Organized retail theft" means the theft of retail 8996
property with a retail value of one thousand dollars or more 8997
from one or more retail establishments with the intent to sell, 8998
deliver, or transfer that property to a retail property fence. 8999

(R) "Retail property" means any tangible personal property 9000
displayed, held, stored, or offered for sale in or by a retail 9001
establishment. 9002

(S) "Retail property fence" means a person who possesses, 9003
procures, receives, or conceals retail property that was 9004
represented to the person as being stolen or that the person 9005
knows or believes to be stolen. 9006

(T) "Retail value" means the full retail value of the 9007
retail property. In determining whether the retail value of 9008
retail property equals or exceeds one thousand dollars, the 9009

value of all retail property stolen from the retail 9010
establishment or retail establishments by the same person or 9011
persons within any one-hundred-eighty-day period shall be 9012
aggregated. 9013

Sec. 2923.41. As used in sections 2923.41 to 2923.44 of 9014
the Revised Code: 9015

(A) "Criminal gang" means an ongoing formal or informal 9016
organization, association, or group of three or more persons to 9017
which all of the following apply: 9018

(1) It has as one of its primary activities the commission 9019
of one or more of the offenses listed in division (B) of this 9020
section. 9021

(2) It has a common name or one or more common, 9022
identifying signs, symbols, or colors. 9023

(3) The persons in the organization, association, or group 9024
individually or collectively engage in or have engaged in a 9025
pattern of criminal gang activity. 9026

(B) (1) "Pattern of criminal gang activity" means, subject 9027
to division (B) (2) of this section, that persons in the criminal 9028
gang have committed, attempted to commit, conspired to commit, 9029
been complicitors in the commission of, or solicited, coerced, 9030
or intimidated another to commit, attempt to commit, conspire to 9031
commit, or be in complicity in the commission of two or more of 9032
any of the following offenses: 9033

(a) A felony or an act committed by a juvenile that would 9034
be a felony if committed by an adult; 9035

(b) An offense of violence or an act committed by a 9036
juvenile that would be an offense of violence if committed by an 9037

adult; 9038

(c) A violation of section 2907.04, 2909.06, 2911.211, 9039
2917.04, 2919.23, or 2919.24 of the Revised Code, section 9040
2921.04 or 2923.16 of the Revised Code, section 2925.03, 9041
2925.031, or 2925.032 of the Revised Code if the offense is 9042
aggravated trafficking in marihuana, major trafficking in 9043
marihuana, or trafficking in marihuana or section 2927.12 of the 9044
Revised Code. 9045

(2) There is a "pattern of criminal gang activity" if all 9046
of the following apply with respect to the offenses that are 9047
listed in division (B)(1)(a), (b), or (c) of this section and 9048
that persons in the criminal gang committed, attempted to 9049
commit, conspired to commit, were in complicity in committing, 9050
or solicited, coerced, or intimidated another to commit, attempt 9051
to commit, conspire to commit, or be in complicity in 9052
committing: 9053

(a) At least one of the two or more offenses is a felony. 9054

(b) At least one of those two or more offenses occurs on 9055
or after January 1, 1999. 9056

(c) The last of those two or more offenses occurs within 9057
five years after at least one of those offenses. 9058

(d) The two or more offenses are committed on separate 9059
occasions or by two or more persons. 9060

(C) "Criminal conduct" means the commission of, an attempt 9061
to commit, a conspiracy to commit, complicity in the commission 9062
of, or solicitation, coercion, or intimidation of another to 9063
commit, attempt to commit, conspire to commit, or be in 9064
complicity in the commission of an offense listed in division 9065
(B)(1)(a), (b), or (c) of this section or an act that is 9066

committed by a juvenile and that would be an offense, an attempt 9067
to commit an offense, a conspiracy to commit an offense, 9068
complicity in the commission of, or solicitation, coercion, or 9069
intimidation of another to commit, attempt to commit, conspire 9070
to commit, or be in complicity in the commission of an offense 9071
listed in division (B)(1)(a), (b), or (c) of this section if 9072
committed by an adult. 9073

(D) "Juvenile" means a person who is under eighteen years 9074
of age. 9075

(E) "Law enforcement agency" includes, but is not limited 9076
to, the state board of pharmacy and the office of a prosecutor. 9077

(F) "Prosecutor" has the same meaning as in section 9078
2935.01 of the Revised Code. 9079

Sec. 2925.02. (A) No person shall knowingly do any of the 9080
following: 9081

(1) By force, threat, or deception, administer to another 9082
or induce or cause another to use a controlled substance; 9083

(2) By any means, administer or furnish to another or 9084
induce or cause another to use a controlled substance with 9085
purpose to cause serious physical harm to the other person, or 9086
with purpose to cause the other person to become drug dependent; 9087

(3) By any means, administer or furnish to another or 9088
induce or cause another to use a controlled substance, and 9089
thereby cause serious physical harm to the other person, or 9090
cause the other person to become drug dependent; 9091

(4) By any means, do any of the following: 9092

(a) Furnish or administer a controlled substance to a 9093
juvenile who is at least two years the offender's junior, when 9094

the offender knows the age of the juvenile or is reckless in 9095
that regard; 9096

(b) Induce or cause a juvenile who is at least two years 9097
the offender's junior to use a controlled substance, when the 9098
offender knows the age of the juvenile or is reckless in that 9099
regard; 9100

(c) Induce or cause a juvenile who is at least two years 9101
the offender's junior to commit a felony drug abuse offense, 9102
when the offender knows the age of the juvenile or is reckless 9103
in that regard; 9104

(d) Use a juvenile, whether or not the offender knows the 9105
age of the juvenile, to perform any surveillance activity that 9106
is intended to prevent the detection of the offender or any 9107
other person in the commission of a felony drug abuse offense or 9108
to prevent the arrest of the offender or any other person for 9109
the commission of a felony drug abuse offense. 9110

(5) By any means, furnish or administer a controlled 9111
substance to a pregnant woman or induce or cause a pregnant 9112
woman to use a controlled substance, when the offender knows 9113
that the woman is pregnant or is reckless in that regard. 9114

(B) Division (A) (1), (3), (4), or (5) of this section does 9115
not apply to manufacturers, wholesalers, licensed health 9116
professionals authorized to prescribe drugs, pharmacists, owners 9117
of pharmacies, and other persons whose conduct is in accordance 9118
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 9119
4741. of the Revised Code. 9120

(C) Whoever violates this section is guilty of corrupting 9121
another with drugs. The penalty for the offense shall be 9122
determined as follows: 9123

(1) If the offense is a violation of division (A) (1), (2), 9124
(3), or (4) of this section and the drug involved is any 9125
compound, mixture, preparation, or substance included in 9126
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 9127
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 9128
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 9129
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 9130
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 9131
offender shall be punished as follows: 9132

(a) Except as otherwise provided in division (C) (1) (b) of 9133
this section, corrupting another with drugs committed in those 9134
circumstances is a felony of the second degree and, subject to 9135
division (E) of this section, the court shall impose as a 9136
mandatory prison term a second degree felony mandatory prison 9137
term. 9138

(b) If the offense was committed in the vicinity of a 9139
school, corrupting another with drugs committed in those 9140
circumstances is a felony of the first degree, and, subject to 9141
division (E) of this section, the court shall impose as a 9142
mandatory prison term a first degree felony mandatory prison 9143
term. 9144

(2) If the offense is a violation of division (A) (1), (2), 9145
(3), or (4) of this section and the drug involved is any 9146
compound, mixture, preparation, or substance included in 9147
schedule III, IV, or V, the offender shall be punished as 9148
follows: 9149

(a) Except as otherwise provided in division (C) (2) (b) of 9150
this section, corrupting another with drugs committed in those 9151
circumstances is a felony of the second degree and there is a 9152
presumption for a prison term for the offense. 9153

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the fourth degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a

felony of the first degree and, subject to division (E) of this 9184
section, the court shall impose as a mandatory prison term a 9185
first degree felony mandatory prison term. 9186

(5) If the offense is a violation of division (A) (5) of 9187
this section and the drug involved is any compound, mixture, 9188
preparation, or substance included in schedule III, IV, or V, 9189
corrupting another with drugs is a felony of the second degree 9190
and the court shall impose as a mandatory prison term a second 9191
degree felony mandatory prison term. 9192

(6) If the offense is a violation of division (A) (5) of 9193
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 9194
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 9195
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 9196
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 9197
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 9198
corrupting another with drugs is a felony of the third degree 9199
and division (C) of section 2929.13 of the Revised Code applies 9200
in determining whether to impose a prison term on the offender. 9201

(D) In addition to any prison term authorized or required 9202
by division (C) or (E) of this section and sections 2929.13 and 9203
2929.14 of the Revised Code and in addition to any other 9204
sanction imposed for the offense under this section or sections 9205
2929.11 to 2929.18 of the Revised Code, the court that sentences 9206
an offender who is convicted of or pleads guilty to a violation 9207
of division (A) of this section may suspend for not more than 9208
five years the offender's driver's or commercial driver's 9209
license or permit. However, if the offender pleaded guilty to or 9210
was convicted of a violation of section 4511.19 of the Revised 9211
Code or a substantially similar municipal ordinance or the law 9212
of another state or the United States arising out of the same 9213

set of circumstances as the violation, the court shall suspend 9214
the offender's driver's or commercial driver's license or permit 9215
for not more than five years. The court also shall do all of the 9216
following that are applicable regarding the offender: 9217

(1) (a) If the violation is a felony of the first, second, 9218
or third degree, the court shall impose upon the offender the 9219
mandatory fine specified for the offense under division (B) (1) 9220
of section 2929.18 of the Revised Code unless, as specified in 9221
that division, the court determines that the offender is 9222
indigent. 9223

(b) Notwithstanding any contrary provision of section 9224
3719.21 of the Revised Code, any mandatory fine imposed pursuant 9225
to division (D) (1) (a) of this section and any fine imposed for a 9226
violation of this section pursuant to division (A) of section 9227
2929.18 of the Revised Code shall be paid by the clerk of the 9228
court in accordance with and subject to the requirements of, and 9229
shall be used as specified in, division ~~(F)~~ (N) of section 9230
2925.03 of the Revised Code. 9231

(c) If a person is charged with any violation of this 9232
section that is a felony of the first, second, or third degree, 9233
posts bail, and forfeits the bail, the forfeited bail shall be 9234
paid by the clerk of the court pursuant to division (D) (1) (b) of 9235
this section as if it were a fine imposed for a violation of 9236
this section. 9237

(2) If the offender is a professionally licensed person, 9238
in addition to any other sanction imposed for a violation of 9239
this section, the court immediately shall comply with section 9240
2925.38 of the Revised Code. 9241

(E) Notwithstanding the prison term otherwise authorized 9242

or required for the offense under division (C) of this section 9243
and sections 2929.13 and 2929.14 of the Revised Code, if the 9244
violation of division (A) of this section involves the sale, 9245
offer to sell, or possession of a schedule I or II controlled 9246
substance, with the exception of marihuana, 1-Pentyl-3-(1- 9247
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 9248
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 9249
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 9250
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 9251
if the court imposing sentence upon the offender finds that the 9252
offender as a result of the violation is a major drug offender 9253
and is guilty of a specification of the type described in 9254
division (A) of section 2941.1410 of the Revised Code, the 9255
court, in lieu of the prison term that otherwise is authorized 9256
or required, shall impose upon the offender the mandatory prison 9257
term specified in division (B) (3) (a) of section 2929.14 of the 9258
Revised Code. 9259

(F) (1) If the sentencing court suspends the offender's 9260
driver's or commercial driver's license or permit under division 9261
(D) of this section, the offender, at any time after the 9262
expiration of two years from the day on which the offender's 9263
sentence was imposed or from the day on which the offender 9264
finally was released from a prison term under the sentence, 9265
whichever is later, may file a motion with the sentencing court 9266
requesting termination of the suspension. Upon the filing of the 9267
motion and the court's finding of good cause for the 9268
determination, the court may terminate the suspension. 9269

(2) Any offender who received a mandatory suspension of 9270
the offender's driver's or commercial driver's license or permit 9271
under this section prior to September 13, 2016, may file a 9272
motion with the sentencing court requesting the termination of 9273

the suspension. However, an offender who pleaded guilty to or 9274
was convicted of a violation of section 4511.19 of the Revised 9275
Code or a substantially similar municipal ordinance or law of 9276
another state or the United States that arose out of the same 9277
set of circumstances as the violation for which the offender's 9278
license or permit was suspended under this section shall not 9279
file such a motion. 9280

Upon the filing of a motion under division (F)(2) of this 9281
section, the sentencing court, in its discretion, may terminate 9282
the suspension. 9283

Sec. 2925.04. (A) No person shall knowingly cultivate 9284
marihuana or knowingly manufacture or otherwise engage in any 9285
part of the production of a controlled substance. 9286

(B) This section does not apply to any person listed in 9287
division (B)(1), (2), or (3) of section 2925.03 of the Revised 9288
Code to the extent and under the circumstances described in 9289
those divisions. 9290

(C)(1) Whoever commits a violation of division (A) of this 9291
section that involves any drug other than marihuana is guilty of 9292
illegal manufacture of drugs, and whoever commits a violation of 9293
division (A) of this section that involves marihuana is guilty 9294
of illegal cultivation of marihuana. 9295

(2) Except as otherwise provided in this division, if the 9296
drug involved in the violation of division (A) of this section 9297
is any compound, mixture, preparation, or substance included in 9298
schedule I or II, with the exception of methamphetamine or 9299
marihuana, illegal manufacture of drugs is a felony of the 9300
second degree, and, subject to division (E) of this section, the 9301
court shall impose as a mandatory prison term a second degree 9302

felony mandatory prison term. 9303

If the drug involved in the violation is any compound, 9304
mixture, preparation, or substance included in schedule I or II, 9305
with the exception of methamphetamine or marihuana, and if the 9306
offense was committed in the vicinity of a juvenile or in the 9307
vicinity of a school, illegal manufacture of drugs is a felony 9308
of the first degree, and, subject to division (E) of this 9309
section, the court shall impose as a mandatory prison term a 9310
first degree felony mandatory prison term. 9311

(3) If the drug involved in the violation of division (A) 9312
of this section is methamphetamine, the penalty for the 9313
violation shall be determined as follows: 9314

(a) Except as otherwise provided in division (C) (3) (b) of 9315
this section, if the drug involved in the violation is 9316
methamphetamine, illegal manufacture of drugs is a felony of the 9317
second degree, and, subject to division (E) of this section, the 9318
court shall impose a mandatory prison term on the offender 9319
determined in accordance with this division. Except as otherwise 9320
provided in this division, the court shall impose as a mandatory 9321
prison term a second degree felony mandatory prison term that is 9322
not less than three years. If the offender previously has been 9323
convicted of or pleaded guilty to a violation of division (A) of 9324
this section, a violation of division (B) (6) of section 2919.22 9325
of the Revised Code, or a violation of division (A) of section 9326
2925.041 of the Revised Code, the court shall impose as a 9327
mandatory prison term a second degree felony mandatory prison 9328
term that is not less than five years. 9329

(b) If the drug involved in the violation is 9330
methamphetamine and if the offense was committed in the vicinity 9331
of a juvenile, in the vicinity of a school, or on public 9332

premises, illegal manufacture of drugs is a felony of the first 9333
degree, and, subject to division (E) of this section, the court 9334
shall impose a mandatory prison term on the offender determined 9335
in accordance with this division. Except as otherwise provided 9336
in this division, the court shall impose as a mandatory prison 9337
term a first degree felony mandatory prison term that is not 9338
less than four years. If the offender previously has been 9339
convicted of or pleaded guilty to a violation of division (A) of 9340
this section, a violation of division (B) (6) of section 2919.22 9341
of the Revised Code, or a violation of division (A) of section 9342
2925.041 of the Revised Code, the court shall impose as a 9343
mandatory prison term a first degree felony mandatory prison 9344
term that is not less than five years. 9345

(4) If the drug involved in the violation of division (A) 9346
of this section is any compound, mixture, preparation, or 9347
substance included in schedule III, IV, or V, illegal 9348
manufacture of drugs is a felony of the third degree or, if the 9349
offense was committed in the vicinity of a school or in the 9350
vicinity of a juvenile, a felony of the second degree, and there 9351
is a presumption for a prison term for the offense. 9352

(5) If the drug involved in the violation is marihuana, 9353
the penalty for the offense shall be determined as follows: 9354

(a) Except as otherwise provided in division (C) (5) (b), 9355
(c), (d), (e), or (f) of this section, illegal cultivation of 9356
marihuana is a minor misdemeanor or, if the offense was 9357
committed in the vicinity of a school or in the vicinity of a 9358
juvenile, a misdemeanor of the fourth degree. 9359

(b) If the amount of marihuana involved equals or exceeds 9360
one hundred grams but is less than two hundred grams, illegal 9361
cultivation of marihuana is a misdemeanor of the fourth degree 9362

or, if the offense was committed in the vicinity of a school or 9363
in the vicinity of a juvenile, a misdemeanor of the third 9364
degree. 9365

(c) If the amount of marihuana involved equals or exceeds 9366
two hundred grams but is less than one thousand grams, illegal 9367
cultivation of marihuana is a felony of the fifth degree or, if 9368
the offense was committed in the vicinity of a school or in the 9369
vicinity of a juvenile, a felony of the fourth degree, and 9370
division (B) of section 2929.13 of the Revised Code applies in 9371
determining whether to impose a prison term on the offender. 9372

(d) If the amount of marihuana involved equals or exceeds 9373
one thousand grams but is less than five thousand grams, illegal 9374
cultivation of marihuana is a felony of the third degree or, if 9375
the offense was committed in the vicinity of a school or in the 9376
vicinity of a juvenile, a felony of the second degree, and 9377
division (C) of section 2929.13 of the Revised Code applies in 9378
determining whether to impose a prison term on the offender. 9379

(e) If the amount of marihuana involved equals or exceeds 9380
five thousand grams but is less than twenty thousand grams, 9381
illegal cultivation of marihuana is a felony of the third degree 9382
or, if the offense was committed in the vicinity of a school or 9383
in the vicinity of a juvenile, a felony of the second degree, 9384
and there is a presumption for a prison term for the offense. 9385

(f) Except as otherwise provided in this division, if the 9386
amount of marihuana involved equals or exceeds twenty thousand 9387
grams, illegal cultivation of marihuana is a felony of the 9388
second degree, and the court shall impose as a mandatory prison 9389
term a maximum second degree felony mandatory prison term. If 9390
the amount of the drug involved equals or exceeds twenty 9391
thousand grams and if the offense was committed in the vicinity 9392

of a school or in the vicinity of a juvenile, illegal 9393
cultivation of marihuana is a felony of the first degree, and 9394
the court shall impose as a mandatory prison term a maximum 9395
first degree felony mandatory prison term. 9396

(D) In addition to any prison term authorized or required 9397
by division (C) or (E) of this section and sections 2929.13 and 9398
2929.14 of the Revised Code and in addition to any other 9399
sanction imposed for the offense under this section or sections 9400
2929.11 to 2929.18 of the Revised Code, the court that sentences 9401
an offender who is convicted of or pleads guilty to a violation 9402
of division (A) of this section may suspend the offender's 9403
driver's or commercial driver's license or permit in accordance 9404
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 9405
However, if the offender pleaded guilty to or was convicted of a 9406
violation of section 4511.19 of the Revised Code or a 9407
substantially similar municipal ordinance or the law of another 9408
state or the United States arising out of the same set of 9409
circumstances as the violation, the court shall suspend the 9410
offender's driver's or commercial driver's license or permit in 9411
accordance with division ~~(G)~~(O) of section 2925.03 of the 9412
Revised Code. If applicable, the court also shall do the 9413
following: 9414

(1) If the violation of division (A) of this section is a 9415
felony of the first, second, or third degree, the court shall 9416
impose upon the offender the mandatory fine specified for the 9417
offense under division (B)(1) of section 2929.18 of the Revised 9418
Code unless, as specified in that division, the court determines 9419
that the offender is indigent. The clerk of the court shall pay 9420
a mandatory fine or other fine imposed for a violation of this 9421
section pursuant to division (A) of section 2929.18 of the 9422
Revised Code in accordance with and subject to the requirements 9423

of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The 9424
agency that receives the fine shall use the fine as specified in 9425
division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a 9426
person is charged with a violation of this section that is a 9427
felony of the first, second, or third degree, posts bail, and 9428
forfeits the bail, the clerk shall pay the forfeited bail as if 9429
the forfeited bail were a fine imposed for a violation of this 9430
section. 9431

(2) If the offender is a professionally licensed person, 9432
the court immediately shall comply with section 2925.38 of the 9433
Revised Code. 9434

(E) Notwithstanding the prison term otherwise authorized 9435
or required for the offense under division (C) of this section 9436
and sections 2929.13 and 2929.14 of the Revised Code, if the 9437
violation of division (A) of this section involves the sale, 9438
offer to sell, or possession of a schedule I or II controlled 9439
substance, with the exception of marihuana, and if the court 9440
imposing sentence upon the offender finds that the offender as a 9441
result of the violation is a major drug offender and is guilty 9442
of a specification of the type described in division (A) of 9443
section 2941.1410 of the Revised Code, the court, in lieu of the 9444
prison term otherwise authorized or required, shall impose upon 9445
the offender the mandatory prison term specified in division (B) 9446
(3) of section 2929.14 of the Revised Code. 9447

(F) It is an affirmative defense, as provided in section 9448
2901.05 of the Revised Code, to a charge under this section for 9449
a fifth degree felony violation of illegal cultivation of 9450
marihuana that the marihuana that gave rise to the charge is in 9451
an amount, is in a form, is prepared, compounded, or mixed with 9452
substances that are not controlled substances in a manner, or is 9453

possessed or cultivated under any other circumstances that 9454
indicate that the marihuana was solely for personal use. 9455

Notwithstanding any contrary provision of division (F) of 9456
this section, if, in accordance with section 2901.05 of the 9457
Revised Code, a person who is charged with a violation of 9458
illegal cultivation of marihuana that is a felony of the fifth 9459
degree sustains the burden of going forward with evidence of and 9460
establishes by a preponderance of the evidence the affirmative 9461
defense described in this division, the person may be prosecuted 9462
for and may be convicted of or plead guilty to a misdemeanor 9463
violation of illegal cultivation of marihuana. 9464

(G) Arrest or conviction for a minor misdemeanor violation 9465
of this section does not constitute a criminal record and need 9466
not be reported by the person so arrested or convicted in 9467
response to any inquiries about the person's criminal record, 9468
including any inquiries contained in an application for 9469
employment, a license, or any other right or privilege or made 9470
in connection with the person's appearance as a witness. 9471

(H) (1) If the sentencing court suspends the offender's 9472
driver's or commercial driver's license or permit under this 9473
section in accordance with division ~~(G)~~(O) of section 2925.03 of 9474
the Revised Code, the offender may request termination of, and 9475
the court may terminate, the suspension of the offender in 9476
accordance with that division. 9477

(2) Any offender who received a mandatory suspension of 9478
the offender's driver's or commercial driver's license or permit 9479
under this section prior to September 13, 2016, may file a 9480
motion with the sentencing court requesting the termination of 9481
the suspension. However, an offender who pleaded guilty to or 9482
was convicted of a violation of section 4511.19 of the Revised 9483

Code or a substantially similar municipal ordinance or law of 9484
another state or the United States that arose out of the same 9485
set of circumstances as the violation for which the offender's 9486
license or permit was suspended under this section shall not 9487
file such a motion. 9488

Upon the filing of a motion under division (H)(2) of this 9489
section, the sentencing court, in its discretion, may terminate 9490
the suspension. 9491

Sec. 2925.041. (A) No person shall knowingly assemble or 9492
possess one or more chemicals that may be used to manufacture a 9493
controlled substance in schedule I or II with the intent to 9494
manufacture a controlled substance in schedule I or II in 9495
violation of section 2925.04 of the Revised Code. 9496

(B) In a prosecution under this section, it is not 9497
necessary to allege or prove that the offender assembled or 9498
possessed all chemicals necessary to manufacture a controlled 9499
substance in schedule I or II. The assembly or possession of a 9500
single chemical that may be used in the manufacture of a 9501
controlled substance in schedule I or II, with the intent to 9502
manufacture a controlled substance in either schedule, is 9503
sufficient to violate this section. 9504

(C) Whoever violates this section is guilty of illegal 9505
assembly or possession of chemicals for the manufacture of 9506
drugs. Except as otherwise provided in this division, illegal 9507
assembly or possession of chemicals for the manufacture of drugs 9508
is a felony of the third degree, and, except as otherwise 9509
provided in division (C)(1) or (2) of this section, division (C) 9510
of section 2929.13 of the Revised Code applies in determining 9511
whether to impose a prison term on the offender. If the offense 9512
was committed in the vicinity of a juvenile or in the vicinity 9513

of a school, illegal assembly or possession of chemicals for the 9514
manufacture of drugs is a felony of the second degree, and, 9515
except as otherwise provided in division (C) (1) or (2) of this 9516
section, division (C) of section 2929.13 of the Revised Code 9517
applies in determining whether to impose a prison term on the 9518
offender. If the violation of division (A) of this section is a 9519
felony of the third degree under this division and if the 9520
chemical or chemicals assembled or possessed in violation of 9521
division (A) of this section may be used to manufacture 9522
methamphetamine, there either is a presumption for a prison term 9523
for the offense or the court shall impose a mandatory prison 9524
term on the offender, determined as follows: 9525

(1) Except as otherwise provided in this division, there 9526
is a presumption for a prison term for the offense. If the 9527
offender two or more times previously has been convicted of or 9528
pleaded guilty to a felony drug abuse offense, except as 9529
otherwise provided in this division, the court shall impose as a 9530
mandatory prison term one of the prison terms prescribed for a 9531
felony of the third degree that is not less than two years. If 9532
the offender two or more times previously has been convicted of 9533
or pleaded guilty to a felony drug abuse offense and if at least 9534
one of those previous convictions or guilty pleas was to a 9535
violation of division (A) of this section, a violation of 9536
division (B) (6) of section 2919.22 of the Revised Code, or a 9537
violation of division (A) of section 2925.04 of the Revised 9538
Code, the court shall impose as a mandatory prison term one of 9539
the prison terms prescribed for a felony of the third degree 9540
that is not less than five years. 9541

(2) If the violation of division (A) of this section is a 9542
felony of the second degree under division (C) of this section 9543
and the chemical or chemicals assembled or possessed in 9544

committing the violation may be used to manufacture 9545
methamphetamine, the court shall impose as a mandatory prison 9546
term a second degree felony mandatory prison term that is not 9547
less than three years. If the violation of division (A) of this 9548
section is a felony of the second degree under division (C) of 9549
this section, if the chemical or chemicals assembled or 9550
possessed in committing the violation may be used to manufacture 9551
methamphetamine, and if the offender previously has been 9552
convicted of or pleaded guilty to a violation of division (A) of 9553
this section, a violation of division (B) (6) of section 2919.22 9554
of the Revised Code, or a violation of division (A) of section 9555
2925.04 of the Revised Code, the court shall impose as a 9556
mandatory prison term a second degree felony mandatory prison 9557
term that is not less than five years. 9558

(D) In addition to any prison term authorized by division 9559
(C) of this section and sections 2929.13 and 2929.14 of the 9560
Revised Code and in addition to any other sanction imposed for 9561
the offense under this section or sections 2929.11 to 2929.18 of 9562
the Revised Code, the court that sentences an offender who is 9563
convicted of or pleads guilty to a violation of this section may 9564
suspend the offender's driver's or commercial driver's license 9565
or permit in accordance with division ~~(G)~~(O) of section 2925.03 9566
of the Revised Code. However, if the offender pleaded guilty to 9567
or was convicted of a violation of section 4511.19 of the 9568
Revised Code or a substantially similar municipal ordinance or 9569
the law of another state or the United States arising out of the 9570
same set of circumstances as the violation, the court shall 9571
suspend the offender's driver's or commercial driver's license 9572
or permit in accordance with division ~~(G)~~(O) of section 2925.03 9573
of the Revised Code. If applicable, the court also shall do the 9574
following: 9575

(1) The court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section under division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division ~~(F)~~ (N) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division ~~(F)~~ (N) of section 2925.03 of the Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, the court shall comply with section 2925.38 of the Revised Code.

(E) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division ~~(G)~~ (O) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or

was convicted of a violation of section 4511.19 of the Revised 9606
Code or a substantially similar municipal ordinance or law of 9607
another state or the United States that arose out of the same 9608
set of circumstances as the violation for which the offender's 9609
license or permit was suspended under this section shall not 9610
file such a motion. 9611

Upon the filing of a motion under division (E)(2) of this 9612
section, the sentencing court, in its discretion, may terminate 9613
the suspension. 9614

Sec. 2925.05. (A) No person shall knowingly provide money 9615
or other items of value to another person with the purpose that 9616
the recipient of the money or items of value use them to obtain 9617
any controlled substance for the purpose of violating section 9618
2925.04 of the Revised Code or for the purpose of selling or 9619
offering to sell the controlled substance in the following 9620
amount: 9621

(1) If the drug to be sold or offered for sale is any 9622
compound, mixture, preparation, or substance included in 9623
schedule I or II, with the exception of marihuana, cocaine, 9624
L.S.D., heroin, any fentanyl-related compound, and hashish, or 9625
schedule III, IV, or V, an amount of the drug that equals or 9626
exceeds the bulk amount of the drug; 9627

(2) If the drug to be sold or offered for sale is 9628
marihuana or a compound, mixture, preparation, or substance 9629
other than hashish containing marihuana, an amount of the 9630
marihuana that equals or exceeds two hundred grams; 9631

(3) If the drug to be sold or offered for sale is cocaine 9632
or a compound, mixture, preparation, or substance containing 9633
cocaine, an amount of the cocaine that equals or exceeds five 9634

grams; 9635

(4) If the drug to be sold or offered for sale is L.S.D. 9636
or a compound, mixture, preparation, or substance containing 9637
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 9638
doses if the L.S.D. is in a solid form or equals or exceeds one 9639
gram if the L.S.D. is in a liquid concentrate, liquid extract, 9640
or liquid distillate form; 9641

(5) If the drug to be sold or offered for sale is heroin 9642
or a fentanyl-related compound, or a compound, mixture, 9643
preparation, or substance containing heroin or a fentanyl- 9644
related compound, an amount that equals or exceeds ten unit 9645
doses or equals or exceeds one gram; 9646

(6) If the drug to be sold or offered for sale is hashish 9647
or a compound, mixture, preparation, or substance containing 9648
hashish, an amount of the hashish that equals or exceeds ten 9649
grams if the hashish is in a solid form or equals or exceeds two 9650
grams if the hashish is in a liquid concentrate, liquid extract, 9651
or liquid distillate form. 9652

(B) This section does not apply to any person listed in 9653
division (B)(1), (2), or (3) of section 2925.03 of the Revised 9654
Code to the extent and under the circumstances described in 9655
those divisions. 9656

(C)(1) If the drug involved in the violation is any 9657
compound, mixture, preparation, or substance included in 9658
schedule I or II, with the exception of marihuana, whoever 9659
violates division (A) of this section is guilty of aggravated 9660
funding of drug trafficking, a felony of the first degree, and, 9661
subject to division (E) of this section, the court shall impose 9662
as a mandatory prison term a first degree felony mandatory 9663

prison term.

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(2) If the drug involved in the violation is any compound,
mixture, preparation, or substance included in schedule III, IV,
or V, whoever violates division (A) of this section is guilty of
funding of drug trafficking, a felony of the second degree, and
the court shall impose as a mandatory prison term a second
degree felony mandatory prison term.

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(3) If the drug involved in the violation is marihuana,
whoever violates division (A) of this section is guilty of
funding of marihuana trafficking, a felony of the third degree,
and, except as otherwise provided in this division, there is a
presumption for a prison term for the offense. If funding of
marihuana trafficking is a felony of the third degree under this
division and if the offender two or more times previously has
been convicted of or pleaded guilty to a felony drug abuse
offense, the court shall impose as a mandatory prison term one
of the prison terms prescribed for a felony of the third degree.

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(D) In addition to any prison term authorized or required
by division (C) or (E) of this section and sections 2929.13 and
2929.14 of the Revised Code and in addition to any other
sanction imposed for the offense under this section or sections
2929.11 to 2929.18 of the Revised Code, the court that sentences
an offender who is convicted of or pleads guilty to a violation
of division (A) of this section may suspend the offender's
driver's or commercial driver's license or permit in accordance
with division ~~(G)~~(O) of section 2925.03 of the Revised Code.
However, if the offender pleaded guilty to or was convicted of a
violation of section 4511.19 of the Revised Code or a
substantially similar municipal ordinance or the law of another
state or the United States arising out of the same set of

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circumstances as the violation, the court shall suspend the 9694
offender's driver's or commercial driver's license or permit in 9695
accordance with division ~~(G)~~ (O) of section 2925.03 of the 9696
Revised Code. If applicable, the court also shall do the 9697
following: 9698

(1) The court shall impose the mandatory fine specified 9699
for the offense under division (B) (1) of section 2929.18 of the 9700
Revised Code unless, as specified in that division, the court 9701
determines that the offender is indigent. The clerk of the court 9702
shall pay a mandatory fine or other fine imposed for a violation 9703
of this section pursuant to division (A) of section 2929.18 of 9704
the Revised Code in accordance with and subject to the 9705
requirements of division ~~(F)~~ (N) of section 2925.03 of the 9706
Revised Code. The agency that receives the fine shall use the 9707
fine in accordance with division ~~(F)~~ (N) of section 2925.03 of 9708
the Revised Code. If a person is charged with a violation of 9709
this section, posts bail, and forfeits the bail, the forfeited 9710
bail shall be paid as if the forfeited bail were a fine imposed 9711
for a violation of this section. 9712

(2) If the offender is a professionally licensed person, 9713
the court immediately shall comply with section 2925.38 of the 9714
Revised Code. 9715

(E) Notwithstanding the prison term otherwise authorized 9716
or required for the offense under division (C) of this section 9717
and sections 2929.13 and 2929.14 of the Revised Code, if the 9718
violation of division (A) of this section involves the sale, 9719
offer to sell, or possession of a schedule I or II controlled 9720
substance, with the exception of marihuana, one of the following 9721
applies: 9722

(1) If the drug involved in the violation is a fentanyl- 9723

related compound, the offense is a felony of the first degree, 9724
the offender is a major drug offender, and the court shall 9725
impose as a mandatory prison term the maximum prison term 9726
prescribed for a felony of the first degree. 9727

(2) If division (E)(1) of this section does not apply and 9728
the court imposing sentence upon the offender finds that the 9729
offender as a result of the violation is a major drug offender 9730
and is guilty of a specification of the type described in 9731
division (A) of section 2941.1410 of the Revised Code, the 9732
court, in lieu of the prison term otherwise authorized or 9733
required, shall impose upon the offender the mandatory prison 9734
term specified in division (B)(3) of section 2929.14 of the 9735
Revised Code. 9736

(F)(1) If the sentencing court suspends the offender's 9737
driver's or commercial driver's license or permit under this 9738
section in accordance with division ~~(G)~~(O) of section 2925.03 of 9739
the Revised Code, the offender may request termination of, and 9740
the court may terminate, the suspension in accordance with that 9741
division. 9742

(2) Any offender who received a mandatory suspension of 9743
the offender's driver's or commercial driver's license or permit 9744
under this section prior to September 13, 2016, may file a 9745
motion with the sentencing court requesting the termination of 9746
the suspension. However, an offender who pleaded guilty to or 9747
was convicted of a violation of section 4511.19 of the Revised 9748
Code or a substantially similar municipal ordinance or law of 9749
another state or the United States that arose out of the same 9750
set of circumstances as the violation for which the offender's 9751
license or permit was suspended under this section shall not 9752
file such a motion. 9753

Upon the filing of a motion under division (F)(2) of this 9754
section, the sentencing court, in its discretion, may terminate 9755
the suspension. 9756

Sec. 2925.06. (A) No person shall knowingly administer to 9757
a human being, or prescribe or dispense for administration to a 9758
human being, any anabolic steroid not approved by the United 9759
States food and drug administration for administration to human 9760
beings. 9761

(B) This section does not apply to any person listed in 9762
division (B)(1), (2), or (3) of section 2925.03 of the Revised 9763
Code to the extent and under the circumstances described in 9764
those divisions. 9765

(C) Whoever violates division (A) of this section is 9766
guilty of illegal administration or distribution of anabolic 9767
steroids, a felony of the fourth degree, and division (C) of 9768
section 2929.13 of the Revised Code applies in determining 9769
whether to impose a prison term on the offender. 9770

(D) (1) In addition to any prison term authorized or 9771
required by division (C) of this section and sections 2929.13 9772
and 2929.14 of the Revised Code and in addition to any other 9773
sanction imposed for the offense under this section or sections 9774
2929.11 to 2929.18 of the Revised Code, the court that sentences 9775
an offender who is convicted of or pleads guilty to a violation 9776
of division (A) of this section may suspend the offender's 9777
driver's or commercial driver's license or permit in accordance 9778
with division ~~(C)~~ (D) of section 2925.03 of the Revised Code. 9779
However, if the offender pleaded guilty to or was convicted of a 9780
violation of section 4511.19 of the Revised Code or a 9781
substantially similar municipal ordinance or the law of another 9782
state or the United States arising out of the same set of 9783

circumstances as the violation, the court shall suspend the 9784
offender's driver's or commercial driver's license or permit in 9785
accordance with division ~~(G)~~ (O) of section 2925.03 of the 9786
Revised Code. If an offender's driver's or commercial driver's 9787
license or permit is suspended in accordance with that division, 9788
the offender may request termination of, and the court may 9789
terminate, the suspension in accordance with that division. 9790

If the offender is a professionally licensed person, the 9791
court immediately shall comply with section 2925.38 of the 9792
Revised Code. 9793

(2) Any offender who received a mandatory suspension of 9794
the offender's driver's or commercial driver's license or permit 9795
under this section prior to ~~the effective date of this amendment~~ 9796
September 13, 2016, may file a motion with the sentencing court 9797
requesting the termination of the suspension. However, an 9798
offender who pleaded guilty to or was convicted of a violation 9799
of section 4511.19 of the Revised Code or a substantially 9800
similar municipal ordinance or law of another state or the 9801
United States that arose out of the same set of circumstances as 9802
the violation for which the offender's license or permit was 9803
suspended under this section shall not file such a motion. 9804

Upon the filing of a motion under division (D) (2) of this 9805
section, the sentencing court, in its discretion, may terminate 9806
the suspension. 9807

(E) If a person commits any act that constitutes a 9808
violation of division (A) of this section and that also 9809
constitutes a violation of any other provision of the Revised 9810
Code, the prosecutor, as defined in section 2935.01 of the 9811
Revised Code, using customary prosecutorial discretion, may 9812
prosecute the person for a violation of the appropriate 9813

provision of the Revised Code. 9814

Sec. 2925.13. (A) No person who is the owner, operator, or 9815
person in charge of a locomotive, watercraft, aircraft, or other 9816
vehicle, as defined in division (A) of section 4501.01 of the 9817
Revised Code, shall knowingly permit the vehicle to be used for 9818
the commission of a felony drug abuse offense. 9819

(B) No person who is the owner, lessee, or occupant, or 9820
who has custody, control, or supervision, of premises or real 9821
estate, including vacant land, shall knowingly permit the 9822
premises or real estate, including vacant land, to be used for 9823
the commission of a felony drug abuse offense by another person. 9824

(C) (1) Whoever violates this section is guilty of 9825
permitting drug abuse. 9826

(2) Except as provided in division (C) (3) of this section, 9827
permitting drug abuse is a misdemeanor of the first degree. 9828

(3) Permitting drug abuse is a felony of the fifth degree, 9829
and division (C) of section 2929.13 of the Revised Code applies 9830
in determining whether to impose a prison term on the offender, 9831
if either of the following applies: 9832

(a) The felony drug abuse offense in question is a 9833
violation of section 2925.02, 2925.03, 2925.031, 2925.032, or 9834
2925.04 of the Revised Code. 9835

(b) The felony drug abuse offense in question is a 9836
violation of section 2925.041 of the Revised Code and the 9837
offender had actual knowledge, at the time the offender 9838
permitted the vehicle, premises, or real estate to be used as 9839
described in division (A) or (B) of this section, that the 9840
person who assembled or possessed the chemicals in question in 9841
violation of section 2925.041 of the Revised Code had assembled 9842

or possessed them with the intent to manufacture a controlled 9843
substance in schedule I or II in violation of section 2925.04 of 9844
the Revised Code. 9845

(D) (1) In addition to any prison term authorized or 9846
required by division (C) of this section and sections 2929.13 9847
and 2929.14 of the Revised Code and in addition to any other 9848
sanction imposed for the offense under this section or sections 9849
2929.11 to 2929.18 of the Revised Code, the court that sentences 9850
a person who is convicted of or pleads guilty to a violation of 9851
division (A) of this section may suspend for not more than five 9852
years the offender's driver's or commercial driver's license or 9853
permit. However, if the offender pleaded guilty to or was 9854
convicted of a violation of section 4511.19 of the Revised Code 9855
or a substantially similar municipal ordinance or the law of 9856
another state or the United States arising out of the same set 9857
of circumstances as the violation, the court shall suspend the 9858
offender's driver's or commercial driver's license or permit for 9859
not more than five years. 9860

If the offender is a professionally licensed person, in 9861
addition to any other sanction imposed for a violation of this 9862
section, the court immediately shall comply with section 2925.38 9863
of the Revised Code. 9864

(2) Any offender who received a mandatory suspension of 9865
the offender's driver's or commercial driver's license or permit 9866
under this section prior to September 13, 2016, may file a 9867
motion with the sentencing court requesting the termination of 9868
the suspension. However, an offender who pleaded guilty to or 9869
was convicted of a violation of section 4511.19 of the Revised 9870
Code or a substantially similar municipal ordinance or law of 9871
another state or the United States that arose out of the same 9872

set of circumstances as the violation for which the offender's 9873
license or permit was suspended under this section shall not 9874
file such a motion. 9875

Upon the filing of a motion under division (D)(2) of this 9876
section, the sentencing court, in its discretion, may terminate 9877
the suspension. 9878

(E) Notwithstanding any contrary provision of section 9879
3719.21 of the Revised Code, the clerk of the court shall pay a 9880
fine imposed for a violation of this section pursuant to 9881
division (A) of section 2929.18 of the Revised Code in 9882
accordance with and subject to the requirements of division ~~(F)~~ 9883
(N) of section 2925.03 of the Revised Code. The agency that 9884
receives the fine shall use the fine as specified in division 9885
~~(F)~~ (N) of section 2925.03 of the Revised Code. 9886

(F) Any premises or real estate that is permitted to be 9887
used in violation of division (B) of this section constitutes a 9888
nuisance subject to abatement pursuant to Chapter 3767. of the 9889
Revised Code. 9890

Sec. 2925.22. (A) No person, by deception, shall procure 9891
the administration of, a prescription for, or the dispensing of, 9892
a dangerous drug or shall possess an uncompleted preprinted 9893
prescription blank used for writing a prescription for a 9894
dangerous drug. 9895

(B) Whoever violates this section is guilty of deception 9896
to obtain a dangerous drug. The penalty for the offense shall be 9897
determined as follows: 9898

(1) If the person possesses an uncompleted preprinted 9899
prescription blank used for writing a prescription for a 9900
dangerous drug or if the drug involved is a dangerous drug, 9901

except as otherwise provided in division (B) (2) or (3) of this 9902
section, deception to obtain a dangerous drug is a felony of the 9903
fifth degree or, if the offender previously has been convicted 9904
of or pleaded guilty to a drug abuse offense, a felony of the 9905
fourth degree. Division (C) of section 2929.13 of the Revised 9906
Code applies in determining whether to impose a prison term on 9907
the offender pursuant to this division. 9908

(2) If the drug involved is a compound, mixture, 9909
preparation, or substance included in schedule I or II, with the 9910
exception of marihuana, the penalty for deception to obtain 9911
drugs is one of the following: 9912

(a) Except as otherwise provided in division (B) (2) (b), 9913
(c), or (d) of this section, it is a felony of the fourth 9914
degree, and division (C) of section 2929.13 of the Revised Code 9915
applies in determining whether to impose a prison term on the 9916
offender. 9917

(b) If the amount of the drug involved equals or exceeds 9918
the bulk amount but is less than five times the bulk amount, or 9919
if the amount of the drug involved that could be obtained 9920
pursuant to the prescription would equal or exceed the bulk 9921
amount but would be less than five times the bulk amount, it is 9922
a felony of the third degree, and there is a presumption for a 9923
prison term for the offense. 9924

(c) If the amount of the drug involved equals or exceeds 9925
five times the bulk amount but is less than fifty times the bulk 9926
amount, or if the amount of the drug involved that could be 9927
obtained pursuant to the prescription would equal or exceed five 9928
times the bulk amount but would be less than fifty times the 9929
bulk amount, it is a felony of the second degree, and there is a 9930
presumption for a prison term for the offense. 9931

(d) If the amount of the drug involved equals or exceeds 9932
fifty times the bulk amount, or if the amount of the drug 9933
involved that could be obtained pursuant to the prescription 9934
would equal or exceed fifty times the bulk amount, it is a 9935
felony of the first degree, and there is a presumption for a 9936
prison term for the offense. 9937

(3) If the drug involved is a compound, mixture, 9938
preparation, or substance included in schedule III, IV, or V or 9939
is marihuana, the penalty for deception to obtain a dangerous 9940
drug is one of the following: 9941

(a) Except as otherwise provided in division (B) (3) (b), 9942
(c), or (d) of this section, it is a felony of the fifth degree, 9943
and division (C) of section 2929.13 of the Revised Code applies 9944
in determining whether to impose a prison term on the offender. 9945

(b) If the amount of the drug involved equals or exceeds 9946
the bulk amount but is less than five times the bulk amount, or 9947
if the amount of the drug involved that could be obtained 9948
pursuant to the prescription would equal or exceed the bulk 9949
amount but would be less than five times the bulk amount, it is 9950
a felony of the fourth degree, and division (C) of section 9951
2929.13 of the Revised Code applies in determining whether to 9952
impose a prison term on the offender. 9953

(c) If the amount of the drug involved equals or exceeds 9954
five times the bulk amount but is less than fifty times the bulk 9955
amount, or if the amount of the drug involved that could be 9956
obtained pursuant to the prescription would equal or exceed five 9957
times the bulk amount but would be less than fifty times the 9958
bulk amount, it is a felony of the third degree, and there is a 9959
presumption for a prison term for the offense. 9960

(d) If the amount of the drug involved equals or exceeds 9961
fifty times the bulk amount, or if the amount of the drug 9962
involved that could be obtained pursuant to the prescription 9963
would equal or exceed fifty times the bulk amount, it is a 9964
felony of the second degree, and there is a presumption for a 9965
prison term for the offense. 9966

(C) (1) In addition to any prison term authorized or 9967
required by division (B) of this section and sections 2929.13 9968
and 2929.14 of the Revised Code and in addition to any other 9969
sanction imposed for the offense under this section or sections 9970
2929.11 to 2929.18 of the Revised Code, the court that sentences 9971
an offender who is convicted of or pleads guilty to a violation 9972
of division (A) of this section may suspend for not more than 9973
five years the offender's driver's or commercial driver's 9974
license or permit. However, if the offender pleaded guilty to or 9975
was convicted of a violation of section 4511.19 of the Revised 9976
Code or a substantially similar municipal ordinance or the law 9977
of another state or the United States arising out of the same 9978
set of circumstances as the violation, the court shall suspend 9979
the offender's driver's or commercial driver's license or permit 9980
for not more than five years. 9981

If the offender is a professionally licensed person, in 9982
addition to any other sanction imposed for a violation of this 9983
section, the court immediately shall comply with section 2925.38 9984
of the Revised Code. 9985

(2) Any offender who received a mandatory suspension of 9986
the offender's driver's or commercial driver's license or permit 9987
under this section prior to ~~the effective date of this amendment~~ 9988
September 13, 2016, may file a motion with the sentencing court 9989
requesting the termination of the suspension. However, an 9990

offender who pleaded guilty to or was convicted of a violation 9991
of section 4511.19 of the Revised Code or a substantially 9992
similar municipal ordinance or law of another state or the 9993
United States that arose out of the same set of circumstances as 9994
the violation for which the offender's license or permit was 9995
suspended under this section shall not file such a motion. 9996

Upon the filing of a motion under division (C) (2) of this 9997
section, the sentencing court, in its discretion, may terminate 9998
the suspension. 9999

(D) Notwithstanding any contrary provision of section 10000
3719.21 of the Revised Code, the clerk of the court shall pay a 10001
fine imposed for a violation of this section pursuant to 10002
division (A) of section 2929.18 of the Revised Code in 10003
accordance with and subject to the requirements of division ~~(F)~~ 10004
(N) of section 2925.03 of the Revised Code. The agency that 10005
receives the fine shall use the fine as specified in division 10006
~~(F)~~ (N) of section 2925.03 of the Revised Code. 10007

Sec. 2925.23. (A) No person shall knowingly make a false 10008
statement in any prescription, order, report, or record required 10009
by Chapter 3719. or 4729. of the Revised Code. 10010

(B) No person shall intentionally make, utter, or sell, or 10011
knowingly possess any of the following that is a false or 10012
forged: 10013

- (1) Prescription; 10014
- (2) Uncompleted preprinted prescription blank used for 10015
writing a prescription; 10016
- (3) Official written order; 10017
- (4) License for a terminal distributor of dangerous drugs, 10018

as defined in section 4729.01 of the Revised Code; 10019

(5) License for a manufacturer of dangerous drugs, 10020
outsourcing facility, third-party logistics provider, repackager 10021
of dangerous drugs, or wholesale distributor of dangerous drugs, 10022
as defined in section 4729.01 of the Revised Code. 10023

(C) No person, by theft as defined in section 2913.02 of 10024
the Revised Code, shall acquire any of the following: 10025

(1) A prescription; 10026

(2) An uncompleted preprinted prescription blank used for 10027
writing a prescription; 10028

(3) An official written order; 10029

(4) A blank official written order; 10030

(5) A license or blank license for a terminal distributor 10031
of dangerous drugs, as defined in section 4729.01 of the Revised 10032
Code; 10033

(6) A license or blank license for a manufacturer of 10034
dangerous drugs, outsourcing facility, third-party logistics 10035
provider, repackager of dangerous drugs, or wholesale 10036
distributor of dangerous drugs, as defined in section 4729.01 of 10037
the Revised Code. 10038

(D) No person shall knowingly make or affix any false or 10039
forged label to a package or receptacle containing any dangerous 10040
drugs. 10041

(E) Divisions (A) and (D) of this section do not apply to 10042
licensed health professionals authorized to prescribe drugs, 10043
pharmacists, owners of pharmacies, and other persons whose 10044
conduct is in accordance with Chapters 3719., 4715., 4723., 10045

4725., 4729., 4730., 4731., and 4741. of the Revised Code. 10046

(F) Whoever violates this section is guilty of illegal 10047
processing of drug documents. If the offender violates division 10048
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 10049
section, illegal processing of drug documents is a felony of the 10050
fifth degree. If the offender violates division (A), division 10051
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 10052
section, the penalty for illegal processing of drug documents 10053
shall be determined as follows: 10054

(1) If the drug involved is a compound, mixture, 10055
preparation, or substance included in schedule I or II, with the 10056
exception of marihuana, illegal processing of drug documents is 10057
a felony of the fourth degree, and division (C) of section 10058
2929.13 of the Revised Code applies in determining whether to 10059
impose a prison term on the offender. 10060

(2) If the drug involved is a dangerous drug or a 10061
compound, mixture, preparation, or substance included in 10062
schedule III, IV, or V or is marihuana, illegal processing of 10063
drug documents is a felony of the fifth degree, and division (C) 10064
of section 2929.13 of the Revised Code applies in determining 10065
whether to impose a prison term on the offender. 10066

(G) (1) In addition to any prison term authorized or 10067
required by division (F) of this section and sections 2929.13 10068
and 2929.14 of the Revised Code and in addition to any other 10069
sanction imposed for the offense under this section or sections 10070
2929.11 to 2929.18 of the Revised Code, the court that sentences 10071
an offender who is convicted of or pleads guilty to any 10072
violation of divisions (A) to (D) of this section may suspend 10073
for not more than five years the offender's driver's or 10074
commercial driver's license or permit. However, if the offender 10075

pleaded guilty to or was convicted of a violation of section 10076
4511.19 of the Revised Code or a substantially similar municipal 10077
ordinance or the law of another state or the United States 10078
arising out of the same set of circumstances as the violation, 10079
the court shall suspend the offender's driver's or commercial 10080
driver's license or permit for not more than five years. 10081

If the offender is a professionally licensed person, in 10082
addition to any other sanction imposed for a violation of this 10083
section, the court immediately shall comply with section 2925.38 10084
of the Revised Code. 10085

(2) Any offender who received a mandatory suspension of 10086
the offender's driver's or commercial driver's license or permit 10087
under this section prior to September 13, 2016, may file a 10088
motion with the sentencing court requesting the termination of 10089
the suspension. However, an offender who pleaded guilty to or 10090
was convicted of a violation of section 4511.19 of the Revised 10091
Code or a substantially similar municipal ordinance or law of 10092
another state or the United States that arose out of the same 10093
set of circumstances as the violation for which the offender's 10094
license or permit was suspended under this section shall not 10095
file such a motion. 10096

Upon the filing of a motion under division (G) (2) of this 10097
section, the sentencing court, in its discretion, may terminate 10098
the suspension. 10099

(H) Notwithstanding any contrary provision of section 10100
3719.21 of the Revised Code, the clerk of court shall pay a fine 10101
imposed for a violation of this section pursuant to division (A) 10102
of section 2929.18 of the Revised Code in accordance with and 10103
subject to the requirements of division ~~(F)~~(N) of section 10104
2925.03 of the Revised Code. The agency that receives the fine 10105

shall use the fine as specified in division ~~(F)~~ (N) of section 10106
2925.03 of the Revised Code. 10107

Sec. 2925.36. (A) No person shall knowingly furnish 10108
another a sample drug. 10109

(B) Division (A) of this section does not apply to 10110
manufacturers, wholesalers, pharmacists, owners of pharmacies, 10111
licensed health professionals authorized to prescribe drugs, and 10112
other persons whose conduct is in accordance with Chapters 10113
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 10114
the Revised Code. 10115

(C) (1) Whoever violates this section is guilty of illegal 10116
dispensing of drug samples. 10117

(2) If the drug involved in the offense is a compound, 10118
mixture, preparation, or substance included in schedule I or II, 10119
with the exception of marihuana, the penalty for the offense 10120
shall be determined as follows: 10121

(a) Except as otherwise provided in division (C) (2) (b) of 10122
this section, illegal dispensing of drug samples is a felony of 10123
the fifth degree, and, subject to division (E) of this section, 10124
division (C) of section 2929.13 of the Revised Code applies in 10125
determining whether to impose a prison term on the offender. 10126

(b) If the offense was committed in the vicinity of a 10127
school or in the vicinity of a juvenile, illegal dispensing of 10128
drug samples is a felony of the fourth degree, and, subject to 10129
division (E) of this section, division (C) of section 2929.13 of 10130
the Revised Code applies in determining whether to impose a 10131
prison term on the offender. 10132

(3) If the drug involved in the offense is a dangerous 10133
drug or a compound, mixture, preparation, or substance included 10134

in schedule III, IV, or V, or is marihuana, the penalty for the 10135
offense shall be determined as follows: 10136

(a) Except as otherwise provided in division (C) (3) (b) of 10137
this section, illegal dispensing of drug samples is a 10138
misdemeanor of the second degree. 10139

(b) If the offense was committed in the vicinity of a 10140
school or in the vicinity of a juvenile, illegal dispensing of 10141
drug samples is a misdemeanor of the first degree. 10142

(D) (1) In addition to any prison term authorized or 10143
required by division (C) or (E) of this section and sections 10144
2929.13 and 2929.14 of the Revised Code and in addition to any 10145
other sanction imposed for the offense under this section or 10146
sections 2929.11 to 2929.18 of the Revised Code, the court that 10147
sentences an offender who is convicted of or pleads guilty to a 10148
violation of division (A) of this section may suspend for not 10149
more than five years the offender's driver's or commercial 10150
driver's license or permit. However, if the offender pleaded 10151
guilty to or was convicted of a violation of section 4511.19 of 10152
the Revised Code or a substantially similar municipal ordinance 10153
or the law of another state or the United States arising out of 10154
the same set of circumstances as the violation, the court shall 10155
suspend the offender's driver's or commercial driver's license 10156
or permit for not more than five years. 10157

If the offender is a professionally licensed person, in 10158
addition to any other sanction imposed for a violation of this 10159
section, the court immediately shall comply with section 2925.38 10160
of the Revised Code. 10161

(2) Any offender who received a mandatory suspension of 10162
the offender's driver's or commercial driver's license or permit 10163

under this section prior to September 13, 2016, may file a 10164
motion with the sentencing court requesting the termination of 10165
the suspension. However, an offender who pleaded guilty to or 10166
was convicted of a violation of section 4511.19 of the Revised 10167
Code or a substantially similar municipal ordinance or law of 10168
another state or the United States that arose out of the same 10169
set of circumstances as the violation for which the offender's 10170
license or permit was suspended under this section shall not 10171
file such a motion. 10172

Upon the filing of a motion under division (D) (2) of this 10173
section, the sentencing court, in its discretion, may terminate 10174
the suspension. 10175

(E) Notwithstanding the prison term authorized or required 10176
by division (C) of this section and sections 2929.13 and 2929.14 10177
of the Revised Code, if the violation of division (A) of this 10178
section involves the sale, offer to sell, or possession of a 10179
schedule I or II controlled substance, with the exception of 10180
marihuana, and if the court imposing sentence upon the offender 10181
finds that the offender as a result of the violation is a major 10182
drug offender and is guilty of a specification of the type 10183
described in division (A) of section 2941.1410 of the Revised 10184
Code, the court, in lieu of the prison term otherwise authorized 10185
or required, shall impose upon the offender the mandatory prison 10186
term specified in division (B) (3) (a) of section 2929.14 of the 10187
Revised Code. 10188

(F) Notwithstanding any contrary provision of section 10189
3719.21 of the Revised Code, the clerk of the court shall pay a 10190
fine imposed for a violation of this section pursuant to 10191
division (A) of section 2929.18 of the Revised Code in 10192
accordance with and subject to the requirements of division ~~(F)~~ 10193

(N) of section 2925.03 of the Revised Code. The agency that 10194
receives the fine shall use the fine as specified in division 10195
~~(F)~~ (N) of section 2925.03 of the Revised Code. 10196

Sec. 2925.37. (A) No person shall knowingly possess any 10197
counterfeit controlled substance. 10198

(B) No person shall knowingly make, sell, offer to sell, 10199
or deliver any substance that the person knows is a counterfeit 10200
controlled substance. 10201

(C) No person shall make, possess, sell, offer to sell, or 10202
deliver any punch, die, plate, stone, or other device knowing or 10203
having reason to know that it will be used to print or reproduce 10204
a trademark, trade name, or other identifying mark upon a 10205
counterfeit controlled substance. 10206

(D) No person shall sell, offer to sell, give, or deliver 10207
any counterfeit controlled substance to a juvenile. 10208

(E) No person shall directly or indirectly represent a 10209
counterfeit controlled substance as a controlled substance by 10210
describing its effects as the physical or psychological effects 10211
associated with use of a controlled substance. 10212

(F) No person shall directly or indirectly falsely 10213
represent or advertise a counterfeit controlled substance as a 10214
controlled substance. As used in this division, "advertise" 10215
means engaging in "advertisement," as defined in section 3715.01 10216
of the Revised Code. 10217

(G) Whoever violates division (A) of this section is 10218
guilty of possession of counterfeit controlled substances, a 10219
misdemeanor of the first degree. 10220

(H) Whoever violates division (B) or (C) of this section 10221

is guilty of trafficking in counterfeit controlled substances. 10222
Except as otherwise provided in this division, trafficking in 10223
counterfeit controlled substances is a felony of the fifth 10224
degree, and division (C) of section 2929.13 of the Revised Code 10225
applies in determining whether to impose a prison term on the 10226
offender. If the offense was committed in the vicinity of a 10227
school or in the vicinity of a juvenile, trafficking in 10228
counterfeit controlled substances is a felony of the fourth 10229
degree, and division (C) of section 2929.13 of the Revised Code 10230
applies in determining whether to impose a prison term on the 10231
offender. 10232

(I) Whoever violates division (D) of this section is 10233
guilty of aggravated trafficking in counterfeit controlled 10234
substances. Except as otherwise provided in this division, 10235
aggravated trafficking in counterfeit controlled substances is a 10236
felony of the fourth degree, and division (C) of section 2929.13 10237
of the Revised Code applies in determining whether to impose a 10238
prison term on the offender. 10239

(J) Whoever violates division (E) of this section is 10240
guilty of promoting and encouraging drug abuse. Except as 10241
otherwise provided in this division, promoting and encouraging 10242
drug abuse is a felony of the fifth degree, and division (C) of 10243
section 2929.13 of the Revised Code applies in determining 10244
whether to impose a prison term on the offender. If the offense 10245
was committed in the vicinity of a school or in the vicinity of 10246
a juvenile, promoting and encouraging drug abuse is a felony of 10247
the fourth degree, and division (C) of section 2929.13 of the 10248
Revised Code applies in determining whether to impose a prison 10249
term on the offender. 10250

(K) Whoever violates division (F) of this section is 10251

guilty of fraudulent drug advertising. Except as otherwise 10252
provided in this division, fraudulent drug advertising is a 10253
felony of the fifth degree, and division (C) of section 2929.13 10254
of the Revised Code applies in determining whether to impose a 10255
prison term on the offender. If the offense was committed in the 10256
vicinity of a school or in the vicinity of a juvenile, 10257
fraudulent drug advertising is a felony of the fourth degree, 10258
and division (C) of section 2929.13 of the Revised Code applies 10259
in determining whether to impose a prison term on the offender. 10260

(L) (1) In addition to any prison term authorized or 10261
required by divisions (H) to (K) of this section and sections 10262
2929.13 and 2929.14 of the Revised Code and in addition to any 10263
other sanction imposed for the offense under this section or 10264
sections 2929.11 to 2929.18 of the Revised Code, the court that 10265
sentences an offender who is convicted of or pleads guilty to a 10266
violation of division (B), (C), (D), (E), or (F) of this section 10267
may suspend for not more than five years the offender's driver's 10268
or commercial driver's license or permit. However, if the 10269
offender pleaded guilty to or was convicted of a violation of 10270
section 4511.19 of the Revised Code or a substantially similar 10271
municipal ordinance or the law of another state or the United 10272
States arising out of the same set of circumstances as the 10273
violation, the court shall suspend the offender's driver's or 10274
commercial driver's license or permit for not more than five 10275
years. 10276

If the offender is a professionally licensed person, in 10277
addition to any other sanction imposed for a violation of this 10278
section, the court immediately shall comply with section 2925.38 10279
of the Revised Code. 10280

(2) Any offender who received a mandatory suspension of 10281

the offender's driver's or commercial driver's license or permit 10282
under this section prior to ~~the effective date of this amendment~~ 10283
September 13, 2016 may file a motion with the sentencing court 10284
requesting the termination of the suspension. However, an 10285
offender who pleaded guilty to or was convicted of a violation 10286
of section 4511.19 of the Revised Code or a substantially 10287
similar municipal ordinance or law of another state or the 10288
United States that arose out of the same set of circumstances as 10289
the violation for which the offender's license or permit was 10290
suspended under this section shall not file such a motion. 10291

Upon the filing of a motion under division (L) (2) of this 10292
section, the sentencing court, in its discretion, may terminate 10293
the suspension. 10294

(M) Notwithstanding any contrary provision of section 10295
3719.21 of the Revised Code, the clerk of the court shall pay a 10296
fine imposed for a violation of this section pursuant to 10297
division (A) of section 2929.18 of the Revised Code in 10298
accordance with and subject to the requirements of division ~~(F)~~ 10299
(N) of section 2925.03 of the Revised Code. The agency that 10300
receives the fine shall use the fine as specified in division 10301
~~(F)~~ (N) of section 2925.03 of the Revised Code. 10302

Sec. 2925.38. If a person who is convicted of or pleads 10303
guilty to a violation of section 2925.02, 2925.03, 2925.031, 10304
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 10305
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 10306
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 10307
Revised Code is a professionally licensed person, in addition to 10308
any other sanctions imposed for the violation, the court, except 10309
as otherwise provided in this section, immediately shall 10310
transmit a certified copy of the judgment entry of conviction to 10311

the regulatory or licensing board or agency that has the 10312
administrative authority to suspend or revoke the offender's 10313
professional license. If the professionally licensed person who 10314
is convicted of or pleads guilty to a violation of any section 10315
listed in this section is a person who has been admitted to the 10316
bar by order of the supreme court in compliance with its 10317
prescribed and published rules, in addition to any other 10318
sanctions imposed for the violation, the court immediately shall 10319
transmit a certified copy of the judgment entry of conviction to 10320
the secretary of the board of commissioners on grievances and 10321
discipline of the supreme court and to either the disciplinary 10322
counsel or the president, secretary, and chairperson of each 10323
certified grievance committee. 10324

Sec. 2925.42. (A) If a person is convicted of or pleads 10325
guilty to a felony drug abuse offense, or a juvenile is found by 10326
a juvenile court to be a delinquent child for an act that, if 10327
committed by an adult, would be a felony drug abuse offense, and 10328
derives profits or other proceeds from the offense or act, the 10329
court that imposes sentence or an order of disposition upon the 10330
offender or delinquent child, in lieu of any fine that the court 10331
is otherwise authorized or required to impose, may impose upon 10332
the offender or delinquent child a fine of not more than twice 10333
the gross profits or other proceeds so derived. 10334

(B) Notwithstanding any contrary provision of section 10335
3719.21 of the Revised Code, all fines imposed pursuant to this 10336
section shall be paid by the clerk of the court to the county, 10337
municipal corporation, township, park district, as created 10338
pursuant to section 511.18 or 1545.01 of the Revised Code, or 10339
state law enforcement agencies in this state that were primarily 10340
responsible for or involved in making the arrest of, and in 10341
prosecuting, the offender. However, no fine so imposed shall be 10342

paid to a law enforcement agency unless the agency has adopted a 10343
written internal control policy under division ~~(F)~~ (N) (2) of 10344
section 2925.03 of the Revised Code that addresses the use of 10345
the fine moneys that it receives under this division and 10346
division ~~(F)~~ (N) (1) of section 2925.03 of the Revised Code. The 10347
fines imposed and paid pursuant to this division shall be used 10348
by the law enforcement agencies to subsidize their efforts 10349
pertaining to drug offenses, in accordance with the written 10350
internal control policy adopted by the recipient agency under 10351
division ~~(F)~~ (N) (2) of section 2925.03 of the Revised Code. 10352

(C) As used in this section: 10353

(1) "Law enforcement agencies" includes, but is not 10354
limited to, the state board of pharmacy and the office of a 10355
prosecutor. 10356

(2) "Prosecutor" has the same meaning as in section 10357
2935.01 of the Revised Code. 10358

Sec. 2925.51. (A) In any criminal prosecution for a 10359
violation of this chapter or Chapter 3719. of the Revised Code, 10360
a laboratory report from the bureau of criminal identification 10361
and investigation, a laboratory operated by another law 10362
enforcement agency, or a laboratory established by or under the 10363
authority of an institution of higher education that has its 10364
main campus in this state and that is accredited by the 10365
association of American universities or the north central 10366
association of colleges and secondary schools, primarily for the 10367
purpose of providing scientific services to law enforcement 10368
agencies and signed by the person performing the analysis, 10369
stating that the substance that is the basis of the alleged 10370
offense has been weighed and analyzed and stating the findings 10371
as to the content, weight, and identity of the substance and 10372

that it contains any amount of a controlled substance and the 10373
number and description of unit dosages, is prima-facie evidence 10374
of the content, identity, and weight or the existence and number 10375
of unit dosages of the substance. In any criminal prosecution 10376
for a violation of section 2925.041 of the Revised Code or a 10377
violation of this chapter or Chapter 3719. of the Revised Code 10378
that is based on the possession of chemicals sufficient to 10379
produce a compound, mixture, preparation, or substance included 10380
in schedule I, II, III, IV, or V, a laboratory report from the 10381
bureau or from any laboratory that is operated or established as 10382
described in this division that is signed by the person 10383
performing the analysis, stating that the substances that are 10384
the basis of the alleged offense have been weighed and analyzed 10385
and stating the findings as to the content, weight, and identity 10386
of each of the substances, is prima-facie evidence of the 10387
content, identity, and weight of the substances. 10388

Attached to that report shall be a copy of a notarized 10389
statement by the signer of the report giving the name of the 10390
signer and stating that the signer is an employee of the 10391
laboratory issuing the report and that performing the analysis 10392
is a part of the signer's regular duties, and giving an outline 10393
of the signer's education, training, and experience for 10394
performing an analysis of materials included under this section. 10395
The signer shall attest that scientifically accepted tests were 10396
performed with due caution, and that the evidence was handled in 10397
accordance with established and accepted procedures while in the 10398
custody of the laboratory. 10399

(B) The prosecuting attorney shall serve a copy of the 10400
report on the attorney of record for the accused, or on the 10401
accused if the accused has no attorney, prior to any proceeding 10402
in which the report is to be used against the accused other than 10403

at a preliminary hearing or grand jury proceeding where the 10404
report may be used without having been previously served upon 10405
the accused. 10406

(C) The report shall not be prima-facie evidence of the 10407
contents, identity, and weight or the existence and number of 10408
unit dosages of the substance if the accused or the accused's 10409
attorney demands the testimony of the person signing the report, 10410
by serving the demand upon the prosecuting attorney within seven 10411
days from the accused or the accused's attorney's receipt of the 10412
report. The time may be extended by a trial judge in the 10413
interests of justice. 10414

(D) Any report issued for use under this section shall 10415
contain notice of the right of the accused to demand, and the 10416
manner in which the accused shall demand, the testimony of the 10417
person signing the report. 10418

(E) Any person who is accused of a violation of this 10419
chapter or of Chapter 3719. of the Revised Code is entitled, 10420
upon written request made to the prosecuting attorney, to have a 10421
portion of the substance that is, or of each of the substances 10422
that are, the basis of the alleged violation preserved for the 10423
benefit of independent analysis performed by a laboratory 10424
analyst employed by the accused person, or, if the accused is 10425
indigent, by a qualified laboratory analyst appointed by the 10426
court. Such portion shall be a representative sample of the 10427
entire substance that is, or of each of the substances that are, 10428
the basis of the alleged violation and shall be of sufficient 10429
size, in the opinion of the court, to permit the accused's 10430
analyst to make a thorough scientific analysis concerning the 10431
identity of the substance or substances. The prosecuting 10432
attorney shall provide the accused's analyst with the sample 10433

portion at least fourteen days prior to trial, unless the trial 10434
is to be held in a court not of record or unless the accused 10435
person is charged with a minor misdemeanor, in which case the 10436
prosecuting attorney shall provide the accused's analyst with 10437
the sample portion at least three days prior to trial. If the 10438
prosecuting attorney determines that such a sample portion 10439
cannot be preserved and given to the accused's analyst, the 10440
prosecuting attorney shall so inform the accused person or his 10441
attorney. In such a circumstance, the accused person is 10442
entitled, upon written request made to the prosecuting attorney, 10443
to have the accused's privately employed or court appointed 10444
analyst present at an analysis of the substance that is, or the 10445
substances that are, the basis of the alleged violation, and, 10446
upon further written request, to receive copies of all recorded 10447
scientific data that result from the analysis and that can be 10448
used by an analyst in arriving at conclusions, findings, or 10449
opinions concerning the identity of the substance or substances 10450
subject to the analysis. 10451

(F) In addition to the rights provided under division (E) 10452
of this section, any person who is accused of a violation of 10453
this chapter or of Chapter 3719. of the Revised Code that 10454
involves a bulk amount of a controlled substance, or any 10455
multiple thereof, or who is accused of a violation of former 10456
section 2925.11 or section 2925.111 or 2925.112 of the Revised 10457
Code, other than a minor misdemeanor violation, that involves 10458
marihuana, is entitled, upon written request made to the 10459
prosecuting attorney, to have a laboratory analyst of the 10460
accused's choice, or, if the accused is indigent, a qualified 10461
laboratory analyst appointed by the court present at a 10462
measurement or weighing of the substance that is the basis of 10463
the alleged violation. Also, the accused person is entitled, 10464

upon further written request, to receive copies of all recorded 10465
scientific data that result from the measurement or weighing and 10466
that can be used by an analyst in arriving at conclusions, 10467
findings, or opinions concerning the weight, volume, or number 10468
of unit doses of the substance subject to the measurement or 10469
weighing. 10470

Sec. 2927.21. (A) As used in this section: 10471

(1) "Offense subject to forfeiture proceedings" means any 10472
of the following: 10473

(a) A violation of section 2903.01, 2903.02, 2903.03, 10474
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 10475
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 10476
2903.211 of the Revised Code; 10477

(b) A violation of section 2905.01, 2905.02, 2905.03, 10478
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 10479

(c) A violation of section 2907.02, 2907.03, 2907.04, 10480
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 10481
2907.322, or 2907.323 of the Revised Code; 10482

(d) A violation of section 2909.02, 2909.03, 2909.22, 10483
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 10484
Revised Code; 10485

(e) A violation of section 2911.01, 2911.02, 2911.11, 10486
2911.12, or 2911.13 of the Revised Code; 10487

(f) A violation of section 2915.02, 2915.03, 2915.04, or 10488
2915.05 of the Revised Code; 10489

(g) A violation of section 2921.02, 2921.03, 2921.04, 10490
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 10491

(h) A violation of section 2925.02, 2925.03, 2925.031,
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, ~~or~~
2925.11, 2925.111, or 2925.112 of the Revised Code; 10492
10493
10494

(i) A conspiracy or attempt to commit, or complicity in 10495
committing, any offense under division (A) (1) (a), (b), (c), (d), 10496
(e), (f), (g), or (h) of this section. 10497

(2) "Proceeds" has the same meaning as in section 2981.01 10498
of the Revised Code. 10499

(3) "Vehicle" has the same meaning as in section 4501.01 10500
of the Revised Code. 10501

(B) No person shall receive, retain, possess, or dispose 10502
of proceeds knowing or having reasonable cause to believe that 10503
the proceeds were derived from the commission of an offense 10504
subject to forfeiture proceedings. 10505

(C) It is not a defense to a charge of receiving proceeds 10506
of an offense subject to forfeiture proceedings in violation of 10507
this section that the proceeds were derived by means other than 10508
the commission of an offense subject to forfeiture proceedings 10509
if the property was explicitly represented to the accused person 10510
as having been derived from the commission of an offense subject 10511
to forfeiture proceedings. 10512

(D) A person shall be considered to have received, 10513
retained, possessed, or disposed of proceeds if the proceeds are 10514
found anywhere in a vehicle and the person was the last person 10515
who operated the vehicle immediately prior to the search of the 10516
vehicle by the law enforcement officer who found the proceeds. 10517

(E) Whoever violates this section is guilty of receiving 10518
proceeds of an offense subject to forfeiture proceedings. If the 10519
value of the proceeds involved is less than one thousand 10520

dollars, receiving proceeds of an offense subject to forfeiture 10521
proceedings is a misdemeanor of the first degree. If the value 10522
of the proceeds involved is one thousand dollars or more and is 10523
less than twenty-five thousand dollars, receiving proceeds of an 10524
offense subject to forfeiture proceedings is a felony of the 10525
fifth degree. If the value of the proceeds involved is twenty- 10526
five thousand dollars or more and is less than one hundred fifty 10527
thousand dollars, receiving proceeds of an offense subject to 10528
forfeiture proceedings is a felony of the fourth degree. If the 10529
value of the proceeds involved is one hundred fifty thousand 10530
dollars or more, receiving proceeds of an offense subject to 10531
forfeiture proceedings is a felony of the third degree. 10532

Sec. 2929.141. (A) Upon the conviction of or plea of 10533
guilty to a felony by a person on post-release control at the 10534
time of the commission of the felony, the court may terminate 10535
the term of post-release control, and the court may do either of 10536
the following regardless of whether the sentencing court or 10537
another court of this state imposed the original prison term for 10538
which the person is on post-release control: 10539

(1) In addition to any prison term for the new felony, 10540
impose a prison term for the post-release control violation. The 10541
maximum prison term for the violation shall be the greater of 10542
twelve months or the period of post-release control for the 10543
earlier felony minus any time the person has spent under post- 10544
release control for the earlier felony. In all cases, any prison 10545
term imposed for the violation shall be reduced by any prison 10546
term that is administratively imposed by the parole board as a 10547
post-release control sanction. A prison term imposed for the 10548
violation shall be served consecutively to any prison term 10549
imposed for the new felony. The imposition of a prison term for 10550
the post-release control violation shall terminate the period of 10551

post-release control for the earlier felony. 10552

(2) Impose a sanction under sections 2929.15 to 2929.18 of 10553
the Revised Code for the violation that shall be served 10554
concurrently or consecutively, as specified by the court, with 10555
any community control sanctions for the new felony. 10556

(B) If a person on post-release control was acting 10557
pursuant to division (B) (2) (b) of section 2925.11 or a related 10558
provision under section 2925.111 or 2925.112 of the Revised Code 10559
and in so doing violated the conditions of a post-release 10560
control sanction based on a minor drug possession offense, as 10561
defined in section ~~2925.11~~ 2925.01 of the Revised Code, the 10562
court may consider the person's conduct in seeking or obtaining 10563
medical assistance for another in good faith or for self or may 10564
consider the person being the subject of another person seeking 10565
or obtaining medical assistance in accordance with that division 10566
as a mitigating factor before imposing any of the penalties 10567
described in division (A) of this section. 10568

(C) Upon the conviction of or plea of guilty to a felony 10569
by a person on transitional control under section 2967.26 of the 10570
Revised Code at the time of the commission of the felony, the 10571
court may, in addition to any prison term for the new felony, 10572
impose a prison term not exceeding twelve months for having 10573
committed the felony while on transitional control. An 10574
additional prison term imposed pursuant to this section shall be 10575
served consecutively to any prison term imposed for the new 10576
felony. The sentencing court may impose the additional prison 10577
term authorized by this section regardless of whether the 10578
sentencing court or another court of this state imposed the 10579
original prison term for which the person is on transitional 10580
control. 10581

Sec. 2929.18. (A) Except as otherwise provided in this 10582
division and in addition to imposing court costs pursuant to 10583
section 2947.23 of the Revised Code, the court imposing a 10584
sentence upon an offender for a felony may sentence the offender 10585
to any financial sanction or combination of financial sanctions 10586
authorized under this section or, in the circumstances specified 10587
in section 2929.32 of the Revised Code, may impose upon the 10588
offender a fine in accordance with that section. Financial 10589
sanctions that may be imposed pursuant to this section include, 10590
but are not limited to, the following: 10591

(1) Restitution by the offender to the victim of the 10592
offender's crime or any survivor of the victim, in an amount 10593
based on the victim's economic loss. If the court imposes 10594
restitution, the court shall order that the restitution be made 10595
to the victim in open court, to the adult probation department 10596
that serves the county on behalf of the victim, to the clerk of 10597
courts, or to another agency designated by the court. If the 10598
court imposes restitution, at sentencing, the court shall 10599
determine the amount of restitution to be made by the offender. 10600
If the court imposes restitution, the court may base the amount 10601
of restitution it orders on an amount recommended by the victim, 10602
the offender, a presentence investigation report, estimates or 10603
receipts indicating the cost of repairing or replacing property, 10604
and other information, provided that the amount the court orders 10605
as restitution shall not exceed the amount of the economic loss 10606
suffered by the victim as a direct and proximate result of the 10607
commission of the offense. If the court decides to impose 10608
restitution, the court shall hold a hearing on restitution if 10609
the offender, victim, or survivor disputes the amount. All 10610
restitution payments shall be credited against any recovery of 10611
economic loss in a civil action brought by the victim or any 10612

survivor of the victim against the offender. 10613

If the court imposes restitution, the court may order that 10614
the offender pay a surcharge of not more than five per cent of 10615
the amount of the restitution otherwise ordered to the entity 10616
responsible for collecting and processing restitution payments. 10617

The victim or survivor may request that the prosecutor in 10618
the case file a motion, or the offender may file a motion, for 10619
modification of the payment terms of any restitution ordered. If 10620
the court grants the motion, it may modify the payment terms as 10621
it determines appropriate. 10622

(2) Except as provided in division (B) (1), (3), or (4) of 10623
this section, a fine payable by the offender to the state, to a 10624
political subdivision, or as described in division (B) (2) of 10625
this section to one or more law enforcement agencies, with the 10626
amount of the fine based on a standard percentage of the 10627
offender's daily income over a period of time determined by the 10628
court and based upon the seriousness of the offense. A fine 10629
ordered under this division shall not exceed the maximum 10630
conventional fine amount authorized for the level of the offense 10631
under division (A) (3) of this section. 10632

(3) Except as provided in division (B) (1), (3), or (4) of 10633
this section, a fine payable by the offender to the state, to a 10634
political subdivision when appropriate for a felony, or as 10635
described in division (B) (2) of this section to one or more law 10636
enforcement agencies, in the following amount: 10637

(a) For a felony of the first degree, not more than twenty 10638
thousand dollars; 10639

(b) For a felony of the second degree, not more than 10640
fifteen thousand dollars; 10641

(c) For a felony of the third degree, not more than ten 10642
thousand dollars; 10643

(d) For a felony of the fourth degree, not more than five 10644
thousand dollars; 10645

(e) For a felony of the fifth degree, not more than two 10646
thousand five hundred dollars. 10647

(4) A state fine or costs as defined in section 2949.111 10648
of the Revised Code. 10649

(5) (a) Reimbursement by the offender of any or all of the 10650
costs of sanctions incurred by the government, including the 10651
following: 10652

(i) All or part of the costs of implementing any community 10653
control sanction, including a supervision fee under section 10654
2951.021 of the Revised Code; 10655

(ii) All or part of the costs of confinement under a 10656
sanction imposed pursuant to section 2929.14, 2929.142, or 10657
2929.16 of the Revised Code, provided that the amount of 10658
reimbursement ordered under this division shall not exceed the 10659
total amount of reimbursement the offender is able to pay as 10660
determined at a hearing and shall not exceed the actual cost of 10661
the confinement; 10662

(iii) All or part of the cost of purchasing and using an 10663
immobilizing or disabling device, including a certified ignition 10664
interlock device, or a remote alcohol monitoring device that a 10665
court orders an offender to use under section 4510.13 of the 10666
Revised Code. 10667

(b) If the offender is sentenced to a sanction of 10668
confinement pursuant to section 2929.14 or 2929.16 of the 10669

Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code.

(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A) (3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is an indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.

(2) Any mandatory fine imposed upon an offender under

division (B) (1) of this section and any fine imposed upon an 10700
offender under division (A) (2) or (3) of this section for any 10701
fourth or fifth degree felony violation of any provision of 10702
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 10703
to law enforcement agencies pursuant to division ~~(F)~~ (N) of 10704
section 2925.03 of the Revised Code. 10705

(3) For a fourth degree felony OVI offense and for a third 10706
degree felony OVI offense, the sentencing court shall impose 10707
upon the offender a mandatory fine in the amount specified in 10708
division (G) (1) (d) or (e) of section 4511.19 of the Revised 10709
Code, whichever is applicable. The mandatory fine so imposed 10710
shall be disbursed as provided in the division pursuant to which 10711
it is imposed. 10712

(4) Notwithstanding any fine otherwise authorized or 10713
required to be imposed under division (A) (2) or (3) or (B) (1) of 10714
this section or section 2929.31 of the Revised Code for a 10715
violation of section 2925.03, 2925.031, or 2925.032 of the 10716
Revised Code, in addition to any penalty or sanction imposed for 10717
that offense under section 2925.03, 2925.031, or 2925.032 or 10718
sections 2929.11 to 2929.18 of the Revised Code and in addition 10719
to the forfeiture of property in connection with the offense as 10720
prescribed in Chapter 2981. of the Revised Code, the court that 10721
sentences an offender for a violation of section 2925.03 of the 10722
Revised Code may impose upon the offender a fine in addition to 10723
any fine imposed under division (A) (2) or (3) of this section 10724
and in addition to any mandatory fine imposed under division (B) 10725
(1) of this section. The fine imposed under division (B) (4) of 10726
this section shall be used as provided in division (H) of 10727
section 2925.03 of the Revised Code. A fine imposed under 10728
division (B) (4) of this section shall not exceed whichever of 10729
the following is applicable: 10730

(a) The total value of any personal or real property in 10731
which the offender has an interest and that was used in the 10732
course of, intended for use in the course of, derived from, or 10733
realized through conduct in violation of section 2925.03, 10734
2925.031, or 2925.032 of the Revised Code, including any 10735
property that constitutes proceeds derived from that offense; 10736

(b) If the offender has no interest in any property of the 10737
type described in division (B) (4) (a) of this section or if it is 10738
not possible to ascertain whether the offender has an interest 10739
in any property of that type in which the offender may have an 10740
interest, the amount of the mandatory fine for the offense 10741
imposed under division (B) (1) of this section or, if no 10742
mandatory fine is imposed under division (B) (1) of this section, 10743
the amount of the fine authorized for the level of the offense 10744
imposed under division (A) (3) of this section. 10745

(5) Prior to imposing a fine under division (B) (4) of this 10746
section, the court shall determine whether the offender has an 10747
interest in any property of the type described in division (B) 10748
(4) (a) of this section. Except as provided in division (B) (6) or 10749
(7) of this section, a fine that is authorized and imposed under 10750
division (B) (4) of this section does not limit or affect the 10751
imposition of the penalties and sanctions for a violation of 10752
section 2925.03, 2925.031, or 2925.032 of the Revised Code 10753
prescribed under those sections or sections 2929.11 to 2929.18 10754
of the Revised Code and does not limit or affect a forfeiture of 10755
property in connection with the offense as prescribed in Chapter 10756
2981. of the Revised Code. 10757

(6) If the sum total of a mandatory fine amount imposed 10758
for a first, second, or third degree felony violation of section 10759
2925.03 of the Revised Code under division (B) (1) of this 10760

section plus the amount of any fine imposed under division (B) 10761
(4) of this section does not exceed the maximum statutory fine 10762
amount authorized for the level of the offense under division 10763
(A) (3) of this section or section 2929.31 of the Revised Code, 10764
the court may impose a fine for the offense in addition to the 10765
mandatory fine and the fine imposed under division (B) (4) of 10766
this section. The sum total of the amounts of the mandatory 10767
fine, the fine imposed under division (B) (4) of this section, 10768
and the additional fine imposed under division (B) (6) of this 10769
section shall not exceed the maximum statutory fine amount 10770
authorized for the level of the offense under division (A) (3) of 10771
this section or section 2929.31 of the Revised Code. The clerk 10772
of the court shall pay any fine that is imposed under division 10773
(B) (6) of this section to the county, township, municipal 10774
corporation, park district as created pursuant to section 511.18 10775
or 1545.04 of the Revised Code, or state law enforcement 10776
agencies in this state that primarily were responsible for or 10777
involved in making the arrest of, and in prosecuting, the 10778
offender pursuant to division ~~(F)~~ (N) of section 2925.03 of the 10779
Revised Code. 10780

(7) If the sum total of the amount of a mandatory fine 10781
imposed for a first, second, or third degree felony violation of 10782
section 2925.03, 2925.031, or 2925.032 of the Revised Code plus 10783
the amount of any fine imposed under division (B) (4) of this 10784
section exceeds the maximum statutory fine amount authorized for 10785
the level of the offense under division (A) (3) of this section 10786
or section 2929.31 of the Revised Code, the court shall not 10787
impose a fine under division (B) (6) of this section. 10788

(8) (a) If an offender who is convicted of or pleads guilty 10789
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 10790
2923.32, division (A) (1) or (2) of section 2907.323 involving a 10791

minor, or division (B) (1), (2), (3), (4), or (5) of section 10792
2919.22 of the Revised Code also is convicted of or pleads 10793
guilty to a specification of the type described in section 10794
2941.1422 of the Revised Code that charges that the offender 10795
knowingly committed the offense in furtherance of human 10796
trafficking, the sentencing court shall sentence the offender to 10797
a financial sanction of restitution by the offender to the 10798
victim or any survivor of the victim, with the restitution 10799
including the costs of housing, counseling, and medical and 10800
legal assistance incurred by the victim as a direct result of 10801
the offense and the greater of the following: 10802

(i) The gross income or value to the offender of the 10803
victim's labor or services; 10804

(ii) The value of the victim's labor as guaranteed under 10805
the minimum wage and overtime provisions of the "Federal Fair 10806
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 10807
state labor laws. 10808

(b) If a court imposing sentence upon an offender for a 10809
felony is required to impose upon the offender a financial 10810
sanction of restitution under division (B) (8) (a) of this 10811
section, in addition to that financial sanction of restitution, 10812
the court may sentence the offender to any other financial 10813
sanction or combination of financial sanctions authorized under 10814
this section, including a restitution sanction under division 10815
(A) (1) of this section. 10816

(9) In addition to any other fine that is or may be 10817
imposed under this section, the court imposing sentence upon an 10818
offender for a felony that is a sexually oriented offense or a 10819
child-victim oriented offense, as those terms are defined in 10820
section 2950.01 of the Revised Code, may impose a fine of not 10821

less than fifty nor more than five hundred dollars. 10822

(10) For a felony violation of division (A) of section 10823
2921.321 of the Revised Code that results in the death of the 10824
police dog or horse that is the subject of the violation, the 10825
sentencing court shall impose upon the offender a mandatory fine 10826
from the range of fines provided under division (A) (3) of this 10827
section for a felony of the third degree. A mandatory fine 10828
imposed upon an offender under division (B) (10) of this section 10829
shall be paid to the law enforcement agency that was served by 10830
the police dog or horse that was killed in the felony violation 10831
of division (A) of section 2921.321 of the Revised Code to be 10832
used as provided in division (E) (1) (b) of that section. 10833

(11) In addition to any other fine that is or may be 10834
imposed under this section, the court imposing sentence upon an 10835
offender for any of the following offenses that is a felony may 10836
impose a fine of not less than seventy nor more than five 10837
hundred dollars, which shall be transmitted to the treasurer of 10838
state to be credited to the address confidentiality program fund 10839
created by section 111.48 of the Revised Code: 10840

(a) Domestic violence; 10841

(b) Menacing by stalking; 10842

(c) Rape; 10843

(d) Sexual battery; 10844

(e) Trafficking in persons; 10845

(f) A violation of section 2905.01, 2905.02, 2907.21, 10846
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 10847
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 10848
section 2919.22 of the Revised Code, if the offender also is 10849

convicted of a specification of the type described in section 10850
2941.1422 of the Revised Code that charges that the offender 10851
knowingly committed the offense in furtherance of human 10852
trafficking. 10853

(C) (1) Except as provided in section 2951.021 of the 10854
Revised Code, the offender shall pay reimbursements imposed upon 10855
the offender pursuant to division (A) (5) (a) of this section to 10856
pay the costs incurred by a county pursuant to any sanction 10857
imposed under this section or section 2929.16 or 2929.17 of the 10858
Revised Code or in operating a facility used to confine 10859
offenders pursuant to a sanction imposed under section 2929.16 10860
of the Revised Code to the county treasurer. The county 10861
treasurer shall deposit the reimbursements in the sanction cost 10862
reimbursement fund that each board of county commissioners shall 10863
create in its county treasury. The county shall use the amounts 10864
deposited in the fund to pay the costs incurred by the county 10865
pursuant to any sanction imposed under this section or section 10866
2929.16 or 2929.17 of the Revised Code or in operating a 10867
facility used to confine offenders pursuant to a sanction 10868
imposed under section 2929.16 of the Revised Code. 10869

(2) Except as provided in section 2951.021 of the Revised 10870
Code, the offender shall pay reimbursements imposed upon the 10871
offender pursuant to division (A) (5) (a) of this section to pay 10872
the costs incurred by a municipal corporation pursuant to any 10873
sanction imposed under this section or section 2929.16 or 10874
2929.17 of the Revised Code or in operating a facility used to 10875
confine offenders pursuant to a sanction imposed under section 10876
2929.16 of the Revised Code to the treasurer of the municipal 10877
corporation. The treasurer shall deposit the reimbursements in a 10878
special fund that shall be established in the treasury of each 10879
municipal corporation. The municipal corporation shall use the 10880

amounts deposited in the fund to pay the costs incurred by the 10881
municipal corporation pursuant to any sanction imposed under 10882
this section or section 2929.16 or 2929.17 of the Revised Code 10883
or in operating a facility used to confine offenders pursuant to 10884
a sanction imposed under section 2929.16 of the Revised Code. 10885

(3) Except as provided in section 2951.021 of the Revised 10886
Code, the offender shall pay reimbursements imposed pursuant to 10887
division (A) (5) (a) of this section for the costs incurred by a 10888
private provider pursuant to a sanction imposed under this 10889
section or section 2929.16 or 2929.17 of the Revised Code to the 10890
provider. 10891

(D) Except as otherwise provided in this division, a 10892
financial sanction imposed pursuant to division (A) or (B) of 10893
this section is a judgment in favor of the state or a political 10894
subdivision in which the court that imposed the financial 10895
sanction is located, and the offender subject to the financial 10896
sanction is the judgment debtor. A financial sanction of 10897
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 10898
section upon an offender who is incarcerated in a state facility 10899
or a municipal jail is a judgment in favor of the state or the 10900
municipal corporation, and the offender subject to the financial 10901
sanction is the judgment debtor. A financial sanction of 10902
reimbursement imposed upon an offender pursuant to this section 10903
for costs incurred by a private provider of sanctions is a 10904
judgment in favor of the private provider, and the offender 10905
subject to the financial sanction is the judgment debtor. A 10906
financial sanction of a mandatory fine imposed under division 10907
(B) (10) of this section that is required under that division to 10908
be paid to a law enforcement agency is a judgment in favor of 10909
the specified law enforcement agency, and the offender subject 10910
to the financial sanction is the judgment debtor. A financial 10911

sanction of restitution imposed pursuant to division (A) (1) or 10912
(B) (8) of this section is an order in favor of the victim of the 10913
offender's criminal act that can be collected through a 10914
certificate of judgment as described in division (D) (1) of this 10915
section, through execution as described in division (D) (2) of 10916
this section, or through an order as described in division (D) 10917
(3) of this section, and the offender shall be considered for 10918
purposes of the collection as the judgment debtor. Imposition of 10919
a financial sanction and execution on the judgment does not 10920
preclude any other power of the court to impose or enforce 10921
sanctions on the offender. Once the financial sanction is 10922
imposed as a judgment or order under this division, the victim, 10923
private provider, state, or political subdivision may do any of 10924
the following: 10925

(1) Obtain from the clerk of the court in which the 10926
judgment was entered a certificate of judgment that shall be in 10927
the same manner and form as a certificate of judgment issued in 10928
a civil action; 10929

(2) Obtain execution of the judgment or order through any 10930
available procedure, including: 10931

(a) An execution against the property of the judgment 10932
debtor under Chapter 2329. of the Revised Code; 10933

(b) An execution against the person of the judgment debtor 10934
under Chapter 2331. of the Revised Code; 10935

(c) A proceeding in aid of execution under Chapter 2333. 10936
of the Revised Code, including: 10937

(i) A proceeding for the examination of the judgment 10938
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 10939
2333.27 of the Revised Code; 10940

(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code; 10941
10942

(iii) A creditor's suit under section 2333.01 of the Revised Code. 10943
10944

(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code; 10945
10946

(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code. 10947
10948

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code. 10949
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(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it. 10951
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(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code. 10955
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(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender 10968
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satisfactorily has completed all other sanctions imposed upon 10970
the offender and that all restitution that has been ordered has 10971
been paid as ordered, the court may suspend any financial 10972
sanctions imposed pursuant to this section or section 2929.32 of 10973
the Revised Code that have not been paid. 10974

(H) No financial sanction imposed under this section or 10975
section 2929.32 of the Revised Code shall preclude a victim from 10976
bringing a civil action against the offender. 10977

Sec. 2929.25. (A) (1) Except as provided in sections 10978
2929.22 and 2929.23 of the Revised Code or when a jail term is 10979
required by law, in sentencing an offender for a misdemeanor, 10980
other than a minor misdemeanor, the sentencing court may do 10981
either of the following: 10982

(a) Directly impose a sentence that consists of one or 10983
more community control sanctions authorized by section 2929.26, 10984
2929.27, or 2929.28 of the Revised Code. The court may impose 10985
any other conditions of release under a community control 10986
sanction that the court considers appropriate. If the court 10987
imposes a jail term upon the offender, the court may impose any 10988
community control sanction or combination of community control 10989
sanctions in addition to the jail term. 10990

(b) Impose a jail term under section 2929.24 of the 10991
Revised Code from the range of jail terms authorized under that 10992
section for the offense, suspend all or a portion of the jail 10993
term imposed, and place the offender under a community control 10994
sanction or combination of community control sanctions 10995
authorized under section 2929.26, 2929.27, or 2929.28 of the 10996
Revised Code. 10997

(2) The duration of all community control sanctions 10998

imposed upon an offender and in effect for an offender at any 10999
time shall not exceed five years. 11000

(3) At sentencing, if a court directly imposes a community 11001
control sanction or combination of community control sanctions 11002
pursuant to division (A)(1)(a) or (B) of this section, the court 11003
shall state the duration of the community control sanctions 11004
imposed and shall notify the offender that if any of the 11005
conditions of the community control sanctions are violated the 11006
court may do any of the following: 11007

(a) Impose a longer time under the same community control 11008
sanction if the total time under all of the offender's community 11009
control sanctions does not exceed the five-year limit specified 11010
in division (A)(2) of this section; 11011

(b) Impose a more restrictive community control sanction 11012
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 11013
but the court is not required to impose any particular sanction 11014
or sanctions; 11015

(c) Impose a definite jail term from the range of jail 11016
terms authorized for the offense under section 2929.24 of the 11017
Revised Code. 11018

(B) If a court sentences an offender to any community 11019
control sanction or combination of community control sanctions 11020
pursuant to division (A)(1)(a) of this section, the sentencing 11021
court retains jurisdiction over the offender and the period of 11022
community control for the duration of the period of community 11023
control. Upon the motion of either party or on the court's own 11024
motion, the court, in the court's sole discretion and as the 11025
circumstances warrant, may modify the community control 11026
sanctions or conditions of release previously imposed, 11027

substitute a community control sanction or condition of release 11028
for another community control sanction or condition of release 11029
previously imposed, or impose an additional community control 11030
sanction or condition of release. 11031

(C) (1) If a court sentences an offender to any community 11032
control sanction or combination of community control sanctions 11033
authorized under section 2929.26, 2929.27, or 2929.28 of the 11034
Revised Code, the court shall place the offender under the 11035
general control and supervision of the court or of a department 11036
of probation in the jurisdiction that serves the court for 11037
purposes of reporting to the court a violation of any of the 11038
conditions of the sanctions imposed. If the offender resides in 11039
another jurisdiction and a department of probation has been 11040
established to serve the municipal court or county court in that 11041
jurisdiction, the sentencing court may request the municipal 11042
court or the county court to receive the offender into the 11043
general control and supervision of that department of probation 11044
for purposes of reporting to the sentencing court a violation of 11045
any of the conditions of the sanctions imposed. The sentencing 11046
court retains jurisdiction over any offender whom it sentences 11047
for the duration of the sanction or sanctions imposed. 11048

(2) The sentencing court shall require as a condition of 11049
any community control sanction that the offender abide by the 11050
law and not leave the state without the permission of the court 11051
or the offender's probation officer. In the interests of doing 11052
justice, rehabilitating the offender, and ensuring the 11053
offender's good behavior, the court may impose additional 11054
requirements on the offender. The offender's compliance with the 11055
additional requirements also shall be a condition of the 11056
community control sanction imposed upon the offender. 11057

(D) (1) If the court imposing sentence upon an offender 11058
sentences the offender to any community control sanction or 11059
combination of community control sanctions authorized under 11060
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 11061
the offender violates any of the conditions of the sanctions, 11062
the public or private person or entity that supervises or 11063
administers the program or activity that comprises the sanction 11064
shall report the violation directly to the sentencing court or 11065
to the department of probation or probation officer with general 11066
control and supervision over the offender. If the public or 11067
private person or entity reports the violation to the department 11068
of probation or probation officer, the department or officer 11069
shall report the violation to the sentencing court. 11070

(2) If an offender violates any condition of a community 11071
control sanction, the sentencing court may impose upon the 11072
violation one or more of the following penalties: 11073

(a) A longer time under the same community control 11074
sanction if the total time under all of the community control 11075
sanctions imposed on the violator does not exceed the five-year 11076
limit specified in division (A) (2) of this section; 11077

(b) A more restrictive community control sanction; 11078

(c) A combination of community control sanctions, 11079
including a jail term. 11080

(3) If an offender was acting pursuant to division (B) (2) 11081
(b) of section 2925.11 or a related provision under section 11082
2925.111 or 2925.112 of the Revised Code and in so doing 11083
violated the conditions of a community control sanction based on 11084
a minor drug possession offense, as defined in section ~~2925.11~~ 11085
2925.01 of the Revised Code, the sentencing court may consider 11086

the offender's conduct in seeking or obtaining medical 11087
assistance for another in good faith or for self or may consider 11088
the offender being the subject of another person seeking or 11089
obtaining medical assistance in accordance with that division as 11090
a mitigating factor before imposing any of the penalties 11091
described in division (D) (2) of this section. 11092

(4) If the court imposes a jail term upon a violator 11093
pursuant to division (D) (2) of this section, the total time 11094
spent in jail for the misdemeanor offense and the violation of a 11095
condition of the community control sanction shall not exceed the 11096
maximum jail term available for the offense for which the 11097
sanction that was violated was imposed. The court may reduce the 11098
longer period of time that the violator is required to spend 11099
under the longer sanction or the more restrictive sanction 11100
imposed under division (D) (2) of this section by all or part of 11101
the time the violator successfully spent under the sanction that 11102
was initially imposed. 11103

(E) Except as otherwise provided in this division, if an 11104
offender, for a significant period of time, fulfills the 11105
conditions of a community control sanction imposed pursuant to 11106
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 11107
exemplary manner, the court may reduce the period of time under 11108
the community control sanction or impose a less restrictive 11109
community control sanction. Fulfilling the conditions of a 11110
community control sanction does not relieve the offender of a 11111
duty to make restitution under section 2929.28 of the Revised 11112
Code. 11113

Sec. 2929.34. (A) A person who is convicted of or pleads 11114
guilty to aggravated murder, murder, or an offense punishable by 11115
life imprisonment and who is sentenced to a term of life 11116

imprisonment or a prison term pursuant to that conviction shall 11117
serve that term in an institution under the control of the 11118
department of rehabilitation and correction. 11119

(B) (1) A person who is convicted of or pleads guilty to a 11120
felony other than aggravated murder, murder, or an offense 11121
punishable by life imprisonment and who is sentenced to a term 11122
of imprisonment or a prison term pursuant to that conviction 11123
shall serve that term as follows: 11124

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 11125
this section, in an institution under the control of the 11126
department of rehabilitation and correction if the term is a 11127
prison term or as otherwise determined by the sentencing court 11128
pursuant to section 2929.16 of the Revised Code if the term is 11129
not a prison term; 11130

(b) In a facility of a type described in division (G) (1) 11131
of section 2929.13 of the Revised Code, if the offender is 11132
sentenced pursuant to that division. 11133

(2) If the term is a prison term, the person may be 11134
imprisoned in a jail that is not a minimum security jail 11135
pursuant to agreement under section 5120.161 of the Revised Code 11136
between the department of rehabilitation and correction and the 11137
local authority that operates the jail. 11138

(3) (a) As used in divisions (B) (3) (a) to (d) of this 11139
section: 11140

(i) "Target county" means Franklin county, Cuyahoga 11141
county, Hamilton county, Summit county, Montgomery county, Lucas 11142
county, Butler county, Stark county, Lorain county, and Mahoning 11143
county. 11144

(ii) "Voluntary county" means any county in which the 11145

board of county commissioners of the county and the 11146
administrative judge of the general division of the court of 11147
common pleas of the county enter into an agreement of the type 11148
described in division (B) (3) (b) of this section and in which the 11149
agreement has not been terminated as described in that division. 11150

(b) In any county other than a target county, the board of 11151
county commissioners of the county and the administrative judge 11152
of the general division of the court of common pleas of the 11153
county may agree to having the county participate in the 11154
procedures regarding local and state confinement established 11155
under division (B) (3) (c) of this section. A board of county 11156
commissioners and an administrative judge of a court of common 11157
pleas that enter into an agreement of the type described in this 11158
division may terminate the agreement, but a termination under 11159
this division shall take effect only at the end of the state 11160
fiscal biennium in which the termination decision is made. 11161

(c) Except as provided in division (B) (3) (d) of this 11162
section, on and after July 1, 2018, no person sentenced by the 11163
court of common pleas of a target county or of a voluntary 11164
county to a prison term that is twelve months or less for a 11165
felony of the fifth degree shall serve the term in an 11166
institution under the control of the department of 11167
rehabilitation and correction. The person shall instead serve 11168
the sentence as a term of confinement in a facility of a type 11169
described in division (C) or (D) of this section. Nothing in 11170
this division relieves the state of its obligation to pay for 11171
the cost of confinement of the person in a community-based 11172
correctional facility under division (D) of this section. 11173

(d) Division (B) (3) (c) of this section does not apply to 11174
any person to whom any of the following apply: 11175

(i) The felony of the fifth degree was an offense of 11176
violence, as defined in section 2901.01 of the Revised Code, a 11177
sex offense under Chapter 2907. of the Revised Code, a violation 11178
of section 2925.03, 2925.031, or 2925.032 of the Revised Code, 11179
or any offense for which a mandatory prison term is required. 11180

(ii) The person previously has been convicted of or 11181
pleaded guilty to any felony offense of violence, as defined in 11182
section 2901.01 of the Revised Code, unless the felony of the 11183
fifth degree for which the person is being sentenced is a 11184
violation of division (I) (1) of section 2903.43 of the Revised 11185
Code. 11186

(iii) The person previously has been convicted of or 11187
pleaded guilty to any felony sex offense under Chapter 2907. of 11188
the Revised Code. 11189

(iv) The person's sentence is required to be served 11190
concurrently to any other sentence imposed upon the person for a 11191
felony that is required to be served in an institution under the 11192
control of the department of rehabilitation and correction. 11193

(C) A person who is convicted of or pleads guilty to one 11194
or more misdemeanors and who is sentenced to a jail term or term 11195
of imprisonment pursuant to the conviction or convictions shall 11196
serve that term in a county, multicounty, municipal, municipal- 11197
county, or multicounty-municipal jail or workhouse; in a 11198
community alternative sentencing center or district community 11199
alternative sentencing center when authorized by section 307.932 11200
of the Revised Code; or, if the misdemeanor or misdemeanors are 11201
not offenses of violence, in a minimum security jail. 11202

(D) Nothing in this section prohibits the commitment, 11203
referral, or sentencing of a person who is convicted of or 11204

pleads guilty to a felony to a community-based correctional 11205
facility. 11206

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 11207
the Revised Code: 11208

(A) "Wire communication" means an aural transfer that is 11209
made in whole or in part through the use of facilities for the 11210
transmission of communications by the aid of wires or similar 11211
methods of connecting the point of origin of the communication 11212
and the point of reception of the communication, including the 11213
use of a method of connecting the point of origin and the point 11214
of reception of the communication in a switching station, if the 11215
facilities are furnished or operated by a person engaged in 11216
providing or operating the facilities for the transmission of 11217
communications. "Wire communication" includes an electronic 11218
storage of a wire communication. 11219

(B) "Oral communication" means an oral communication 11220
uttered by a person exhibiting an expectation that the 11221
communication is not subject to interception under circumstances 11222
justifying that expectation. "Oral communication" does not 11223
include an electronic communication. 11224

(C) "Intercept" means the aural or other acquisition of 11225
the contents of any wire, oral, or electronic communication 11226
through the use of an interception device. 11227

(D) "Interception device" means an electronic, mechanical, 11228
or other device or apparatus that can be used to intercept a 11229
wire, oral, or electronic communication. "Interception device" 11230
does not mean any of the following: 11231

(1) A telephone or telegraph instrument, equipment, or 11232
facility, or any of its components, if the instrument, 11233

equipment, facility, or component is any of the following: 11234

(a) Furnished to the subscriber or user by a provider of 11235
wire or electronic communication service in the ordinary course 11236
of its business and being used by the subscriber or user in the 11237
ordinary course of its business; 11238

(b) Furnished by a subscriber or user for connection to 11239
the facilities of a provider of wire or electronic communication 11240
service and used in the ordinary course of that subscriber's or 11241
user's business; 11242

(c) Being used by a provider of wire or electronic 11243
communication service in the ordinary course of its business or 11244
by an investigative or law enforcement officer in the ordinary 11245
course of the officer's duties that do not involve the 11246
interception of wire, oral, or electronic communications. 11247

(2) A hearing aid or similar device being used to correct 11248
subnormal hearing to not better than normal. 11249

(E) "Investigative officer" means any of the following: 11250

(1) An officer of this state or a political subdivision of 11251
this state, who is empowered by law to conduct investigations or 11252
to make arrests for a designated offense; 11253

(2) A person described in divisions (A)(11)(a) and (b) of 11254
section 2901.01 of the Revised Code; 11255

(3) An attorney authorized by law to prosecute or 11256
participate in the prosecution of a designated offense; 11257

(4) A secret service officer appointed pursuant to section 11258
309.07 of the Revised Code; 11259

(5) An officer of the United States, a state, or a 11260

political subdivision of a state who is authorized to conduct 11261
investigations pursuant to the "Electronic Communications 11262
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 11263
(1986), as amended. 11264

(F) "Interception warrant" means a court order that 11265
authorizes the interception of wire, oral, or electronic 11266
communications and that is issued pursuant to sections 2933.53 11267
to 2933.56 of the Revised Code. 11268

(G) "Contents," when used with respect to a wire, oral, or 11269
electronic communication, includes any information concerning 11270
the substance, purport, or meaning of the communication. 11271

(H) "Communications common carrier" means a person who is 11272
engaged as a common carrier for hire in intrastate, interstate, 11273
or foreign communications by wire, radio, or radio transmission 11274
of energy. "Communications common carrier" does not include, to 11275
the extent that the person is engaged in radio broadcasting, a 11276
person engaged in radio broadcasting. 11277

(I) "Designated offense" means any of the following: 11278

(1) A felony violation of section 1315.53, 1315.55, 11279
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 11280
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 11281
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 11282
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 11283
2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 11284
2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.031, 11285
2925.032, 2925.04, 2925.05, or 2925.06 or of division (B) of 11286
section 2915.05 or of division (E) or (G) of section 3772.99 of 11287
the Revised Code; 11288

(2) A violation of section 2919.23 of the Revised Code 11289

that, had it occurred prior to July 1, 1996, would have been a 11290
violation of section 2905.04 of the Revised Code as it existed 11291
prior to that date; 11292

(3) A felony violation of section 2925.11, 2925.111, or 11293
2925.112 of the Revised Code that is not a minor drug possession 11294
offense, as defined in section 2925.01 of the Revised Code; 11295

(4) Complicity in the commission of a felony violation of 11296
a section listed in division (I) (1), (2), or (3) of this 11297
section; 11298

(5) An attempt to commit, or conspiracy in the commission 11299
of, a felony violation of a section listed in division (I) (1), 11300
(2), or (3) of this section, if the attempt or conspiracy is 11301
punishable by a term of imprisonment of more than one year. 11302

(J) "Aggrieved person" means a person who was a party to 11303
an intercepted wire, oral, or electronic communication or a 11304
person against whom the interception of the communication was 11305
directed. 11306

(K) "Person" means a person, as defined in section 1.59 of 11307
the Revised Code, or a governmental officer, employee, or 11308
entity. 11309

(L) "Special need" means a showing that a licensed 11310
physician, licensed practicing psychologist, attorney, 11311
practicing cleric, journalist, or either spouse is personally 11312
engaging in continuing criminal activity, was engaged in 11313
continuing criminal activity over a period of time, or is 11314
committing, has committed, or is about to commit, a designated 11315
offense, or a showing that specified public facilities are being 11316
regularly used by someone who is personally engaging in 11317
continuing criminal activity, was engaged in continuing criminal 11318

activity over a period of time, or is committing, has committed, 11319
or is about to commit, a designated offense. 11320

(M) "Journalist" means a person engaged in, connected 11321
with, or employed by, any news media, including a newspaper, 11322
magazine, press association, news agency, or wire service, a 11323
radio or television station, or a similar media, for the purpose 11324
of gathering, processing, transmitting, compiling, editing, or 11325
disseminating news for the general public. 11326

(N) "Electronic communication" means a transfer of a sign, 11327
signal, writing, image, sound, datum, or intelligence of any 11328
nature that is transmitted in whole or in part by a wire, radio, 11329
electromagnetic, photoelectronic, or photo-optical system. 11330

"Electronic communication" does not mean any of the following: 11331

(1) A wire or oral communication; 11332

(2) A communication made through a tone-only paging 11333
device; 11334

(3) A communication from an electronic or mechanical 11335
tracking device that permits the tracking of the movement of a 11336
person or object. 11337

(O) "User" means a person or entity that uses an 11338
electronic communication service and is duly authorized by the 11339
provider of the service to engage in the use of the electronic 11340
communication service. 11341

(P) "Electronic communications system" means a wire, 11342
radio, electromagnetic, photoelectronic, or photo-optical 11343
facility for the transmission of electronic communications, and 11344
a computer facility or related electronic equipment for the 11345
electronic storage of electronic communications. 11346

(Q) "Electronic communication service" means a service 11347
that provides to users of the service the ability to send or 11348
receive wire or electronic communications. 11349

(R) "Readily accessible to the general public" means, with 11350
respect to a radio communication, that the communication is none 11351
of the following: 11352

(1) Scrambled or encrypted; 11353

(2) Transmitted using a modulation technique, the 11354
essential parameters of which have been withheld from the public 11355
with the intention of preserving the privacy of the 11356
communication; 11357

(3) Carried on a subcarrier or other signal subsidiary to 11358
a radio transmission; 11359

(4) Transmitted over a communications system provided by a 11360
communications common carrier, unless the communication is a 11361
tone-only paging system communication; 11362

(5) Transmitted on a frequency allocated under part 25, 11363
subpart D, E, or F of part 74, or part 94 of the Rules of the 11364
Federal Communications Commission, as those provisions existed 11365
on July 1, 1996, unless, in the case of a communication 11366
transmitted on a frequency allocated under part 74 that is not 11367
exclusively allocated to broadcast auxiliary services, the 11368
communication is a two-way voice communication by radio. 11369

(S) "Electronic storage" means a temporary, intermediate 11370
storage of a wire or electronic communication that is incidental 11371
to the electronic transmission of the communication, and a 11372
storage of a wire or electronic communication by an electronic 11373
communication service for the purpose of backup protection of 11374
the communication. 11375

(T) "Aural transfer" means a transfer containing the human voice at a point between and including the point of origin and the point of reception.

(U) "Pen register" means a device that records or decodes electronic impulses that identify the numbers dialed, pulsed, or otherwise transmitted on telephone lines to which the device is attached.

(V) "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire communication or electronic communication was transmitted but that does not intercept the contents of the wire communication or electronic communication.

(W) "Judge of a court of common pleas" means a judge of that court who is elected or appointed as a judge of general jurisdiction or as a judge who exercises both general jurisdiction and probate, domestic relations, or juvenile jurisdiction. "Judge of a court of common pleas" does not mean a judge of that court who is elected or appointed specifically as a probate, domestic relations, or juvenile judge.

Sec. 2935.36. (A) The prosecuting attorney may establish pre-trial diversion programs for adults who are accused of committing criminal offenses and whom the prosecuting attorney believes probably will not offend again. The prosecuting attorney may require, as a condition of an accused's participation in the program, the accused to pay a reasonable fee for supervision services that include, but are not limited to, monitoring and drug testing. The programs shall be operated pursuant to written standards approved by journal entry by the presiding judge or, in courts with only one judge, the judge of

the court of common pleas and shall not be applicable to any of 11406
the following: 11407

(1) Repeat offenders or dangerous offenders; 11408

(2) Persons accused of an offense of violence, of a 11409
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 11410
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 11411
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 11412
Revised Code, or of a violation of section 2905.01, 2905.02, or 11413
2919.23 of the Revised Code that, had it occurred prior to July 11414
1, 1996, would have been a violation of section 2905.04 of the 11415
Revised Code as it existed prior to that date, with the 11416
exception that the prosecuting attorney may permit persons 11417
accused of any such offense to enter a pre-trial diversion 11418
program, if the prosecuting attorney finds any of the following: 11419

(a) The accused did not cause, threaten, or intend serious 11420
physical harm to any person; 11421

(b) The offense was the result of circumstances not likely 11422
to recur; 11423

(c) The accused has no history of prior delinquency or 11424
criminal activity; 11425

(d) The accused has led a law-abiding life for a 11426
substantial time before commission of the alleged offense; 11427

(e) Substantial grounds tending to excuse or justify the 11428
alleged offense. 11429

(3) Persons accused of a violation of Chapter 2925. or 11430
3719. of the Revised Code, with the exception that the 11431
prosecuting attorney may permit persons accused of any of the 11432
following to enter a pre-trial diversion program: 11433

(a) A misdemeanor, fifth degree felony, or fourth degree
felony violation of section 2925.11, 2925.111, or 2925.112 of
the Revised Code; 11434
11435
11436

(b) A misdemeanor violation of section 2925.12, 2925.13,
or division (C) (1) of section 2925.14 of the Revised Code. 11437
11438

(4) Persons accused of a violation of section 4511.19 of
the Revised Code or a violation of any substantially similar
municipal ordinance; 11439
11440
11441

(5) (a) Persons who are accused of an offense while 11442
operating a commercial motor vehicle or persons who hold a 11443
commercial driver's license and are accused of any offense, if 11444
conviction of the offense would disqualify the person from 11445
operating a commercial motor vehicle under Chapter 4506. of the 11446
Revised Code or would subject the person to any other sanction 11447
under that chapter; 11448

(b) As used in division (A) (5) of this section, 11449
"commercial driver's license" and "commercial motor vehicle"
have the same meanings as in section 4506.01 of the Revised 11450
Code. 11451
11452

(B) An accused who enters a diversion program shall do all 11453
of the following: 11454

(1) Waive, in writing and contingent upon the accused's 11455
successful completion of the program, the accused's right to a 11456
speedy trial, the preliminary hearing, the time period within 11457
which the grand jury may consider an indictment against the 11458
accused, and arraignment, unless the hearing, indictment, or 11459
arraignment has already occurred; 11460

(2) Agree, in writing, to the tolling while in the program 11461
of all periods of limitation established by statutes or rules of 11462

court, that are applicable to the offense with which the accused 11463
is charged and to the conditions of the diversion program 11464
established by the prosecuting attorney; 11465

(3) Agree, in writing, to pay any reasonable fee for 11466
supervision services established by the prosecuting attorney. 11467

(C) The trial court, upon the application of the 11468
prosecuting attorney, shall order the release from confinement 11469
of any accused who has agreed to enter a pre-trial diversion 11470
program and shall discharge and release any existing bail and 11471
release any sureties on recognizances and shall release the 11472
accused on a recognizance bond conditioned upon the accused's 11473
compliance with the terms of the diversion program. The 11474
prosecuting attorney shall notify every victim of the crime and 11475
the arresting officers of the prosecuting attorney's intent to 11476
permit the accused to enter a pre-trial diversion program. The 11477
victim of the crime and the arresting officers shall have the 11478
opportunity to file written objections with the prosecuting 11479
attorney prior to the commencement of the pre-trial diversion 11480
program. 11481

(D) If the accused satisfactorily completes the diversion 11482
program, the prosecuting attorney shall recommend to the trial 11483
court that the charges against the accused be dismissed, and the 11484
court, upon the recommendation of the prosecuting attorney, 11485
shall dismiss the charges. If the accused chooses not to enter 11486
the prosecuting attorney's diversion program, or if the accused 11487
violates the conditions of the agreement pursuant to which the 11488
accused has been released, the accused may be brought to trial 11489
upon the charges in the manner provided by law, and the waiver 11490
executed pursuant to division (B) (1) of this section shall be 11491
void on the date the accused is removed from the program for the 11492

violation. 11493

(E) As used in this section: 11494

(1) "Repeat offender" means a person who has a history of 11495
persistent criminal activity and whose character and condition 11496
reveal a substantial risk that the person will commit another 11497
offense. It is prima-facie evidence that a person is a repeat 11498
offender if any of the following applies: 11499

(a) Having been convicted of one or more offenses of 11500
violence and having been imprisoned pursuant to sentence for any 11501
such offense, the person commits a subsequent offense of 11502
violence; 11503

(b) Having been convicted of one or more sexually oriented 11504
offenses or child-victim oriented offenses, both as defined in 11505
section 2950.01 of the Revised Code, and having been imprisoned 11506
pursuant to sentence for one or more of those offenses, the 11507
person commits a subsequent sexually oriented offense or child- 11508
victim oriented offense; 11509

(c) Having been convicted of one or more theft offenses as 11510
defined in section 2913.01 of the Revised Code and having been 11511
imprisoned pursuant to sentence for one or more of those theft 11512
offenses, the person commits a subsequent theft offense; 11513

(d) Having been convicted of one or more felony drug abuse 11514
offenses as defined in section 2925.01 of the Revised Code and 11515
having been imprisoned pursuant to sentence for one or more of 11516
those felony drug abuse offenses, the person commits a 11517
subsequent felony drug abuse offense; 11518

(e) Having been convicted of two or more felonies and 11519
having been imprisoned pursuant to sentence for one or more 11520
felonies, the person commits a subsequent offense; 11521

(f) Having been convicted of three or more offenses of any 11522
type or degree other than traffic offenses, alcoholic 11523
intoxication offenses, or minor misdemeanors and having been 11524
imprisoned pursuant to sentence for any such offense, the person 11525
commits a subsequent offense. 11526

(2) "Dangerous offender" means a person who has committed 11527
an offense, whose history, character, and condition reveal a 11528
substantial risk that the person will be a danger to others, and 11529
whose conduct has been characterized by a pattern of repetitive, 11530
compulsive, or aggressive behavior with heedless indifference to 11531
the consequences. 11532

Sec. 2951.041. (A) (1) If an offender is charged with a 11533
criminal offense, including but not limited to a violation of 11534
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 11535
of the Revised Code, and the court has reason to believe that 11536
drug or alcohol usage by the offender was a factor leading to 11537
the criminal offense with which the offender is charged or that, 11538
at the time of committing that offense, the offender had a 11539
mental illness, was a person with an intellectual disability, or 11540
was a victim of a violation of section 2905.32 or 2907.21 of the 11541
Revised Code and that the mental illness, status as a person 11542
with an intellectual disability, or fact that the offender was a 11543
victim of a violation of section 2905.32 or 2907.21 of the 11544
Revised Code was a factor leading to the offender's criminal 11545
behavior, the court may accept, prior to the entry of a guilty 11546
plea, the offender's request for intervention in lieu of 11547
conviction. The request shall include a statement from the 11548
offender as to whether the offender is alleging that drug or 11549
alcohol usage by the offender was a factor leading to the 11550
criminal offense with which the offender is charged or is 11551
alleging that, at the time of committing that offense, the 11552

offender had a mental illness, was a person with an intellectual 11553
disability, or was a victim of a violation of section 2905.32 or 11554
2907.21 of the Revised Code and that the mental illness, status 11555
as a person with an intellectual disability, or fact that the 11556
offender was a victim of a violation of section 2905.32 or 11557
2907.21 of the Revised Code was a factor leading to the criminal 11558
offense with which the offender is charged. The request also 11559
shall include a waiver of the defendant's right to a speedy 11560
trial, the preliminary hearing, the time period within which the 11561
grand jury may consider an indictment against the offender, and 11562
arraignment, unless the hearing, indictment, or arraignment has 11563
already occurred. The court may reject an offender's request 11564
without a hearing. If the court elects to consider an offender's 11565
request, the court shall conduct a hearing to determine whether 11566
the offender is eligible under this section for intervention in 11567
lieu of conviction and shall stay all criminal proceedings 11568
pending the outcome of the hearing. If the court schedules a 11569
hearing, the court shall order an assessment of the offender for 11570
the purpose of determining the offender's program eligibility 11571
for intervention in lieu of conviction and recommending an 11572
appropriate intervention plan. 11573

If the offender alleges that drug or alcohol usage by the 11574
offender was a factor leading to the criminal offense with which 11575
the offender is charged, the court may order that the offender 11576
be assessed by a community addiction services provider or a 11577
properly credentialed professional for the purpose of 11578
determining the offender's program eligibility for intervention 11579
in lieu of conviction and recommending an appropriate 11580
intervention plan. The community addiction services provider or 11581
the properly credentialed professional shall provide a written 11582
assessment of the offender to the court. 11583

(2) The victim notification provisions of division (C) of 11584
section 2930.06 of the Revised Code apply in relation to any 11585
hearing held under division (A) (1) of this section. 11586

(B) An offender is eligible for intervention in lieu of 11587
conviction if the court finds all of the following: 11588

(1) The offender previously has not been convicted of or 11589
pleaded guilty to any felony offense of violence. 11590

(2) The offense is not a felony of the first, second, or 11591
third degree, is not an offense of violence, is not a violation 11592
of division (A) (1) or (2) of section 2903.06 of the Revised 11593
Code, is not a violation of division (A) (1) of section 2903.08 11594
of the Revised Code, is not a violation of division (A) of 11595
section 4511.19 of the Revised Code or a municipal ordinance 11596
that is substantially similar to that division, and is not an 11597
offense for which a sentencing court is required to impose a 11598
mandatory prison term. 11599

(3) The offender is not charged with a violation of 11600
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 11601
charged with a violation of section 2925.03, 2925.031, or 11602
2925.032 of the Revised Code that is a felony of the first, 11603
second, third, or fourth degree, and is not charged with a 11604
violation of section 2925.11, 2925.111, or 2925.112 of the 11605
Revised Code that is a felony of the first or second degree. 11606

(4) If an offender alleges that drug or alcohol usage by 11607
the offender was a factor leading to the criminal offense with 11608
which the offender is charged, the court has ordered that the 11609
offender be assessed by a community addiction services provider 11610
or a properly credentialed professional for the purpose of 11611
determining the offender's program eligibility for intervention 11612

in lieu of conviction and recommending an appropriate 11613
intervention plan, the offender has been assessed by a community 11614
addiction services provider of that nature or a properly 11615
credentialed professional in accordance with the court's order, 11616
and the community addiction services provider or properly 11617
credentialed professional has filed the written assessment of 11618
the offender with the court. 11619

(5) If an offender alleges that, at the time of committing 11620
the criminal offense with which the offender is charged, the 11621
offender had a mental illness, was a person with an intellectual 11622
disability, or was a victim of a violation of section 2905.32 or 11623
2907.21 of the Revised Code and that the mental illness, status 11624
as a person with an intellectual disability, or fact that the 11625
offender was a victim of a violation of section 2905.32 or 11626
2907.21 of the Revised Code was a factor leading to that 11627
offense, the offender has been assessed by a psychiatrist, 11628
psychologist, independent social worker, licensed professional 11629
clinical counselor, or independent marriage and family therapist 11630
for the purpose of determining the offender's program 11631
eligibility for intervention in lieu of conviction and 11632
recommending an appropriate intervention plan. 11633

(6) The offender's drug usage, alcohol usage, mental 11634
illness, or intellectual disability, or the fact that the 11635
offender was a victim of a violation of section 2905.32 or 11636
2907.21 of the Revised Code, whichever is applicable, was a 11637
factor leading to the criminal offense with which the offender 11638
is charged, intervention in lieu of conviction would demean 11639
the seriousness of the offense, and intervention would 11640
substantially reduce the likelihood of any future criminal 11641
activity. 11642

(7) The alleged victim of the offense was not sixty-five 11643
years of age or older, permanently and totally disabled, under 11644
thirteen years of age, or a peace officer engaged in the 11645
officer's official duties at the time of the alleged offense. 11646

(8) If the offender is charged with a violation of section 11647
2925.24 of the Revised Code, the alleged violation did not 11648
result in physical harm to any person. 11649

(9) The offender is willing to comply with all terms and 11650
conditions imposed by the court pursuant to division (D) of this 11651
section. 11652

(10) The offender is not charged with an offense that 11653
would result in the offender being disqualified under Chapter 11654
4506. of the Revised Code from operating a commercial motor 11655
vehicle or would subject the offender to any other sanction 11656
under that chapter. 11657

(C) At the conclusion of a hearing held pursuant to 11658
division (A) of this section, the court shall enter its 11659
determination as to whether the offender will be granted 11660
intervention in lieu of conviction. If the court finds under 11661
this division and division (B) of this section that the offender 11662
is eligible for intervention in lieu of conviction and grants 11663
the offender's request, the court shall accept the offender's 11664
plea of guilty and waiver of the defendant's right to a speedy 11665
trial, the preliminary hearing, the time period within which the 11666
grand jury may consider an indictment against the offender, and 11667
arraignment, unless the hearing, indictment, or arraignment has 11668
already occurred. In addition, the court then may stay all 11669
criminal proceedings and order the offender to comply with all 11670
terms and conditions imposed by the court pursuant to division 11671
(D) of this section. If the court finds that the offender is not 11672

eligible or does not grant the offender's request, the criminal 11673
proceedings against the offender shall proceed as if the 11674
offender's request for intervention in lieu of conviction had 11675
not been made. 11676

(D) If the court grants an offender's request for 11677
intervention in lieu of conviction, the court shall place the 11678
offender under the general control and supervision of the county 11679
probation department, the adult parole authority, or another 11680
appropriate local probation or court services agency, if one 11681
exists, as if the offender was subject to a community control 11682
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 11683
the Revised Code. The court shall establish an intervention plan 11684
for the offender. The terms and conditions of the intervention 11685
plan shall require the offender, for at least one year from the 11686
date on which the court grants the order of intervention in lieu 11687
of conviction, to abstain from the use of illegal drugs and 11688
alcohol, to participate in treatment and recovery support 11689
services, and to submit to regular random testing for drug and 11690
alcohol use and may include any other treatment terms and 11691
conditions, or terms and conditions similar to community control 11692
sanctions, which may include community service or restitution, 11693
that are ordered by the court. 11694

(E) If the court grants an offender's request for 11695
intervention in lieu of conviction and the court finds that the 11696
offender has successfully completed the intervention plan for 11697
the offender, including the requirement that the offender 11698
abstain from using illegal drugs and alcohol for a period of at 11699
least one year from the date on which the court granted the 11700
order of intervention in lieu of conviction, the requirement 11701
that the offender participate in treatment and recovery support 11702
services, and all other terms and conditions ordered by the 11703

court, the court shall dismiss the proceedings against the 11704
offender. Successful completion of the intervention plan and 11705
period of abstinence under this section shall be without 11706
adjudication of guilt and is not a criminal conviction for 11707
purposes of any disqualification or disability imposed by law 11708
and upon conviction of a crime, and the court may order the 11709
sealing of records related to the offense in question in the 11710
manner provided in sections 2953.31 to 2953.36 of the Revised 11711
Code. 11712

(F) If the court grants an offender's request for 11713
intervention in lieu of conviction and the offender fails to 11714
comply with any term or condition imposed as part of the 11715
intervention plan for the offender, the supervising authority 11716
for the offender promptly shall advise the court of this 11717
failure, and the court shall hold a hearing to determine whether 11718
the offender failed to comply with any term or condition imposed 11719
as part of the plan. If the court determines that the offender 11720
has failed to comply with any of those terms and conditions, it 11721
may continue the offender on intervention in lieu of conviction, 11722
continue the offender on intervention in lieu of conviction with 11723
additional terms, conditions, and sanctions, or enter a finding 11724
of guilty and impose an appropriate sanction under Chapter 2929. 11725
of the Revised Code. If the court sentences the offender to a 11726
prison term, the court, after consulting with the department of 11727
rehabilitation and correction regarding the availability of 11728
services, may order continued court-supervised activity and 11729
treatment of the offender during the prison term and, upon 11730
consideration of reports received from the department concerning 11731
the offender's progress in the program of activity and 11732
treatment, may consider judicial release under section 2929.20 11733
of the Revised Code. 11734

(G) As used in this section:	11735
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	11736 11737
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	11738 11739
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	11740 11741
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	11742 11743
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	11744 11745
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	11746 11747
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	11748 11749
Sec. 2967.18. (A) Whenever the director of rehabilitation and correction determines that the total population of the state correctional institutions for males and females, the total population of the state correctional institutions for males, or the total population of the state correctional institutions for females exceeds the capacity of those institutions and that an overcrowding emergency exists, the director shall notify the correctional institution inspection committee of the emergency and provide the committee with information in support of the director's determination. The director shall not notify the committee that an overcrowding emergency exists unless the director determines that no other reasonable method is available to resolve the overcrowding emergency.	11750 11751 11752 11753 11754 11755 11756 11757 11758 11759 11760 11761 11762

(B) On receipt of the notice given pursuant to division 11763
(A) of this section, the correctional institution inspection 11764
committee promptly shall review the determination of the 11765
director of rehabilitation and correction. Notwithstanding any 11766
other provision of the Revised Code or the Administrative Code 11767
that governs the lengths of criminal sentences, sets forth the 11768
time within which a prisoner is eligible for parole or within 11769
which a prisoner may apply for release, or regulates the 11770
procedure for granting parole or release to prisoners confined 11771
in state correctional institutions, the committee may recommend 11772
to the governor that the prison terms of eligible male, female, 11773
or all prisoners, as determined under division (E) of this 11774
section, be reduced by thirty, sixty, or ninety days, in the 11775
manner prescribed in that division. 11776

(C) If the correctional institution inspection committee 11777
disagrees with the determination of the director of 11778
rehabilitation and correction that an overcrowding emergency 11779
exists, if the committee finds that an overcrowding emergency 11780
exists but does not make a recommendation pursuant to division 11781
(B) of this section, or if the committee does not make a finding 11782
or a recommendation pursuant to that division within thirty days 11783
of receipt of the notice given pursuant to division (A) of this 11784
section, the director may recommend to the governor that the 11785
action set forth in division (B) of this section be taken. 11786

(D) Upon receipt of a recommendation from the correctional 11787
institution inspection committee or the director of 11788
rehabilitation and correction made pursuant to this section, the 11789
governor may declare in writing that an overcrowding emergency 11790
exists in all of the institutions within the control of the 11791
department in which men are confined, in which women are 11792
confined, or both. The declaration shall state that the adult 11793

parole authority shall take the action set forth in division (B) 11794
of this section. After the governor makes the declaration, the 11795
director shall file a copy of it with the secretary of state, 11796
and the copy is a public record. 11797

The department may begin to implement the declaration of 11798
the governor made pursuant to this section on the date that it 11799
is filed with the secretary of state. The department shall begin 11800
to implement the declaration within thirty days after the date 11801
of filing. The declaration shall be implemented in accordance 11802
with division (E) of this section. 11803

(E) (1) No reduction of sentence pursuant to division (B) 11804
of this section shall be granted to any of the following: 11805

(a) A person who is serving a term of imprisonment for 11806
aggravated murder, murder, voluntary manslaughter, involuntary 11807
manslaughter, felonious assault, kidnapping, rape, aggravated 11808
arson, aggravated robbery, or any other offense punishable by 11809
life imprisonment or by an indefinite term of a specified number 11810
of years to life, or for conspiracy in, complicity in, or 11811
attempt to commit any of those offenses; 11812

(b) A person who is serving a term of imprisonment for any 11813
felony other than carrying a concealed weapon that was committed 11814
while the person had a firearm, as defined in section 2923.11 of 11815
the Revised Code, on or about the offender's person or under the 11816
offender's control; 11817

(c) A person who is serving a term of imprisonment for a 11818
violation of section 2925.03, 2925.031, or 2925.032 of the 11819
Revised Code; 11820

(d) A person who is serving a term of imprisonment for 11821
engaging in a pattern of corrupt activity; 11822

(e) A person who is serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code;

(f) A person who was denied parole or release pursuant to section 2929.20 of the Revised Code during the term of imprisonment the person currently is serving.

(2) A declaration of the governor that requires the adult parole authority to take the action set forth in division (B) of this section shall be implemented only by reducing the prison terms of prisoners who are not in any of the categories set forth in division (E)(1) of this section, and only by granting reductions of prison terms in the following order:

(a) Under any such declaration, prison terms initially shall be reduced only for persons who are not in any of the categories set forth in division (E)(1) of this section and who are not serving a term of imprisonment for any of the following offenses:

(i) An offense of violence that is a felony of the first, second, or third degree or that, under the law in existence prior to ~~the effective date of this amendment~~ July 1, 1996, was an aggravated felony of the first, second, or third degree or a felony of the first or second degree;

(ii) An offense set forth in Chapter 2925. of the Revised Code that is a felony of the first or second degree.

(b) If every person serving a term of imprisonment at the time of the implementation of any such declaration who is in the class of persons eligible for the initial reduction of prison terms, as described in division (E)(2)(a) of this section, has received a total of ninety days of term reduction for each three

years of imprisonment actually served, then prison terms may be 11852
reduced for all other persons serving a term of imprisonment at 11853
that time who are not in any of the categories set forth in 11854
division (E) (1) of this section. 11855

(F) An offender who is released from a state correctional 11856
institution pursuant to this section is subject to post-release 11857
control sanctions imposed by the adult parole authority as if 11858
the offender was a prisoner described in division (B) of section 11859
2967.28 of the Revised Code who was being released from 11860
imprisonment. 11861

(G) If more than one overcrowding emergency is declared 11862
while a prisoner is serving a prison term, the total term 11863
reduction for that prisoner as the result of multiple 11864
declarations shall not exceed ninety days for each three years 11865
of imprisonment actually served. 11866

Sec. 2967.19. (A) As used in this section: 11867

(1) "Deadly weapon" and "dangerous ordnance" have the same 11868
meanings as in section 2923.11 of the Revised Code. 11869

(2) "Disqualifying prison term" means any of the 11870
following: 11871

(a) A prison term imposed for aggravated murder, murder, 11872
voluntary manslaughter, involuntary manslaughter, felonious 11873
assault, kidnapping, rape, aggravated arson, aggravated 11874
burglary, or aggravated robbery; 11875

(b) A prison term imposed for complicity in, an attempt to 11876
commit, or conspiracy to commit any offense listed in division 11877
(A) (2) (a) of this section; 11878

(c) A prison term of life imprisonment, including any term 11879

of life imprisonment that has parole eligibility; 11880

(d) A prison term imposed for any felony other than 11881
carrying a concealed weapon an essential element of which is any 11882
conduct or failure to act expressly involving any deadly weapon 11883
or dangerous ordnance; 11884

(e) A prison term imposed for any violation of section 11885
2925.03, 2925.031, or 2925.032 of the Revised Code that is a 11886
felony of the first or second degree; 11887

(f) A prison term imposed for engaging in a pattern of 11888
corrupt activity in violation of section 2923.32 of the Revised 11889
Code; 11890

(g) A prison term imposed pursuant to section 2971.03 of 11891
the Revised Code; 11892

(h) A prison term imposed for any sexually oriented 11893
offense. 11894

(3) "Eligible prison term" means any prison term that is 11895
not a disqualifying prison term and is not a restricting prison 11896
term. 11897

(4) "Restricting prison term" means any of the following: 11898

(a) A mandatory prison term imposed under division (B)(1) 11899
(a), (B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of 11900
section 2929.14 of the Revised Code for a specification of the 11901
type described in that division; 11902

(b) In the case of an offender who has been sentenced to a 11903
mandatory prison term for a specification of the type described 11904
in division (A)(4)(a) of this section, the prison term imposed 11905
for the felony offense for which the specification was stated at 11906
the end of the body of the indictment, count in the indictment, 11907

or information charging the offense; 11908

(c) A prison term imposed for trafficking in persons; 11909

(d) A prison term imposed for any offense that is 11910
described in division (A) (4) (d) (i) of this section if division 11911
(A) (4) (d) (ii) of this section applies to the offender: 11912

(i) The offense is a felony of the first or second degree 11913
that is an offense of violence and that is not described in 11914
division (A) (2) (a) or (b) of this section, an attempt to commit 11915
a felony of the first or second degree that is an offense of 11916
violence and that is not described in division (A) (2) (a) or (b) 11917
of this section if the attempt is a felony of the first or 11918
second degree, or an offense under an existing or former law of 11919
this state, another state, or the United States that is or was 11920
substantially equivalent to any other offense described in this 11921
division. 11922

(ii) The offender previously was convicted of or pleaded 11923
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 11924
of this section. 11925

(5) "Sexually oriented offense" has the same meaning as in 11926
section 2950.01 of the Revised Code. 11927

(6) "Stated prison term of one year or more" means a 11928
definite prison term of one year or more imposed as a stated 11929
prison term, or a minimum prison term of one year or more 11930
imposed as part of a stated prison term that is a non-life 11931
felony indefinite prison term. 11932

(B) The director of the department of rehabilitation and 11933
correction may recommend in writing to the sentencing court that 11934
the court consider releasing from prison any offender who, on or 11935
after September 30, 2011, is confined in a state correctional 11936

institution, who is serving a stated prison term of one year or 11937
more, and who is eligible under division (C) of this section for 11938
a release under this section. If the director wishes to 11939
recommend that the sentencing court consider releasing an 11940
offender under this section, the director shall notify the 11941
sentencing court in writing of the offender's eligibility not 11942
earlier than ninety days prior to the date on which the offender 11943
becomes eligible as described in division (C) of this section. 11944
The director's submission of the written notice constitutes a 11945
recommendation by the director that the court strongly consider 11946
release of the offender consistent with the purposes and 11947
principles of sentencing set forth in sections 2929.11 and 11948
2929.13 of the Revised Code. Only an offender recommended by the 11949
director under division (B) of this section may be considered 11950
for early release under this section. 11951

(C) (1) An offender serving a stated prison term of one 11952
year or more and who has commenced service of that stated prison 11953
term becomes eligible for release from prison under this section 11954
only as described in this division. An offender serving a stated 11955
prison term that includes a disqualifying prison term is not 11956
eligible for release from prison under this section. An offender 11957
serving a stated prison term that consists solely of one or more 11958
restricting prison terms is not eligible for release under this 11959
section. An offender serving a stated prison term of one year or 11960
more that includes one or more restricting prison terms and one 11961
or more eligible prison terms becomes eligible for release under 11962
this section after having fully served all restricting prison 11963
terms and having served eighty per cent of that stated prison 11964
term that remains to be served after all restricting prison 11965
terms have been fully served. An offender serving a stated 11966
prison term of one year or more that consists solely of one or 11967

more eligible prison terms becomes eligible for release under 11968
this section after having served eighty per cent of that stated 11969
prison term. For purposes of determining an offender's 11970
eligibility for release under this section, if the offender's 11971
stated prison term includes consecutive prison terms, any 11972
restricting prison terms shall be deemed served prior to any 11973
eligible prison terms that run consecutively to the restricting 11974
prison terms, and the eligible prison terms are deemed to 11975
commence after all of the restricting prison terms have been 11976
fully served. 11977

An offender serving a stated prison term of one year or 11978
more that includes a mandatory prison term that is not a 11979
disqualifying prison term and is not a restricting prison term 11980
is not automatically ineligible as a result of the offender's 11981
service of that mandatory term for release from prison under 11982
this section, and the offender's eligibility for release from 11983
prison under this section is determined in accordance with this 11984
division. 11985

(2) If an offender confined in a state correctional 11986
institution under a stated prison term is eligible for release 11987
under this section as described in division (C) (1) of this 11988
section, the director of the department of rehabilitation and 11989
correction may recommend in writing that the sentencing court 11990
consider releasing the offender from prison under this section 11991
by submitting to the sentencing court the written notice 11992
described in division (B) of this section. 11993

(D) The director shall include with any notice submitted 11994
to the sentencing court under division (B) of this section an 11995
institutional summary report that covers the offender's 11996
participation while confined in a state correctional institution 11997

in school, training, work, treatment, and other rehabilitative 11998
activities and any disciplinary action taken against the 11999
offender while so confined. The director shall include with the 12000
notice any other documentation requested by the court, if 12001
available. 12002

(E) (1) When the director submits a written notice to a 12003
sentencing court that an offender is eligible to be considered 12004
for early release under this section, the department promptly 12005
shall provide to the prosecuting attorney of the county in which 12006
the offender was indicted a copy of the written notice, a copy 12007
of the institutional summary report, and any other information 12008
provided to the court and shall provide a copy of the 12009
institutional summary report to any law enforcement agency that 12010
requests the report. The department also promptly shall do 12011
whichever of the following is applicable: 12012

(a) Subject to division (E) (1) (b) of this section, give 12013
written notice of the submission to any victim of the offender 12014
or victim's representative of any victim of the offender who is 12015
registered with the office of victim's services. 12016

(b) If the offense was aggravated murder, murder, an 12017
offense of violence that is a felony of the first, second, or 12018
third degree, or an offense punished by a sentence of life 12019
imprisonment, except as otherwise provided in this division, 12020
notify the victim or the victim's representative of the filing 12021
of the petition regardless of whether the victim or victim's 12022
representative has registered with the office of victim's 12023
services. The notice of the filing of the petition shall not be 12024
given under this division to a victim or victim's representative 12025
if the victim or victim's representative has requested pursuant 12026
to division (B) (2) of section 2930.03 of the Revised Code that 12027

the victim or the victim's representative not be provided the 12028
notice. If notice is to be provided to a victim or victim's 12029
representative under this division, the department may give the 12030
notice by any reasonable means, including regular mail, 12031
telephone, and electronic mail, in accordance with division (D) 12032
(1) of section 2930.16 of the Revised Code. If the notice is 12033
based on an offense committed prior to March 22, 2013, the 12034
notice also shall include the opt-out information described in 12035
division (D) (1) of section 2930.16 of the Revised Code. The 12036
department, in accordance with division (D) (2) of section 12037
2930.16 of the Revised Code, shall keep a record of all attempts 12038
to provide the notice, and of all notices provided, under this 12039
division. 12040

Division (E) (1) (b) of this section, and the notice-related 12041
provisions of divisions (E) (2) and (K) of section 2929.20, 12042
division (D) (1) of section 2930.16, division (H) of section 12043
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 12044
of section 2967.28, and division (A) (2) of section 5149.101 of 12045
the Revised Code enacted in the act in which division (E) (2) of 12046
this section was enacted, shall be known as "Roberta's Law." 12047

(2) When the director submits a petition under this 12048
section, the department also promptly shall post a copy of the 12049
written notice on the database it maintains under section 12050
5120.66 of the Revised Code and include information on where a 12051
person may send comments regarding the recommendation of early 12052
release. 12053

The information provided to the court, the prosecutor, and 12054
the victim or victim's representative under divisions (D) and 12055
(E) of this section shall include the name and contact 12056
information of a specific department of rehabilitation and 12057

correction employee who is available to answer questions about 12058
the offender who is the subject of the written notice submitted 12059
by the director, including, but not limited to, the offender's 12060
institutional conduct and rehabilitative activities while 12061
incarcerated. 12062

(F) Upon receipt of a written notice submitted by the 12063
director under division (B) of this section, the court either 12064
shall, on its own motion, schedule a hearing to consider 12065
releasing the offender who is the subject of the notice or shall 12066
inform the department that it will not be conducting a hearing 12067
relative to the offender. The court shall not grant an early 12068
release to an offender without holding a hearing. If a court 12069
declines to hold a hearing relative to an offender with respect 12070
to a written notice submitted by the director, the court may 12071
later consider release of that offender under this section on 12072
its own motion by scheduling a hearing for that purpose. Within 12073
thirty days after the written notice is submitted, the court 12074
shall inform the department whether or not the court is 12075
scheduling a hearing on the offender who is the subject of the 12076
notice. 12077

(G) If the court schedules a hearing upon receiving a 12078
written notice submitted under division (B) of this section or 12079
upon its own motion under division (F) of this section, the 12080
court shall notify the head of the state correctional 12081
institution in which the offender is confined of the hearing 12082
prior to the hearing. If the court makes a journal entry 12083
ordering the offender to be conveyed to the hearing, except as 12084
otherwise provided in this division, the head of the 12085
correctional institution shall deliver the offender to the 12086
sheriff of the county in which the hearing is to be held, and 12087
the sheriff shall convey the offender to and from the hearing. 12088

Upon the court's own motion or the motion of the offender or the
prosecuting attorney of the county in which the offender was
indicted, the court may permit the offender to appear at the
hearing by video conferencing equipment if equipment of that
nature is available and compatible.

Upon receipt of notice from a court of a hearing on the
release of an offender under this division, the head of the
state correctional institution in which the offender is confined
immediately shall notify the appropriate person at the
department of rehabilitation and correction of the hearing, and
the department within twenty-four hours after receipt of the
notice shall post on the database it maintains pursuant to
section 5120.66 of the Revised Code the offender's name and all
of the information specified in division (A) (1) (c) (i) of that
section. If the court schedules a hearing under this section,
the court promptly shall give notice of the hearing to the
prosecuting attorney of the county in which the offender was
indicted. Upon receipt of the notice from the court, the
prosecuting attorney shall notify pursuant to section 2930.16 of
the Revised Code any victim of the offender or the victim's
representative of the hearing.

(H) If the court schedules a hearing under this section,
at the hearing, the court shall afford the offender and the
offender's attorney an opportunity to present written
information and, if present, oral information relevant to the
offender's early release. The court shall afford a similar
opportunity to the prosecuting attorney, victim or victim's
representative, as defined in section 2930.01 of the Revised
Code, and any other person the court determines is likely to
present additional relevant information. If the court pursuant
to division (G) of this section permits the offender to appear

at the hearing by video conferencing equipment, the offender's 12120
opportunity to present oral information shall be as a part of 12121
the video conferencing. The court shall consider any statement 12122
of a victim made under section 2930.14 or 2930.17 of the Revised 12123
Code, any victim impact statement prepared under section 12124
2947.051 of the Revised Code, and any report and other 12125
documentation submitted by the director under division (D) of 12126
this section. After ruling on whether to grant the offender 12127
early release, the court shall notify the victim in accordance 12128
with sections 2930.03 and 2930.16 of the Revised Code. 12129

(I) If the court grants an offender early release under 12130
this section, it shall order the release of the offender, shall 12131
place the offender under one or more appropriate community 12132
control sanctions, under appropriate conditions, and under the 12133
supervision of the department of probation that serves the 12134
court, and shall reserve the right to reimpose the sentence that 12135
it reduced and from which the offender was released if the 12136
offender violates the sanction. The court shall not make a 12137
release under this section effective prior to the date on which 12138
the offender becomes eligible as described in division (C) of 12139
this section. If the sentence under which the offender is 12140
confined in a state correctional institution and from which the 12141
offender is being released was imposed for a felony of the first 12142
or second degree, the court shall consider ordering that the 12143
offender be monitored by means of a global positioning device. 12144
If the court reimposes the sentence that it reduced and from 12145
which the offender was released and if the violation of the 12146
sanction is a new offense, the court may order that the 12147
reimposed sentence be served either concurrently with, or 12148
consecutive to, any new sentence imposed upon the offender as a 12149
result of the violation that is a new offense. The period of all 12150

community control sanctions imposed under this division shall 12151
not exceed five years. The court, in its discretion, may reduce 12152
the period of community control sanctions by the amount of time 12153
the offender spent in jail or prison for the offense. 12154

If the court grants an offender early release under this 12155
section, it shall notify the appropriate person at the 12156
department of rehabilitation and correction of the release, and 12157
the department shall post notice of the release on the database 12158
it maintains pursuant to section 5120.66 of the Revised Code. 12159

(J) The department shall adopt under Chapter 119. of the 12160
Revised Code any rules necessary to implement this section. 12161

Sec. 2967.28. (A) As used in this section: 12162

(1) "Monitored time" means the monitored time sanction 12163
specified in section 2929.17 of the Revised Code. 12164

(2) "Deadly weapon" and "dangerous ordnance" have the same 12165
meanings as in section 2923.11 of the Revised Code. 12166

(3) "Felony sex offense" means a violation of a section 12167
contained in Chapter 2907. of the Revised Code that is a felony. 12168

(4) "Risk reduction sentence" means a prison term imposed 12169
by a court, when the court recommends pursuant to section 12170
2929.143 of the Revised Code that the offender serve the 12171
sentence under section 5120.036 of the Revised Code, and the 12172
offender may potentially be released from imprisonment prior to 12173
the expiration of the prison term if the offender successfully 12174
completes all assessment and treatment or programming required 12175
by the department of rehabilitation and correction under section 12176
5120.036 of the Revised Code. 12177

(5) "Victim's immediate family" has the same meaning as in 12178

section 2967.12 of the Revised Code. 12179

(6) "Minor drug possession offense" has the same meaning 12180
as in section ~~2925.11~~2925.01 of the Revised Code. 12181

(B) Each sentence to a prison term, other than a term of 12182
life imprisonment, for a felony of the first degree, for a 12183
felony of the second degree, for a felony sex offense, or for a 12184
felony of the third degree that is an offense of violence and is 12185
not a felony sex offense shall include a requirement that the 12186
offender be subject to a period of post-release control imposed 12187
by the parole board after the offender's release from 12188
imprisonment. This division applies with respect to all prison 12189
terms of a type described in this division, including a term of 12190
any such type that is a risk reduction sentence. If a court 12191
imposes a sentence including a prison term of a type described 12192
in this division on or after July 11, 2006, the failure of a 12193
sentencing court to notify the offender pursuant to division (B) 12194
(2) (d) of section 2929.19 of the Revised Code of this 12195
requirement or to include in the judgment of conviction entered 12196
on the journal a statement that the offender's sentence includes 12197
this requirement does not negate, limit, or otherwise affect the 12198
mandatory period of supervision that is required for the 12199
offender under this division. This division applies with respect 12200
to all prison terms of a type described in this division, 12201
including a non-life felony indefinite prison term. Section 12202
2929.191 of the Revised Code applies if, prior to July 11, 2006, 12203
a court imposed a sentence including a prison term of a type 12204
described in this division and failed to notify the offender 12205
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 12206
Code regarding post-release control or to include in the 12207
judgment of conviction entered on the journal or in the sentence 12208
pursuant to division (D) (1) of section 2929.14 of the Revised 12209

Code a statement regarding post-release control. Unless reduced 12210
by the parole board pursuant to division (D) of this section 12211
when authorized under that division, a period of post-release 12212
control required by this division for an offender shall be of 12213
one of the following periods: 12214

(1) For a felony of the first degree or for a felony sex 12215
offense, five years; 12216

(2) For a felony of the second degree that is not a felony 12217
sex offense, three years; 12218

(3) For a felony of the third degree that is an offense of 12219
violence and is not a felony sex offense, three years. 12220

(C) Any sentence to a prison term for a felony of the 12221
third, fourth, or fifth degree that is not subject to division 12222
(B) (1) or (3) of this section shall include a requirement that 12223
the offender be subject to a period of post-release control of 12224
up to three years after the offender's release from 12225
imprisonment, if the parole board, in accordance with division 12226
(D) of this section, determines that a period of post-release 12227
control is necessary for that offender. This division applies 12228
with respect to all prison terms of a type described in this 12229
division, including a term of any such type that is a risk 12230
reduction sentence. Section 2929.191 of the Revised Code applies 12231
if, prior to July 11, 2006, a court imposed a sentence including 12232
a prison term of a type described in this division and failed to 12233
notify the offender pursuant to division (B) (2) (e) of section 12234
2929.19 of the Revised Code regarding post-release control or to 12235
include in the judgment of conviction entered on the journal or 12236
in the sentence pursuant to division (D) (2) of section 2929.14 12237
of the Revised Code a statement regarding post-release control. 12238
Pursuant to an agreement entered into under section 2967.29 of 12239

the Revised Code, a court of common pleas or parole board may 12240
impose sanctions or conditions on an offender who is placed on 12241
post-release control under this division. 12242

(D) (1) Before the prisoner is released from imprisonment, 12243
the parole board or, pursuant to an agreement under section 12244
2967.29 of the Revised Code, the court shall impose upon a 12245
prisoner described in division (B) of this section, shall impose 12246
upon a prisoner described in division (C) of this section who is 12247
to be released before the expiration of the prisoner's stated 12248
prison term under a risk reduction sentence, may impose upon a 12249
prisoner described in division (C) of this section who is not to 12250
be released before the expiration of the prisoner's stated 12251
prison term under a risk reduction sentence, and shall impose 12252
upon a prisoner described in division (B) (2) (b) of section 12253
5120.031 or in division (B) (1) of section 5120.032 of the 12254
Revised Code, one or more post-release control sanctions to 12255
apply during the prisoner's period of post-release control. 12256
Whenever the board or court imposes one or more post-release 12257
control sanctions upon a prisoner, the board or court, in 12258
addition to imposing the sanctions, also shall include as a 12259
condition of the post-release control that the offender not 12260
leave the state without permission of the court or the 12261
offender's parole or probation officer and that the offender 12262
abide by the law. The board or court may impose any other 12263
conditions of release under a post-release control sanction that 12264
the board or court considers appropriate, and the conditions of 12265
release may include any community residential sanction, 12266
community nonresidential sanction, or financial sanction that 12267
the sentencing court was authorized to impose pursuant to 12268
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 12269
Prior to the release of a prisoner for whom it will impose one 12270

or more post-release control sanctions under this division, the 12271
parole board or court shall review the prisoner's criminal 12272
history, results from the single validated risk assessment tool 12273
selected by the department of rehabilitation and correction 12274
under section 5120.114 of the Revised Code, all juvenile court 12275
adjudications finding the prisoner, while a juvenile, to be a 12276
delinquent child, and the record of the prisoner's conduct while 12277
imprisoned. The parole board or court shall consider any 12278
recommendation regarding post-release control sanctions for the 12279
prisoner made by the office of victims' services. After 12280
considering those materials, the board or court shall determine, 12281
for a prisoner described in division (B) of this section, 12282
division (B) (2) (b) of section 5120.031, or division (B) (1) of 12283
section 5120.032 of the Revised Code and for a prisoner 12284
described in division (C) of this section who is to be released 12285
before the expiration of the prisoner's stated prison term under 12286
a risk reduction sentence, which post-release control sanction 12287
or combination of post-release control sanctions is reasonable 12288
under the circumstances or, for a prisoner described in division 12289
(C) of this section who is not to be released before the 12290
expiration of the prisoner's stated prison term under a risk 12291
reduction sentence, whether a post-release control sanction is 12292
necessary and, if so, which post-release control sanction or 12293
combination of post-release control sanctions is reasonable 12294
under the circumstances. In the case of a prisoner convicted of 12295
a felony of the fourth or fifth degree other than a felony sex 12296
offense, the board or court shall presume that monitored time is 12297
the appropriate post-release control sanction unless the board 12298
or court determines that a more restrictive sanction is 12299
warranted. A post-release control sanction imposed under this 12300
division takes effect upon the prisoner's release from 12301
imprisonment. 12302

Regardless of whether the prisoner was sentenced to the 12303
prison term prior to, on, or after July 11, 2006, prior to the 12304
release of a prisoner for whom it will impose one or more post- 12305
release control sanctions under this division, the parole board 12306
shall notify the prisoner that, if the prisoner violates any 12307
sanction so imposed or any condition of post-release control 12308
described in division (B) of section 2967.131 of the Revised 12309
Code that is imposed on the prisoner, the parole board may 12310
impose a prison term of up to one-half of the stated prison term 12311
originally imposed upon the prisoner. 12312

At least thirty days before the prisoner is released from 12313
imprisonment under post-release control, except as otherwise 12314
provided in this paragraph, the department of rehabilitation and 12315
correction shall notify the victim and the victim's immediate 12316
family of the date on which the prisoner will be released, the 12317
period for which the prisoner will be under post-release control 12318
supervision, and the terms and conditions of the prisoner's 12319
post-release control regardless of whether the victim or 12320
victim's immediate family has requested the notification. The 12321
notice described in this paragraph shall not be given to a 12322
victim or victim's immediate family if the victim or the 12323
victim's immediate family has requested pursuant to division (B) 12324
(2) of section 2930.03 of the Revised Code that the notice not 12325
be provided to the victim or the victim's immediate family. At 12326
least thirty days before the prisoner is released from 12327
imprisonment and regardless of whether the victim or victim's 12328
immediate family has requested that the notice described in this 12329
paragraph be provided or not be provided to the victim or the 12330
victim's immediate family, the department also shall provide 12331
notice of that nature to the prosecuting attorney in the case 12332
and the law enforcement agency that arrested the prisoner if any 12333

officer of that agency was a victim of the offense.

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If the notice given under the preceding paragraph to the
victim or the victim's immediate family is based on an offense
committed prior to March 22, 2013, and if the department of
rehabilitation and correction has not previously successfully
provided any notice to the victim or the victim's immediate
family under division (B), (C), or (D) of section 2930.16 of the
Revised Code with respect to that offense and the offender who
committed it, the notice also shall inform the victim or the
victim's immediate family that the victim or the victim's
immediate family may request that the victim or the victim's
immediate family not be provided any further notices with
respect to that offense and the offender who committed it and
shall describe the procedure for making that request. The
department may give the notices to which the preceding paragraph
applies by any reasonable means, including regular mail,
telephone, and electronic mail. If the department attempts to
provide notice to any specified person under the preceding
paragraph but the attempt is unsuccessful because the department
is unable to locate the specified person, is unable to provide
the notice by its chosen method because it cannot determine the
mailing address, electronic mail address, or telephone number at
which to provide the notice, or, if the notice is sent by mail,
the notice is returned, the department shall make another
attempt to provide the notice to the specified person. If the
second attempt is unsuccessful, the department shall make at
least one more attempt to provide the notice. If the notice is
based on an offense committed prior to March 22, 2013, in each
attempt to provide the notice to the victim or victim's
immediate family, the notice shall include the opt-out
information described in this paragraph. The department, in the

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manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised

Code, the court may review the releasee's behavior under the 12396
post-release control sanctions imposed upon the releasee under 12397
this section. The authority or court may determine, based upon 12398
the review and in accordance with the standards established 12399
under division (E) of this section, that a more restrictive or a 12400
less restrictive sanction is appropriate and may impose a 12401
different sanction. The authority also may recommend that the 12402
parole board or court increase or reduce the duration of the 12403
period of post-release control imposed by the court. If the 12404
authority recommends that the board or court increase the 12405
duration of post-release control, the board or court shall 12406
review the releasee's behavior and may increase the duration of 12407
the period of post-release control imposed by the court up to 12408
eight years. If the authority recommends that the board or court 12409
reduce the duration of control for an offense described in 12410
division (B) or (C) of this section, the board or court shall 12411
review the releasee's behavior and, subject to divisions (D) (3) 12412
(a) to (c) of this section, may reduce the duration of the 12413
period of control imposed by the court or, if the period of 12414
control was imposed for a non-life felony indefinite prison 12415
term, reduce the duration of or terminate the period of control 12416
imposed by the court. In no case shall the board or court do any 12417
of the following: 12418

(a) Reduce the duration of the period of control imposed 12419
for an offense described in division (B) (1) of this section to a 12420
period less than the length of the definite prison term included 12421
in the stated prison term originally imposed on the offender as 12422
part of the sentence or, with respect to a stated non-life 12423
felony indefinite prison term, to a period less than the length 12424
of the minimum prison term imposed as part of that stated prison 12425
term; 12426

(b) Consider any reduction or termination of the duration 12427
of the period of control imposed on a releasee prior to the 12428
expiration of one year after the commencement of the period of 12429
control, if the period of control was imposed for a non-life 12430
felony indefinite prison term and the releasee's minimum prison 12431
term or presumptive earned early release date under that term 12432
was extended for any length of time under division (C) or (D) of 12433
section 2967.271 of the Revised Code. 12434

(c) Permit the releasee to leave the state without 12435
permission of the court or the releasee's parole or probation 12436
officer. 12437

(4) The department of rehabilitation and correction shall 12438
develop factors that the parole board or court shall consider in 12439
determining under division (D) (3) of this section whether to 12440
terminate the period of control imposed on a releasee for a non- 12441
life felony indefinite prison term. 12442

(E) The department of rehabilitation and correction, in 12443
accordance with Chapter 119. of the Revised Code, shall adopt 12444
rules that do all of the following: 12445

(1) Establish standards for the imposition by the parole 12446
board of post-release control sanctions under this section that 12447
are consistent with the overriding purposes and sentencing 12448
principles set forth in section 2929.11 of the Revised Code and 12449
that are appropriate to the needs of releasees; 12450

(2) Establish standards that provide for a period of post- 12451
release control of up to three years for all prisoners described 12452
in division (C) of this section who are to be released before 12453
the expiration of their stated prison term under a risk 12454
reduction sentence and standards by which the parole board can 12455

determine which prisoners described in division (C) of this 12456
section who are not to be released before the expiration of 12457
their stated prison term under a risk reduction sentence should 12458
be placed under a period of post-release control; 12459

(3) Establish standards to be used by the parole board in 12460
reducing the duration of the period of post-release control 12461
imposed by the court when authorized under division (D) of this 12462
section, in imposing a more restrictive post-release control 12463
sanction than monitored time upon a prisoner convicted of a 12464
felony of the fourth or fifth degree other than a felony sex 12465
offense, or in imposing a less restrictive control sanction upon 12466
a releasee based on the releasee's activities including, but not 12467
limited to, remaining free from criminal activity and from the 12468
abuse of alcohol or other drugs, successfully participating in 12469
approved rehabilitation programs, maintaining employment, and 12470
paying restitution to the victim or meeting the terms of other 12471
financial sanctions; 12472

(4) Establish standards to be used by the adult parole 12473
authority in modifying a releasee's post-release control 12474
sanctions pursuant to division (D)(2) of this section; 12475

(5) Establish standards to be used by the adult parole 12476
authority or parole board in imposing further sanctions under 12477
division (F) of this section on releasees who violate post- 12478
release control sanctions, including standards that do the 12479
following: 12480

(a) Classify violations according to the degree of 12481
seriousness; 12482

(b) Define the circumstances under which formal action by 12483
the parole board is warranted; 12484

(c) Govern the use of evidence at violation hearings; 12485

(d) Ensure procedural due process to an alleged violator; 12486

(e) Prescribe nonresidential community control sanctions 12487
for most misdemeanor and technical violations; 12488

(f) Provide procedures for the return of a releasee to 12489
imprisonment for violations of post-release control. 12490

(F) (1) Whenever the parole board imposes one or more post- 12491
release control sanctions upon an offender under this section, 12492
the offender upon release from imprisonment shall be under the 12493
general jurisdiction of the adult parole authority and generally 12494
shall be supervised by the field services section through its 12495
staff of parole and field officers as described in section 12496
5149.04 of the Revised Code, as if the offender had been placed 12497
on parole. If the offender upon release from imprisonment 12498
violates the post-release control sanction or any conditions 12499
described in division (A) of section 2967.131 of the Revised 12500
Code that are imposed on the offender, the public or private 12501
person or entity that operates or administers the sanction or 12502
the program or activity that comprises the sanction shall report 12503
the violation directly to the adult parole authority or to the 12504
officer of the authority who supervises the offender. The 12505
authority's officers may treat the offender as if the offender 12506
were on parole and in violation of the parole, and otherwise 12507
shall comply with this section. 12508

(2) If the adult parole authority or, pursuant to an 12509
agreement under section 2967.29 of the Revised Code, the court 12510
determines that a releasee has violated a post-release control 12511
sanction or any conditions described in division (A) of section 12512
2967.131 of the Revised Code imposed upon the releasee and that 12513

a more restrictive sanction is appropriate, the authority or 12514
court may impose a more restrictive sanction upon the releasee, 12515
in accordance with the standards established under division (E) 12516
of this section or in accordance with the agreement made under 12517
section 2967.29 of the Revised Code, or may report the violation 12518
to the parole board for a hearing pursuant to division (F) (3) of 12519
this section. The authority or court may not, pursuant to this 12520
division, increase the duration of the releasee's post-release 12521
control or impose as a post-release control sanction a 12522
residential sanction that includes a prison term, but the 12523
authority or court may impose on the releasee any other 12524
residential sanction, nonresidential sanction, or financial 12525
sanction that the sentencing court was authorized to impose 12526
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 12527
Revised Code. 12528

(3) The parole board or, pursuant to an agreement under 12529
section 2967.29 of the Revised Code, the court may hold a 12530
hearing on any alleged violation by a releasee of a post-release 12531
control sanction or any conditions described in division (A) of 12532
section 2967.131 of the Revised Code that are imposed upon the 12533
releasee. If after the hearing the board or court finds that the 12534
releasee violated the sanction or condition, the board or court 12535
may increase the duration of the releasee's post-release control 12536
up to the maximum duration authorized by division (B) or (C) of 12537
this section or impose a more restrictive post-release control 12538
sanction. If a releasee was acting pursuant to division (B) (2) 12539
(b) of section 2925.11 or a related provision of section 12540
2925.111 or 2925.112 of the Revised Code and in so doing 12541
violated the conditions of a post-release control sanction based 12542
on a minor drug possession offense as defined in ~~that~~ section 12543
2925.01 of the Revised Code, the board or the court may consider 12544

the releasee's conduct in seeking or obtaining medical 12545
assistance for another in good faith or for self or may consider 12546
the releasee being the subject of another person seeking or 12547
obtaining medical assistance in accordance with that division as 12548
a mitigating factor before imposing any of the penalties 12549
described in this division. When appropriate, the board or court 12550
may impose as a post-release control sanction a residential 12551
sanction that includes a prison term. The board or court shall 12552
consider a prison term as a post-release control sanction 12553
imposed for a violation of post-release control when the 12554
violation involves a deadly weapon or dangerous ordnance, 12555
physical harm or attempted serious physical harm to a person, or 12556
sexual misconduct. Unless a releasee's stated prison term was 12557
reduced pursuant to section 5120.032 of the Revised Code, the 12558
period of a prison term that is imposed as a post-release 12559
control sanction under this division shall not exceed nine 12560
months, and the maximum cumulative prison term for all 12561
violations under this division shall not exceed one-half of the 12562
definite prison term that was the stated prison term originally 12563
imposed upon the offender as part of this sentence or, with 12564
respect to a stated non-life felony indefinite prison term, one- 12565
half of the minimum prison term that was imposed as part of that 12566
stated prison term originally imposed upon the offender. If a 12567
releasee's stated prison term was reduced pursuant to section 12568
5120.032 of the Revised Code, the period of a prison term that 12569
is imposed as a post-release control sanction under this 12570
division and the maximum cumulative prison term for all 12571
violations under this division shall not exceed the period of 12572
time not served in prison under the sentence imposed by the 12573
court. The period of a prison term that is imposed as a post- 12574
release control sanction under this division shall not count as, 12575
or be credited toward, the remaining period of post-release 12576

control. 12577

If an offender is imprisoned for a felony committed while 12578
under post-release control supervision and is again released on 12579
post-release control for a period of time determined by division 12580
(F) (4) (d) of this section, the maximum cumulative prison term 12581
for all violations under this division shall not exceed one-half 12582
of the total stated prison terms of the earlier felony, reduced 12583
by any prison term administratively imposed by the parole board 12584
or court, plus one-half of the total stated prison term of the 12585
new felony. 12586

(4) Any period of post-release control shall commence upon 12587
an offender's actual release from prison. If an offender is 12588
serving an indefinite prison term or a life sentence in addition 12589
to a stated prison term, the offender shall serve the period of 12590
post-release control in the following manner: 12591

(a) If a period of post-release control is imposed upon 12592
the offender and if the offender also is subject to a period of 12593
parole under a life sentence or an indefinite sentence, and if 12594
the period of post-release control ends prior to the period of 12595
parole, the offender shall be supervised on parole. The offender 12596
shall receive credit for post-release control supervision during 12597
the period of parole. The offender is not eligible for final 12598
release under section 2967.16 of the Revised Code until the 12599
post-release control period otherwise would have ended. 12600

(b) If a period of post-release control is imposed upon 12601
the offender and if the offender also is subject to a period of 12602
parole under an indefinite sentence, and if the period of parole 12603
ends prior to the period of post-release control, the offender 12604
shall be supervised on post-release control. The requirements of 12605
parole supervision shall be satisfied during the post-release 12606

control period.

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(c) If an offender is subject to more than one period of post-release control, the period of post-release control for all of the sentences shall be the period of post-release control that expires last, as determined by the parole board or court. Periods of post-release control shall be served concurrently and shall not be imposed consecutively to each other.

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(d) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

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Sec. 3301.32. (A) (1) The chief administrator of any head start agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the head start agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant

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has been a resident of this state for that five-year period, the 12637
chief administrator may request that the superintendent include 12638
information from the federal bureau of investigation in the 12639
criminal records check. 12640

(2) Any person required by division (A)(1) of this section 12641
to request a criminal records check shall provide to each 12642
applicant a copy of the form prescribed pursuant to division (C) 12643
(1) of section 109.572 of the Revised Code, provide to each 12644
applicant a standard impression sheet to obtain fingerprint 12645
impressions prescribed pursuant to division (C)(2) of section 12646
109.572 of the Revised Code, obtain the completed form and 12647
impression sheet from each applicant, and forward the completed 12648
form and impression sheet to the superintendent of the bureau of 12649
criminal identification and investigation at the time the chief 12650
administrator requests a criminal records check pursuant to 12651
division (A)(1) of this section. 12652

(3) Any applicant who receives pursuant to division (A)(2) 12653
of this section a copy of the form prescribed pursuant to 12654
division (C)(1) of section 109.572 of the Revised Code and a 12655
copy of an impression sheet prescribed pursuant to division (C) 12656
(2) of that section and who is requested to complete the form 12657
and provide a set of fingerprint impressions shall complete the 12658
form or provide all the information necessary to complete the 12659
form and shall provide the impression sheets with the 12660
impressions of the applicant's fingerprints. If an applicant, 12661
upon request, fails to provide the information necessary to 12662
complete the form or fails to provide impressions of the 12663
applicant's fingerprints, the head start agency shall not employ 12664
that applicant for any position for which a criminal records 12665
check is required by division (A)(1) of this section. 12666

(B) (1) Except as provided in rules adopted by the director
of job and family services in accordance with division (E) of
this section, no head start agency shall employ a person as a
person responsible for the care, custody, or control of a child
if the person 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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24,
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031,
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised
Code, a violation of section 2905.04 of the Revised Code as it
existed prior to July 1, 1996, a violation of section 2919.23 of
the Revised Code that would have been a violation of section
2905.04 of the Revised Code as it existed prior to July 1, 1996,
had the violation occurred prior to that date, a violation of
section 2925.11, 2925.111, or 2925.112 of the Revised Code that
is not a minor drug possession offense, or felonious sexual
penetration in violation of former section 2907.12 of the
Revised Code;

(b) A violation of an existing or former law of this
state, any other state, or the United States that is
substantially equivalent to any of the offenses or violations
described in division (B) (1) (a) of this section.

(2) A head start agency may employ an applicant
conditionally until the criminal records check required by this
section is completed and the agency receives the results of the

criminal records check. If the results of the criminal records 12697
check indicate that, pursuant to division (B) (1) of this 12698
section, the applicant does not qualify for employment, the 12699
agency shall release the applicant from employment. 12700

(C) (1) Each head start agency shall pay to the bureau of 12701
criminal identification and investigation the fee prescribed 12702
pursuant to division (C) (3) of section 109.572 of the Revised 12703
Code for each criminal records check conducted in accordance 12704
with that section upon the request pursuant to division (A) (1) 12705
of this section of the chief administrator of the head start 12706
agency. 12707

(2) A head start agency may charge an applicant a fee for 12708
the costs it incurs in obtaining a criminal records check under 12709
this section. A fee charged under this division shall not exceed 12710
the amount of fees the agency pays under division (C) (1) of this 12711
section. If a fee is charged under this division, the agency 12712
shall notify the applicant at the time of the applicant's 12713
initial application for employment of the amount of the fee and 12714
that, unless the fee is paid, the head start agency will not 12715
consider the applicant for employment. 12716

(D) The report of any criminal records check conducted by 12717
the bureau of criminal identification and investigation in 12718
accordance with section 109.572 of the Revised Code and pursuant 12719
to a request made under division (A) (1) of this section is not a 12720
public record for the purposes of section 149.43 of the Revised 12721
Code and shall not be made available to any person other than 12722
the applicant who is the subject of the criminal records check 12723
or the applicant's representative, the head start agency 12724
requesting the criminal records check or its representative, and 12725
any court, hearing officer, or other necessary individual 12726

involved in a case dealing with the denial of employment to the 12727
applicant. 12728

(E) The director of job and family services shall adopt 12729
rules pursuant to Chapter 119. of the Revised Code to implement 12730
this section, including rules specifying circumstances under 12731
which a head start agency may hire a person who has been 12732
convicted of an offense listed in division (B)(1) of this 12733
section but who meets standards in regard to rehabilitation set 12734
by the director. 12735

(F) Any person required by division (A)(1) of this section 12736
to request a criminal records check shall inform each person, at 12737
the time of the person's initial application for employment, 12738
that the person is required to provide a set of impressions of 12739
the person's fingerprints and that a criminal records check is 12740
required to be conducted and satisfactorily completed in 12741
accordance with section 109.572 of the Revised Code if the 12742
person comes under final consideration for appointment or 12743
employment as a precondition to employment for that position. 12744

(G) As used in this section: 12745

(1) "Applicant" means a person who is under final 12746
consideration for appointment or employment in a position with a 12747
head start agency as a person responsible for the care, custody, 12748
or control of a child. 12749

(2) "Head start agency" means an entity in this state that 12750
has been approved to be an agency for purposes of the "Head 12751
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 12752

(3) "Criminal records check" has the same meaning as in 12753
section 109.572 of the Revised Code. 12754

(4) "Minor drug possession offense" has the same meaning 12755

as in section 2925.01 of the Revised Code. 12756

Sec. 3301.541. (A) (1) The director, head teacher, 12757
elementary principal, or site administrator of a preschool 12758
program shall request the superintendent of the bureau of 12759
criminal identification and investigation to conduct a criminal 12760
records check with respect to any applicant who has applied to 12761
the preschool program for employment as a person responsible for 12762
the care, custody, or control of a child. If the applicant does 12763
not present proof that the applicant has been a resident of this 12764
state for the five-year period immediately prior to the date 12765
upon which the criminal records check is requested or does not 12766
provide evidence that within that five-year period the 12767
superintendent has requested information about the applicant 12768
from the federal bureau of investigation in a criminal records 12769
check, the director, head teacher, or elementary principal shall 12770
request that the superintendent obtain information from the 12771
federal bureau of investigation as a part of the criminal 12772
records check for the applicant. If the applicant presents proof 12773
that the applicant has been a resident of this state for that 12774
five-year period, the director, head teacher, or elementary 12775
principal may request that the superintendent include 12776
information from the federal bureau of investigation in the 12777
criminal records check. 12778

(2) Any director, head teacher, elementary principal, or 12779
site administrator required by division (A) (1) of this section 12780
to request a criminal records check shall provide to each 12781
applicant a copy of the form prescribed pursuant to division (C) 12782
(1) of section 109.572 of the Revised Code, provide to each 12783
applicant a standard impression sheet to obtain fingerprint 12784
impressions prescribed pursuant to division (C) (2) of section 12785
109.572 of the Revised Code, obtain the completed form and 12786

impression sheet from each applicant, and forward the completed 12787
form and impression sheet to the superintendent of the bureau of 12788
criminal identification and investigation at the time the person 12789
requests a criminal records check pursuant to division (A) (1) of 12790
this section. 12791

(3) Any applicant who receives pursuant to division (A) (2) 12792
of this section a copy of the form prescribed pursuant to 12793
division (C) (1) of section 109.572 of the Revised Code and a 12794
copy of an impression sheet prescribed pursuant to division (C) 12795
(2) of that section and who is requested to complete the form 12796
and provide a set of fingerprint impressions shall complete the 12797
form or provide all the information necessary to complete the 12798
form and provide the impression sheet with the impressions of 12799
the applicant's fingerprints. If an applicant, upon request, 12800
fails to provide the information necessary to complete the form 12801
or fails to provide impressions of the applicant's fingerprints, 12802
the preschool program shall not employ that applicant for any 12803
position for which a criminal records check is required by 12804
division (A) (1) of this section. 12805

(B) (1) Except as provided in rules adopted by the 12806
department of education in accordance with division (E) of this 12807
section, no preschool program shall employ a person as a person 12808
responsible for the care, custody, or control of a child if the 12809
person previously has been convicted of or pleaded guilty to any 12810
of the following: 12811

(a) A violation of section 2903.01, 2903.02, 2903.03, 12812
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12813
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12814
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12815
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12816

2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12817
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12818
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 12819
Code, a violation of section 2905.04 of the Revised Code as it 12820
existed prior to July 1, 1996, a violation of section 2919.23 of 12821
the Revised Code that would have been a violation of section 12822
2905.04 of the Revised Code as it existed prior to July 1, 1996, 12823
had the violation occurred prior to that date, a violation of 12824
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 12825
is not a minor drug possession offense, or felonious sexual 12826
penetration in violation of former section 2907.12 of the 12827
Revised Code; 12828

(b) A violation of an existing or former law of this 12829
state, any other state, or the United States that is 12830
substantially equivalent to any of the offenses or violations 12831
described in division (B) (1) (a) of this section. 12832

(2) A preschool program may employ an applicant 12833
conditionally until the criminal records check required by this 12834
section is completed and the preschool program receives the 12835
results of the criminal records check. If the results of the 12836
criminal records check indicate that, pursuant to division (B) 12837
(1) of this section, the applicant does not qualify for 12838
employment, the preschool program shall release the applicant 12839
from employment. 12840

(C) (1) Each preschool program shall pay to the bureau of 12841
criminal identification and investigation the fee prescribed 12842
pursuant to division (C) (3) of section 109.572 of the Revised 12843
Code for each criminal records check conducted in accordance 12844
with that section upon the request pursuant to division (A) (1) 12845
of this section of the director, head teacher, elementary 12846

principal, or site administrator of the preschool program. 12847

(2) A preschool program may charge an applicant a fee for 12848
the costs it incurs in obtaining a criminal records check under 12849
this section. A fee charged under this division shall not exceed 12850
the amount of fees the preschool program pays under division (C) 12851
(1) of this section. If a fee is charged under this division, 12852
the preschool program shall notify the applicant at the time of 12853
the applicant's initial application for employment of the amount 12854
of the fee and that, unless the fee is paid, the applicant will 12855
not be considered for employment. 12856

(D) The report of any criminal records check conducted by 12857
the bureau of criminal identification and investigation in 12858
accordance with section 109.572 of the Revised Code and pursuant 12859
to a request under division (A) (1) of this section is not a 12860
public record for the purposes of section 149.43 of the Revised 12861
Code and shall not be made available to any person other than 12862
the applicant who is the subject of the criminal records check 12863
or the applicant's representative, the preschool program 12864
requesting the criminal records check or its representative, and 12865
any court, hearing officer, or other necessary individual in a 12866
case dealing with the denial of employment to the applicant. 12867

(E) The department of education shall adopt rules pursuant 12868
to Chapter 119. of the Revised Code to implement this section, 12869
including rules specifying circumstances under which a preschool 12870
program may hire a person who has been convicted of an offense 12871
listed in division (B) (1) of this section but who meets 12872
standards in regard to rehabilitation set by the department. 12873

(F) Any person required by division (A) (1) of this section 12874
to request a criminal records check shall inform each person, at 12875
the time of the person's initial application for employment, 12876

that the person is required to provide a set of impressions of 12877
the person's fingerprints and that a criminal records check is 12878
required to be conducted and satisfactorily completed in 12879
accordance with section 109.572 of the Revised Code if the 12880
person comes under final consideration for appointment or 12881
employment as a precondition to employment for that position. 12882

(G) As used in this section: 12883

(1) "Applicant" means a person who is under final 12884
consideration for appointment or employment in a position with a 12885
preschool program as a person responsible for the care, custody, 12886
or control of a child, except that "applicant" does not include 12887
a person already employed by a board of education, community 12888
school, or chartered nonpublic school in a position of care, 12889
custody, or control of a child who is under consideration for a 12890
different position with such board or school. 12891

(2) "Criminal records check" has the same meaning as in 12892
section 109.572 of the Revised Code. 12893

(3) "Minor drug possession offense" has the same meaning 12894
as in section 2925.01 of the Revised Code. 12895

(H) If the board of education of a local school district 12896
adopts a resolution requesting the assistance of the educational 12897
service center in which the local district has territory in 12898
conducting criminal records checks of substitute teachers under 12899
this section, the appointing or hiring officer of such 12900
educational service center governing board shall serve for 12901
purposes of this section as the appointing or hiring officer of 12902
the local board in the case of hiring substitute teachers for 12903
employment in the local district. 12904

Sec. 3313.662. (A) The superintendent of public 12905

instruction, pursuant to this section and the adjudication 12906
procedures of section 3301.121 of the Revised Code, may issue an 12907
adjudication order that permanently excludes a pupil from 12908
attending any of the public schools of this state if the pupil 12909
is convicted of, or adjudicated a delinquent child for, 12910
committing, when the pupil was sixteen years of age or older, an 12911
act that would be a criminal offense if committed by an adult 12912
and if the act is any of the following: 12913

(1) A violation of section 2923.122 of the Revised Code; 12914

(2) A violation of section 2923.12 of the Revised Code, of 12915
a substantially similar municipal ordinance, or of section 12916
2925.03, 2925.031, or 2925.032 of the Revised Code that was 12917
committed on property owned or controlled by, or at an activity 12918
held under the auspices of, a board of education of a city, 12919
local, exempted village, or joint vocational school district; 12920

(3) A violation of section 2925.11, 2925.111, or 2925.112 12921
of the Revised Code, other than a violation of that section that 12922
would be a minor drug possession offense, that was committed on 12923
property owned or controlled by, or at an activity held under 12924
the auspices of, the board of education of a city, local, 12925
exempted village, or joint vocational school district; 12926

(4) A violation of section 2903.01, 2903.02, 2903.03, 12927
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 12928
section 2907.12 of the Revised Code that was committed on 12929
property owned or controlled by, or at an activity held under 12930
the auspices of, a board of education of a city, local, exempted 12931
village, or joint vocational school district, if the victim at 12932
the time of the commission of the act was an employee of that 12933
board of education; 12934

(5) Complicity in any violation described in division (A) 12935
(1), (2), (3), or (4) of this section that was alleged to have 12936
been committed in the manner described in division (A) (1), (2), 12937
(3), or (4) of this section, regardless of whether the act of 12938
complicity was committed on property owned or controlled by, or 12939
at an activity held under the auspices of, a board of education 12940
of a city, local, exempted village, or joint vocational school 12941
district. 12942

(B) A pupil may be suspended or expelled in accordance 12943
with section 3313.66 of the Revised Code prior to being 12944
permanently excluded from public school attendance under this 12945
section and section 3301.121 of the Revised Code. 12946

(C) (1) If the superintendent of a city, local, exempted 12947
village, or joint vocational school district in which a pupil 12948
attends school obtains or receives proof that the pupil has been 12949
convicted of committing when the pupil was sixteen years of age 12950
or older a violation listed in division (A) of this section or 12951
adjudicated a delinquent child for the commission when the pupil 12952
was sixteen years of age or older of a violation listed in 12953
division (A) of this section, the superintendent may issue to 12954
the board of education of the school district a request that the 12955
pupil be permanently excluded from public school attendance, if 12956
both of the following apply: 12957

(a) After obtaining or receiving proof of the conviction 12958
or adjudication, the superintendent or the superintendent's 12959
designee determines that the pupil's continued attendance in 12960
school may endanger the health and safety of other pupils or 12961
school employees and gives the pupil and the pupil's parent, 12962
guardian, or custodian written notice that the superintendent 12963
intends to recommend to the board of education that the board 12964

adopt a resolution requesting the superintendent of public 12965
instruction to permanently exclude the pupil from public school 12966
attendance. 12967

(b) The superintendent or the superintendent's designee 12968
forwards to the board of education the superintendent's written 12969
recommendation that includes the determinations the 12970
superintendent or designee made pursuant to division (C) (1) (a) 12971
of this section and a copy of the proof the superintendent 12972
received showing that the pupil has been convicted of or 12973
adjudicated a delinquent child for a violation listed in 12974
division (A) of this section that was committed when the pupil 12975
was sixteen years of age or older. 12976

(2) Within fourteen days after receipt of a recommendation 12977
from the superintendent pursuant to division (C) (1) (b) of this 12978
section that a pupil be permanently excluded from public school 12979
attendance, the board of education of a city, local, exempted 12980
village, or joint vocational school district, after review and 12981
consideration of all of the following available information, may 12982
adopt a resolution requesting the superintendent of public 12983
instruction to permanently exclude the pupil who is the subject 12984
of the recommendation from public school attendance: 12985

(a) The academic record of the pupil and a record of any 12986
extracurricular activities in which the pupil previously was 12987
involved; 12988

(b) The disciplinary record of the pupil and any available 12989
records of the pupil's prior behavioral problems other than the 12990
behavioral problems contained in the disciplinary record; 12991

(c) The social history of the pupil; 12992

(d) The pupil's response to the imposition of prior 12993

discipline and sanctions imposed for behavioral problems; 12994

(e) Evidence regarding the seriousness of and any 12995
aggravating factors related to the offense that is the basis of 12996
the resolution seeking permanent exclusion; 12997

(f) Any mitigating circumstances surrounding the offense 12998
that gave rise to the request for permanent exclusion; 12999

(g) Evidence regarding the probable danger posed to the 13000
health and safety of other pupils or of school employees by the 13001
continued presence of the pupil in a public school setting; 13002

(h) Evidence regarding the probable disruption of the 13003
teaching of any school district's graded course of study by the 13004
continued presence of the pupil in a public school setting; 13005

(i) Evidence regarding the availability of alternative 13006
sanctions of a less serious nature than permanent exclusion that 13007
would enable the pupil to remain in a public school setting 13008
without posing a significant danger to the health and safety of 13009
other pupils or of school employees and without posing a threat 13010
of the disruption of the teaching of any district's graded 13011
course of study. 13012

(3) If the board does not adopt a resolution requesting 13013
the superintendent of public instruction to permanently exclude 13014
the pupil, it immediately shall send written notice of that fact 13015
to the superintendent who sought the resolution, to the pupil 13016
who was the subject of the proposed resolution, and to that 13017
pupil's parent, guardian, or custodian. 13018

(D) (1) Upon adoption of a resolution under division (C) of 13019
this section, the board of education immediately shall forward 13020
to the superintendent of public instruction the written 13021
resolution, proof of the conviction or adjudication that is the 13022

basis of the resolution, a copy of the pupil's entire school 13023
record, and any other relevant information and shall forward a 13024
copy of the resolution to the pupil who is the subject of the 13025
recommendation and to that pupil's parent, guardian, or 13026
custodian. 13027

(2) The board of education that adopted and forwarded the 13028
resolution requesting the permanent exclusion of the pupil to 13029
the superintendent of public instruction promptly shall 13030
designate a representative of the school district to present the 13031
case for permanent exclusion to the superintendent or the 13032
referee appointed by the superintendent. The representative of 13033
the school district may be an attorney admitted to the practice 13034
of law in this state. At the adjudication hearing held pursuant 13035
to section 3301.121 of the Revised Code, the representative of 13036
the school district shall present evidence in support of the 13037
requested permanent exclusion. 13038

(3) Upon receipt of a board of education's resolution 13039
requesting the permanent exclusion of a pupil from public school 13040
attendance, the superintendent of public instruction, in 13041
accordance with the adjudication procedures of section 3301.121 13042
of the Revised Code, promptly shall issue an adjudication order 13043
that either permanently excludes the pupil from attending any of 13044
the public schools of this state or that rejects the resolution 13045
of the board of education. 13046

(E) Notwithstanding any provision of section 3313.64 of 13047
the Revised Code or an order of any court of this state that 13048
otherwise requires the admission of the pupil to a school, no 13049
school official in a city, local, exempted village, or joint 13050
vocational school district knowingly shall admit to any school 13051
in the school district a pupil who has been permanently excluded 13052

from public school attendance by the superintendent of public 13053
instruction. 13054

(F) (1) (a) Upon determining that the school attendance of a 13055
pupil who has been permanently excluded from public school 13056
attendance no longer will endanger the health and safety of 13057
other students or school employees, the superintendent of any 13058
city, local, exempted village, or joint vocational school 13059
district in which the pupil desires to attend school may issue 13060
to the board of education of the school district a 13061
recommendation, including the reasons for the recommendation, 13062
that the permanent exclusion of a pupil be revoked and the pupil 13063
be allowed to return to the public schools of the state. 13064

If any violation which in whole or in part gave rise to 13065
the permanent exclusion of any pupil involved the pupil's 13066
bringing a firearm to a school operated by the board of 13067
education of a school district or onto any other property owned 13068
or operated by such a board, no superintendent shall recommend 13069
under this division an effective date for the revocation of the 13070
pupil's permanent exclusion that is less than one year after the 13071
date on which the last such firearm incident occurred. However, 13072
on a case-by-case basis, a superintendent may recommend an 13073
earlier effective date for such a revocation for any of the 13074
reasons for which the superintendent may reduce the one-year 13075
expulsion requirement in division (B) (2) of section 3313.66 of 13076
the Revised Code. 13077

(b) Upon receipt of the recommendation of the 13078
superintendent that a permanent exclusion of a pupil be revoked, 13079
the board of education of a city, local, exempted village, or 13080
joint vocational school district may adopt a resolution by a 13081
majority vote of its members requesting the superintendent of 13082

public instruction to revoke the permanent exclusion of the 13083
pupil. Upon adoption of the resolution, the board of education 13084
shall forward a copy of the resolution, the reasons for the 13085
resolution, and any other relevant information to the 13086
superintendent of public instruction. 13087

(c) Upon receipt of a resolution of a board of education 13088
requesting the revocation of a permanent exclusion of a pupil, 13089
the superintendent of public instruction, in accordance with the 13090
adjudication procedures of Chapter 119. of the Revised Code, 13091
shall issue an adjudication order that revokes the permanent 13092
exclusion of the pupil from public school attendance or that 13093
rejects the resolution of the board of education. 13094

(2) (a) A pupil who has been permanently excluded pursuant 13095
to this section and section 3301.121 of the Revised Code may 13096
request the superintendent of any city, local, exempted village, 13097
or joint vocational school district in which the pupil desires 13098
to attend school to admit the pupil on a probationary basis for 13099
a period not to exceed ninety school days. Upon receiving the 13100
request, the superintendent may enter into discussions with the 13101
pupil and with the pupil's parent, guardian, or custodian or a 13102
person designated by the pupil's parent, guardian, or custodian 13103
to develop a probationary admission plan designed to assist the 13104
pupil's probationary admission to the school. The plan may 13105
include a treatment program, a behavioral modification program, 13106
or any other program reasonably designed to meet the educational 13107
needs of the child and the disciplinary requirements of the 13108
school. 13109

If any violation which in whole or in part gave rise to 13110
the permanent exclusion of the pupil involved the pupil's 13111
bringing a firearm to a school operated by the board of 13112

education of any school district or onto any other property 13113
owned or operated by such a board, no plan developed under this 13114
division for the pupil shall include an effective date for the 13115
probationary admission of the pupil that is less than one year 13116
after the date on which the last such firearm incident occurred 13117
except that on a case-by-case basis, a plan may include an 13118
earlier effective date for such an admission for any of the 13119
reasons for which the superintendent of the district may reduce 13120
the one-year expulsion requirement in division (B) (2) of section 13121
3313.66 of the Revised Code. 13122

(b) If the superintendent of a school district, a pupil, 13123
and the pupil's parent, guardian, or custodian or a person 13124
designated by the pupil's parent, guardian, or custodian agree 13125
upon a probationary admission plan prepared pursuant to division 13126
(F) (2) (a) of this section, the superintendent of the school 13127
district shall issue to the board of education of the school 13128
district a recommendation that the pupil be allowed to attend 13129
school within the school district under probationary admission, 13130
the reasons for the recommendation, and a copy of the agreed 13131
upon probationary admission plan. Within fourteen days after the 13132
board of education receives the recommendation, reasons, and 13133
plan, the board may adopt the recommendation by a majority vote 13134
of its members. If the board adopts the recommendation, the 13135
pupil may attend school under probationary admission within that 13136
school district for a period not to exceed ninety days or any 13137
additional probationary period permitted under divisions (F) (2) 13138
(d) and (e) of this section in accordance with the probationary 13139
admission plan prepared pursuant to division (F) (2) (a) of this 13140
section. 13141

(c) If a pupil who is permitted to attend school under 13142
probationary admission pursuant to division (F) (2) (b) of this 13143

section fails to comply with the probationary admission plan 13144
prepared pursuant to division (F)(2)(a) of this section, the 13145
superintendent of the school district immediately may remove the 13146
pupil from the school and issue to the board of education of the 13147
school district a recommendation that the probationary admission 13148
be revoked. Within five days after the board of education 13149
receives the recommendation, the board may adopt the 13150
recommendation to revoke the pupil's probationary admission by a 13151
majority vote of its members. If a majority of the board does 13152
not adopt the recommendation to revoke the pupil's probationary 13153
admission, the pupil shall continue to attend school in 13154
compliance with the pupil's probationary admission plan. 13155

(d) If a pupil who is permitted to attend school under 13156
probationary admission pursuant to division (F)(2)(b) of this 13157
section complies with the probationary admission plan prepared 13158
pursuant to division (F)(2)(a) of this section, the pupil or the 13159
pupil's parent, guardian, or custodian, at any time before the 13160
expiration of the ninety-day probationary admission period, may 13161
request the superintendent of the school district to extend the 13162
terms and period of the pupil's probationary admission for a 13163
period not to exceed ninety days or to issue a recommendation 13164
pursuant to division (F)(1) of this section that the pupil's 13165
permanent exclusion be revoked and the pupil be allowed to 13166
return to the public schools of this state. 13167

(e) If a pupil is granted an extension of the pupil's 13168
probationary admission pursuant to division (F)(2)(d) of this 13169
section, the pupil or the pupil's parent, guardian, or 13170
custodian, in the manner described in that division, may 13171
request, and the superintendent and board, in the manner 13172
described in that division, may recommend and grant, subsequent 13173
probationary admission periods not to exceed ninety days each. 13174

If a pupil who is permitted to attend school under an extension 13175
of a probationary admission plan complies with the probationary 13176
admission plan prepared pursuant to the extension, the pupil or 13177
the pupil's parent, guardian, or custodian may request a 13178
revocation of the pupil's permanent exclusion in the manner 13179
described in division (F) (2) (d) of this section. 13180

(f) Any extension of a probationary admission requested by 13181
a pupil or a pupil's parent, guardian, or custodian pursuant to 13182
divisions (F) (2) (d) or (e) of this section shall be subject to 13183
the adoption and approval of a probationary admission plan in 13184
the manner described in divisions (F) (2) (a) and (b) of this 13185
section and may be terminated as provided in division (F) (2) (c) 13186
of this section. 13187

(g) If the pupil has complied with any probationary 13188
admission plan and the superintendent issues a recommendation 13189
that seeks revocation of the pupil's permanent exclusion 13190
pursuant to division (F) (1) of this section, the pupil's 13191
compliance with any probationary admission plan may be 13192
considered along with other relevant factors in any 13193
determination or adjudication conducted pursuant to division (F) 13194
(1) of this section. 13195

(G) (1) Except as provided in division (G) (2) of this 13196
section, any information regarding the permanent exclusion of a 13197
pupil shall be included in the pupil's official records and 13198
shall be included in any records sent to any school district 13199
that requests the pupil's records. 13200

(2) When a pupil who has been permanently excluded from 13201
public school attendance reaches the age of twenty-two or when 13202
the permanent exclusion of a pupil has been revoked, all school 13203
districts that maintain records regarding the pupil's permanent 13204

exclusion shall remove all references to the exclusion from the 13205
pupil's file and shall destroy them. 13206

A pupil who has reached the age of twenty-two or whose 13207
permanent exclusion has been revoked may send a written notice 13208
to the superintendent of any school district maintaining records 13209
of the pupil's permanent exclusion requesting the superintendent 13210
to ensure that the records are removed from the pupil's file and 13211
destroyed. Upon receipt of the request and a determination that 13212
the pupil is twenty-two years of age or older or that the 13213
pupil's permanent exclusion has been revoked, the superintendent 13214
shall ensure that the records are removed from the pupil's file 13215
and destroyed. 13216

(H) (1) This section does not apply to any of the 13217
following: 13218

(a) An institution that is a residential facility, that 13219
receives and cares for children, that is maintained by the 13220
department of youth services, and that operates a school 13221
chartered by the state board of education under section 3301.16 13222
of the Revised Code; 13223

(b) Any on-premises school operated by an out-of-home care 13224
entity, other than a school district, that is chartered by the 13225
state board of education under section 3301.16 of the Revised 13226
Code; 13227

(c) Any school operated in connection with an out-of-home 13228
care entity or a nonresidential youth treatment program that 13229
enters into a contract or agreement with a school district for 13230
the provision of educational services in a setting other than a 13231
setting that is a building or structure owned or controlled by 13232
the board of education of the school district during normal 13233

school hours. 13234

(2) This section does not prohibit any person who has been 13235
permanently excluded pursuant to this section and section 13236
3301.121 of the Revised Code from seeking a certificate of high 13237
school equivalence. A person who has been permanently excluded 13238
may be permitted to participate in a course of study in 13239
preparation for a high school equivalency test approved by the 13240
department of education pursuant to division (B) of section 13241
3301.80 of the Revised Code, except that the person shall not 13242
participate during normal school hours in that course of study 13243
in any building or structure owned or controlled by the board of 13244
education of a school district. 13245

(3) This section does not relieve any school district from 13246
any requirement under section 2151.362 or 3313.64 of the Revised 13247
Code to pay for the cost of educating any child who has been 13248
permanently excluded pursuant to this section and section 13249
3301.121 of the Revised Code. 13250

(I) As used in this section: 13251

(1) "Permanently exclude" means to forever prohibit an 13252
individual from attending any public school in this state that 13253
is operated by a city, local, exempted village, or joint 13254
vocational school district. 13255

(2) "Permanent exclusion" means the prohibition of a pupil 13256
forever from attending any public school in this state that is 13257
operated by a city, local, exempted village, or joint vocational 13258
school district. 13259

(3) "Out-of-home care" has the same meaning as in section 13260
2151.011 of the Revised Code. 13261

(4) "Certificate of high school equivalence" has the same 13262

meaning as in section 4109.06 of the Revised Code. 13263

(5) "Nonresidential youth treatment program" means a 13264
program designed to provide services to persons under the age of 13265
eighteen in a setting that does not regularly provide long-term 13266
overnight care, including settlement houses, diversion and 13267
prevention programs, run-away centers, and alternative education 13268
programs. 13269

(6) "Firearm" has the same meaning as provided pursuant to 13270
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 13271
8001(a) (2) . 13272

(7) "Minor drug possession offense" has the same meaning 13273
as in section 2925.01 of the Revised Code. 13274

Sec. 3319.31. (A) As used in this section and sections 13275
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 13276
means a certificate, license, or permit described in this 13277
chapter or in division (B) of section 3301.071 or in section 13278
3301.074 of the Revised Code. 13279

(B) For any of the following reasons, the state board of 13280
education, in accordance with Chapter 119. and section 3319.311 13281
of the Revised Code, may refuse to issue a license to an 13282
applicant; may limit a license it issues to an applicant; may 13283
suspend, revoke, or limit a license that has been issued to any 13284
person; or may revoke a license that has been issued to any 13285
person and has expired: 13286

(1) Engaging in an immoral act, incompetence, negligence, 13287
or conduct that is unbecoming to the applicant's or person's 13288
position; 13289

(2) A plea of guilty to, a finding of guilt by a jury or 13290
court of, or a conviction of any of the following: 13291

(a) A felony other than a felony listed in division (C) of this section;	13292 13293
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	13294 13295
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	13296 13297 13298
(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;	13299 13300 13301
(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section.	13302 13303 13304
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section;	13305 13306 13307 13308 13309 13310
(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.	13311 13312
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license	13313 13314 13315 13316 13317 13318 13319 13320

to the person. The state board or the superintendent shall 13321
revoke a license that has been issued to a person to whom this 13322
division applies and has expired in the same manner as a license 13323
that has not expired. 13324

Revocation of a license or denial of issuance or renewal 13325
of a license under this division is effective immediately at the 13326
time and date that the board or superintendent issues the 13327
written order and is not subject to appeal in accordance with 13328
Chapter 119. of the Revised Code. Revocation of a license or 13329
denial of issuance or renewal of license under this division 13330
remains in force during the pendency of an appeal by the person 13331
of the plea of guilty, finding of guilt, or conviction that is 13332
the basis of the action taken under this division. 13333

The state board or superintendent shall take the action 13334
required by this division for a violation of division (B) (1), 13335
(2), (3), or (4) of section 2919.22 of the Revised Code; a 13336
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 13337
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 13338
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 13339
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 13340
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 13341
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 13342
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 13343
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 13344
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 13345
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.031, 13346
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 13347
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 13348
of the Revised Code; a violation of section 2905.04 of the 13349
Revised Code as it existed prior to July 1, 1996; a violation of 13350
section 2919.23 of the Revised Code that would have been a 13351

violation of section 2905.04 of the Revised Code as it existed 13352
prior to July 1, 1996, had the violation been committed prior to 13353
that date; felonious sexual penetration in violation of former 13354
section 2907.12 of the Revised Code; or a violation of an 13355
ordinance of a municipal corporation that is substantively 13356
comparable to an offense listed in this paragraph. 13357

(D) The state board may delegate to the superintendent of 13358
public instruction the authority to revoke a person's license or 13359
to deny issuance or renewal of a license to a person under 13360
division (C) or (F) of this section. 13361

(E) (1) If the plea of guilty, finding of guilt, or 13362
conviction that is the basis of the action taken under division 13363
(B) (2) or (C) of this section, or under the version of division 13364
(F) of section 3319.311 of the Revised Code in effect prior to 13365
September 12, 2008, is overturned on appeal, upon exhaustion of 13366
the criminal appeal, the clerk of the court that overturned the 13367
plea, finding, or conviction or, if applicable, the clerk of the 13368
court that accepted an appeal from the court that overturned the 13369
plea, finding, or conviction, shall notify the state board that 13370
the plea, finding, or conviction has been overturned. Within 13371
thirty days after receiving the notification, the state board 13372
shall initiate proceedings to reconsider the revocation or 13373
denial of the person's license in accordance with division (E) 13374
(2) of this section. In addition, the person whose license was 13375
revoked or denied may file with the state board a petition for 13376
reconsideration of the revocation or denial along with 13377
appropriate court documents. 13378

(2) Upon receipt of a court notification or a petition and 13379
supporting court documents under division (E) (1) of this 13380
section, the state board, after offering the person an 13381

opportunity for an adjudication hearing under Chapter 119. of 13382
the Revised Code, shall determine whether the person committed 13383
the act in question in the prior criminal action against the 13384
person that is the basis of the revocation or denial and may 13385
continue the revocation or denial, may reinstate the person's 13386
license, with or without limits, or may grant the person a new 13387
license, with or without limits. The decision of the board shall 13388
be based on grounds for revoking, denying, suspending, or 13389
limiting a license adopted by rule under division (G) of this 13390
section and in accordance with the evidentiary standards the 13391
board employs for all other licensure hearings. The decision of 13392
the board under this division is subject to appeal under Chapter 13393
119. of the Revised Code. 13394

(3) A person whose license is revoked or denied under 13395
division (C) of this section shall not apply for any license if 13396
the plea of guilty, finding of guilt, or conviction that is the 13397
basis of the revocation or denial, upon completion of the 13398
criminal appeal, either is upheld or is overturned but the state 13399
board continues the revocation or denial under division (E) (2) 13400
of this section and that continuation is upheld on final appeal. 13401

(F) The state board may take action under division (B) of 13402
this section, and the state board or the superintendent shall 13403
take the action required under division (C) of this section, on 13404
the basis of substantially comparable conduct occurring in a 13405
jurisdiction outside this state or occurring before a person 13406
applies for or receives any license. 13407

(G) The state board may adopt rules in accordance with 13408
Chapter 119. of the Revised Code to carry out this section and 13409
section 3319.311 of the Revised Code. 13410

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 13411

(b) of section 109.57 of the Revised Code, the appointing or 13412
hiring officer of the board of education of a school district, 13413
the governing board of an educational service center, or of a 13414
chartered nonpublic school shall request the superintendent of 13415
the bureau of criminal identification and investigation to 13416
conduct a criminal records check with respect to any applicant 13417
who has applied to the school district, educational service 13418
center, or school for employment in any position. The appointing 13419
or hiring officer shall request that the superintendent include 13420
information from the federal bureau of investigation in the 13421
criminal records check, unless all of the following apply to the 13422
applicant: 13423

(a) The applicant is applying to be an instructor of adult 13424
education. 13425

(b) The duties of the position for which the applicant is 13426
applying do not involve routine interaction with a child or 13427
regular responsibility for the care, custody, or control of a 13428
child or, if the duties do involve such interaction or 13429
responsibility, during any period of time in which the 13430
applicant, if hired, has such interaction or responsibility, 13431
another employee of the school district, educational service 13432
center, or chartered nonpublic school will be present in the 13433
same room with the child or, if outdoors, will be within a 13434
thirty-yard radius of the child or have visual contact with the 13435
child. 13436

(c) The applicant presents proof that the applicant has 13437
been a resident of this state for the five-year period 13438
immediately prior to the date upon which the criminal records 13439
check is requested or provides evidence that within that five- 13440
year period the superintendent has requested information about 13441

the applicant from the federal bureau of investigation in a 13442
criminal records check. 13443

(2) A person required by division (A)(1) of this section 13444
to request a criminal records check shall provide to each 13445
applicant a copy of the form prescribed pursuant to division (C) 13446
(1) of section 109.572 of the Revised Code, provide to each 13447
applicant a standard impression sheet to obtain fingerprint 13448
impressions prescribed pursuant to division (C)(2) of section 13449
109.572 of the Revised Code, obtain the completed form and 13450
impression sheet from each applicant, and forward the completed 13451
form and impression sheet to the superintendent of the bureau of 13452
criminal identification and investigation at the time the person 13453
requests a criminal records check pursuant to division (A)(1) of 13454
this section. 13455

(3) An applicant who receives pursuant to division (A)(2) 13456
of this section a copy of the form prescribed pursuant to 13457
division (C)(1) of section 109.572 of the Revised Code and a 13458
copy of an impression sheet prescribed pursuant to division (C) 13459
(2) of that section and who is requested to complete the form 13460
and provide a set of fingerprint impressions shall complete the 13461
form or provide all the information necessary to complete the 13462
form and shall provide the impression sheet with the impressions 13463
of the applicant's fingerprints. If an applicant, upon request, 13464
fails to provide the information necessary to complete the form 13465
or fails to provide impressions of the applicant's fingerprints, 13466
the board of education of a school district, governing board of 13467
an educational service center, or governing authority of a 13468
chartered nonpublic school shall not employ that applicant for 13469
any position. 13470

(4) Notwithstanding any provision of this section to the 13471

contrary, an applicant who meets the conditions prescribed in 13472
divisions (A)(1)(a) and (b) of this section and who, within the 13473
two-year period prior to the date of application, was the 13474
subject of a criminal records check under this section prior to 13475
being hired for short-term employment with the school district, 13476
educational service center, or chartered nonpublic school to 13477
which application is being made shall not be required to undergo 13478
a criminal records check prior to the applicant's rehiring by 13479
that district, service center, or school. 13480

(B)(1) Except as provided in rules adopted by the 13481
department of education in accordance with division (E) of this 13482
section and as provided in division (B)(3) of this section, no 13483
board of education of a school district, no governing board of 13484
an educational service center, and no governing authority of a 13485
chartered nonpublic school shall employ a person if the person 13486
previously has been convicted of or pleaded guilty to any of the 13487
following: 13488

(a) A violation of section 2903.01, 2903.02, 2903.03, 13489
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13490
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 13491
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 13492
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 13493
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 13494
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 13495
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 13496
Code, a violation of section 2905.04 of the Revised Code as it 13497
existed prior to July 1, 1996, a violation of section 2919.23 of 13498
the Revised Code that would have been a violation of section 13499
2905.04 of the Revised Code as it existed prior to July 1, 1996, 13500
had the violation been committed prior to that date, a violation 13501
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 13502

that is not a minor drug possession offense, or felonious sexual 13503
penetration in violation of former section 2907.12 of the 13504
Revised Code; 13505

(b) A violation of an existing or former law of this 13506
state, another state, or the United States that is substantially 13507
equivalent to any of the offenses or violations described in 13508
division (B) (1) (a) of this section. 13509

(2) A board, governing board of an educational service 13510
center, or a governing authority of a chartered nonpublic school 13511
may employ an applicant conditionally until the criminal records 13512
check required by this section is completed and the board or 13513
governing authority receives the results of the criminal records 13514
check. If the results of the criminal records check indicate 13515
that, pursuant to division (B) (1) of this section, the applicant 13516
does not qualify for employment, the board or governing 13517
authority shall release the applicant from employment. 13518

(3) No board and no governing authority of a chartered 13519
nonpublic school shall employ a teacher who previously has been 13520
convicted of or pleaded guilty to any of the offenses listed in 13521
section 3319.31 of the Revised Code. 13522

(C) (1) Each board and each governing authority of a 13523
chartered nonpublic school shall pay to the bureau of criminal 13524
identification and investigation the fee prescribed pursuant to 13525
division (C) (3) of section 109.572 of the Revised Code for each 13526
criminal records check conducted in accordance with that section 13527
upon the request pursuant to division (A) (1) of this section of 13528
the appointing or hiring officer of the board or governing 13529
authority. 13530

(2) A board and the governing authority of a chartered 13531

nonpublic school may charge an applicant a fee for the costs it 13532
incurs in obtaining a criminal records check under this section. 13533
A fee charged under this division shall not exceed the amount of 13534
fees the board or governing authority pays under division (C)(1) 13535
of this section. If a fee is charged under this division, the 13536
board or governing authority shall notify the applicant at the 13537
time of the applicant's initial application for employment of 13538
the amount of the fee and that, unless the fee is paid, the 13539
board or governing authority will not consider the applicant for 13540
employment. 13541

(D) The report of any criminal records check conducted by 13542
the bureau of criminal identification and investigation in 13543
accordance with section 109.572 of the Revised Code and pursuant 13544
to a request under division (A)(1) of this section is not a 13545
public record for the purposes of section 149.43 of the Revised 13546
Code and shall not be made available to any person other than 13547
the applicant who is the subject of the criminal records check 13548
or the applicant's representative, the board or governing 13549
authority requesting the criminal records check or its 13550
representative, and any court, hearing officer, or other 13551
necessary individual involved in a case dealing with the denial 13552
of employment to the applicant. 13553

(E) The department of education shall adopt rules pursuant 13554
to Chapter 119. of the Revised Code to implement this section, 13555
including rules specifying circumstances under which the board 13556
or governing authority may hire a person who has been convicted 13557
of an offense listed in division (B)(1) or (3) of this section 13558
but who meets standards in regard to rehabilitation set by the 13559
department. 13560

The department shall amend rule 3301-83-23 of the Ohio 13561

Administrative Code that took effect August 27, 2009, and that 13562
specifies the offenses that disqualify a person for employment 13563
as a school bus or school van driver and establishes 13564
rehabilitation standards for school bus and school van drivers. 13565

(F) Any person required by division (A)(1) of this section 13566
to request a criminal records check shall inform each person, at 13567
the time of the person's initial application for employment, of 13568
the requirement to provide a set of fingerprint impressions and 13569
that a criminal records check is required to be conducted and 13570
satisfactorily completed in accordance with section 109.572 of 13571
the Revised Code if the person comes under final consideration 13572
for appointment or employment as a precondition to employment 13573
for the school district, educational service center, or school 13574
for that position. 13575

(G) As used in this section: 13576

(1) "Applicant" means a person who is under final 13577
consideration for appointment or employment in a position with a 13578
board of education, governing board of an educational service 13579
center, or a chartered nonpublic school, except that "applicant" 13580
does not include a person already employed by a board or 13581
chartered nonpublic school who is under consideration for a 13582
different position with such board or school. 13583

(2) "Teacher" means a person holding an educator license 13584
or permit issued under section 3319.22 or 3319.301 of the 13585
Revised Code and teachers in a chartered nonpublic school. 13586

(3) "Criminal records check" has the same meaning as in 13587
section 109.572 of the Revised Code. 13588

(4) "Minor drug possession offense" has the same meaning 13589
as in section 2925.01 of the Revised Code. 13590

(H) If the board of education of a local school district
adopts a resolution requesting the assistance of the educational
service center in which the local district has territory in
conducting criminal records checks of substitute teachers and
substitutes for other district employees under this section, the
appointing or hiring officer of such educational service center
shall serve for purposes of this section as the appointing or
hiring officer of the local board in the case of hiring
substitute teachers and other substitute employees for the local
district.

Sec. 3712.09. (A) As used in this section:

(1) "Applicant" means a person who is under final
consideration for employment with a hospice care program or
pediatric respite care program in a full-time, part-time, or
temporary position that involves providing direct care to an
older adult or pediatric respite care patient. "Applicant" does
not include a person who provides direct care as a volunteer
without receiving or expecting to receive any form of
remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in
section 109.572 of the Revised Code.

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

(B) (1) Except as provided in division (I) of this section,
the chief administrator of a hospice care program or pediatric
respite care program shall request that the superintendent of
the bureau of criminal identification and investigation conduct
a criminal records check of each applicant. If an applicant for
whom a criminal records check request is required under this
division does not present proof of having been a resident of

this state for the five-year period immediately prior to the 13620
date the criminal records check is requested or provide evidence 13621
that within that five-year period the superintendent has 13622
requested information about the applicant from the federal 13623
bureau of investigation in a criminal records check, the chief 13624
administrator shall request that the superintendent obtain 13625
information from the federal bureau of investigation as part of 13626
the criminal records check of the applicant. Even if an 13627
applicant for whom a criminal records check request is required 13628
under this division presents proof of having been a resident of 13629
this state for the five-year period, the chief administrator may 13630
request that the superintendent include information from the 13631
federal bureau of investigation in the criminal records check. 13632

(2) A person required by division (B)(1) of this section 13633
to request a criminal records check shall do both of the 13634
following: 13635

(a) Provide to each applicant for whom a criminal records 13636
check request is required under that division a copy of the form 13637
prescribed pursuant to division (C)(1) of section 109.572 of the 13638
Revised Code and a standard fingerprint impression sheet 13639
prescribed pursuant to division (C)(2) of that section, and 13640
obtain the completed form and impression sheet from the 13641
applicant; 13642

(b) Forward the completed form and impression sheet to the 13643
superintendent of the bureau of criminal identification and 13644
investigation. 13645

(3) An applicant provided the form and fingerprint 13646
impression sheet under division (B)(2)(a) of this section who 13647
fails to complete the form or provide fingerprint impressions 13648
shall not be employed in any position for which a criminal 13649

records check is required by this section. 13650

(C) (1) Except as provided in rules adopted by the director 13651
of health in accordance with division (F) of this section and 13652
subject to division (C) (2) of this section, no hospice care 13653
program or pediatric respite care program shall employ a person 13654
in a position that involves providing direct care to an older 13655
adult or pediatric respite care patient if the person has been 13656
convicted of or pleaded guilty to any of the following: 13657

(a) A violation of section 2903.01, 2903.02, 2903.03, 13658
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13659
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 13660
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 13661
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 13662
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 13663
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 13664
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 13665
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 13666
2925.23, or 3716.11 of the Revised Code. 13667

(b) A violation of an existing or former law of this 13668
state, any other state, or the United States that is 13669
substantially equivalent to any of the offenses listed in 13670
division (C) (1) (a) of this section. 13671

(2) (a) A hospice care program or pediatric respite care 13672
program may employ conditionally an applicant for whom a 13673
criminal records check request is required under division (B) of 13674
this section prior to obtaining the results of a criminal 13675
records check regarding the individual, provided that the 13676
program shall request a criminal records check regarding the 13677
individual in accordance with division (B) (1) of this section 13678
not later than five business days after the individual begins 13679

conditional employment. In the circumstances described in 13680
division (I) (2) of this section, a hospice care program or 13681
pediatric respite care program may employ conditionally an 13682
applicant who has been referred to the hospice care program or 13683
pediatric respite care program by an employment service that 13684
supplies full-time, part-time, or temporary staff for positions 13685
involving the direct care of older adults or pediatric respite 13686
care patients and for whom, pursuant to that division, a 13687
criminal records check is not required under division (B) of 13688
this section. 13689

(b) A hospice care program or pediatric respite care 13690
program that employs an individual conditionally under authority 13691
of division (C) (2) (a) of this section shall terminate the 13692
individual's employment if the results of the criminal records 13693
check requested under division (B) of this section or described 13694
in division (I) (2) of this section, other than the results of 13695
any request for information from the federal bureau of 13696
investigation, are not obtained within the period ending thirty 13697
days after the date the request is made. Regardless of when the 13698
results of the criminal records check are obtained, if the 13699
results indicate that the individual has been convicted of or 13700
pleaded guilty to any of the offenses listed or described in 13701
division (C) (1) of this section, the program shall terminate the 13702
individual's employment unless the program chooses to employ the 13703
individual pursuant to division (F) of this section. Termination 13704
of employment under this division shall be considered just cause 13705
for discharge for purposes of division (D) (2) of section 4141.29 13706
of the Revised Code if the individual makes any attempt to 13707
deceive the program about the individual's criminal record. 13708

(D) (1) Each hospice care program or pediatric respite care 13709
program shall pay to the bureau of criminal identification and 13710

investigation the fee prescribed pursuant to division (C) (3) of 13711
section 109.572 of the Revised Code for each criminal records 13712
check conducted pursuant to a request made under division (B) of 13713
this section. 13714

(2) A hospice care program or pediatric respite care 13715
program may charge an applicant a fee not exceeding the amount 13716
the program pays under division (D) (1) of this section. A 13717
program may collect a fee only if both of the following apply: 13718

(a) The program notifies the person at the time of initial 13719
application for employment of the amount of the fee and that, 13720
unless the fee is paid, the person will not be considered for 13721
employment; 13722

(b) The medicaid program does not reimburse the program 13723
the fee it pays under division (D) (1) of this section. 13724

(E) The report of a criminal records check conducted 13725
pursuant to a request made under this section is not a public 13726
record for the purposes of section 149.43 of the Revised Code 13727
and shall not be made available to any person other than the 13728
following: 13729

(1) The individual who is the subject of the criminal 13730
records check or the individual's representative; 13731

(2) The chief administrator of the program requesting the 13732
criminal records check or the administrator's representative; 13733

(3) The administrator of any other facility, agency, or 13734
program that provides direct care to older adults or pediatric 13735
respite care patients that is owned or operated by the same 13736
entity that owns or operates the hospice care program or 13737
pediatric respite care program; 13738

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section.

(F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a hospice care program or pediatric respite care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult or pediatric respite care patient, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a hospice care program or pediatric respite care program employs in a position that involves providing direct care to older adults or pediatric respite care patients, all of the following shall apply:

(1) If the program employed the individual in good faith and reasonable reliance on the report of a criminal records

check requested under this section, the program shall not be 13768
found negligent solely because of its reliance on the report, 13769
even if the information in the report is determined later to 13770
have been incomplete or inaccurate; 13771

(2) If the program employed the individual in good faith 13772
on a conditional basis pursuant to division (C) (2) of this 13773
section, the program shall not be found negligent solely because 13774
it employed the individual prior to receiving the report of a 13775
criminal records check requested under this section; 13776

(3) If the program in good faith employed the individual 13777
according to the personal character standards established in 13778
rules adopted under division (F) of this section, the program 13779
shall not be found negligent solely because the individual prior 13780
to being employed had been convicted of or pleaded guilty to an 13781
offense listed or described in division (C) (1) of this section. 13782

(I) (1) The chief administrator of a hospice care program 13783
or pediatric respite care program is not required to request 13784
that the superintendent of the bureau of criminal identification 13785
and investigation conduct a criminal records check of an 13786
applicant if the applicant has been referred to the program by 13787
an employment service that supplies full-time, part-time, or 13788
temporary staff for positions involving the direct care of older 13789
adults or pediatric respite care patients and both of the 13790
following apply: 13791

(a) The chief administrator receives from the employment 13792
service or the applicant a report of the results of a criminal 13793
records check regarding the applicant that has been conducted by 13794
the superintendent within the one-year period immediately 13795
preceding the applicant's referral; 13796

(b) The report of the criminal records check demonstrates 13797
that the person has not been convicted of or pleaded guilty to 13798
an offense listed or described in division (C) (1) of this 13799
section, or the report demonstrates that the person has been 13800
convicted of or pleaded guilty to one or more of those offenses, 13801
but the hospice care program or pediatric respite care program 13802
chooses to employ the individual pursuant to division (F) of 13803
this section. 13804

(2) The chief administrator of a hospice care program or 13805
pediatric respite care program is not required to request that 13806
the superintendent of the bureau of criminal identification and 13807
investigation conduct a criminal records check of an applicant 13808
and may employ the applicant conditionally as described in this 13809
division, if the applicant has been referred to the program by 13810
an employment service that supplies full-time, part-time, or 13811
temporary staff for positions involving the direct care of older 13812
adults or pediatric respite care patients and if the chief 13813
administrator receives from the employment service or the 13814
applicant a letter from the employment service that is on the 13815
letterhead of the employment service, dated, and signed by a 13816
supervisor or another designated official of the employment 13817
service and that states that the employment service has 13818
requested the superintendent to conduct a criminal records check 13819
regarding the applicant, that the requested criminal records 13820
check will include a determination of whether the applicant has 13821
been convicted of or pleaded guilty to any offense listed or 13822
described in division (C) (1) of this section, that, as of the 13823
date set forth on the letter, the employment service had not 13824
received the results of the criminal records check, and that, 13825
when the employment service receives the results of the criminal 13826
records check, it promptly will send a copy of the results to 13827

the hospice care program or pediatric respite care program. If a 13828
hospice care program or pediatric respite care program employs 13829
an applicant conditionally in accordance with this division, the 13830
employment service, upon its receipt of the results of the 13831
criminal records check, promptly shall send a copy of the 13832
results to the hospice care program or pediatric respite care 13833
program, and division (C) (2) (b) of this section applies 13834
regarding the conditional employment. 13835

Sec. 3719.013. Except as otherwise provided in section 13836
~~2925.03 or~~, 2925.031, 2925.032, 2925.11, 2925.111, or 2925.112 13837
of the Revised Code, a controlled substance analog, to the 13838
extent intended for human consumption, shall be treated for 13839
purposes of any provision of the Revised Code as a controlled 13840
substance in schedule I. 13841

Sec. 3719.21. Except as provided in division (C) of 13842
section 2923.42, division (B) of section 2923.44, divisions ~~(D)~~ 13843
(C) (1), ~~(F) (N)~~, and ~~(H) (P)~~ of section 2925.03, division (D) (1) 13844
of section 2925.02, 2925.04, or 2925.05, division (E) (1) of 13845
section 2925.11 or related provisions of section 2925.111 or 13846
2925.112, division (E) of section 2925.13, division (F) of 13847
section 2925.36, division (D) of section 2925.22, division (H) 13848
of section 2925.23, division (M) of section 2925.37, division 13849
(B) of section 2925.42, division (B) of section 2929.18, 13850
division (D) of section 3719.99, division (B) (1) of section 13851
4729.65, division (E) (3) of section 4729.99, and division (I) (3) 13852
of section 4729.99 of the Revised Code, the clerk of the court 13853
shall pay all fines or forfeited bail assessed and collected 13854
under prosecutions or prosecutions commenced for violations of 13855
this chapter, section 2923.42 of the Revised Code, or Chapter 13856
2925. of the Revised Code, within thirty days, to the executive 13857
director of the state board of pharmacy, and the executive 13858

director shall deposit the fines into the state treasury to the 13859
credit of the occupational licensing and regulatory fund. 13860

Sec. 3719.99. (A) Whoever violates section 3719.16 or 13861
3719.161 of the Revised Code is guilty of a felony of the fifth 13862
degree. If the offender previously has been convicted of a 13863
violation of section 3719.16 or 3719.161 of the Revised Code or 13864
a drug abuse offense, a violation of section 3719.16 or 3719.161 13865
of the Revised Code is a felony of the fourth degree. If the 13866
violation involves the sale, offer to sell, or possession of a 13867
schedule I or II controlled substance, with the exception of 13868
marihuana, and if the offender, as a result of the violation, is 13869
a major drug offender, division (D) of this section applies. 13870

(B) Whoever violates division (C) or (D) of section 13871
3719.172 of the Revised Code is guilty of a felony of the fifth 13872
degree. If the offender previously has been convicted of a 13873
violation of division (C) or (D) of section 3719.172 of the 13874
Revised Code or a drug abuse offense, a violation of division 13875
(C) or (D) of section 3719.172 of the Revised Code is a felony 13876
of the fourth degree. If the violation involves the sale, offer 13877
to sell, or possession of a schedule I or II controlled 13878
substance, with the exception of marihuana, and if the offender, 13879
as a result of the violation, is a major drug offender, division 13880
(D) of this section applies. 13881

(C) Whoever violates section 3719.07 or 3719.08 of the 13882
Revised Code is guilty of a misdemeanor of the first degree. If 13883
the offender previously has been convicted of a violation of 13884
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 13885
offense, a violation of section 3719.07 or 3719.08 of the 13886
Revised Code is a felony of the fifth degree. If the violation 13887
involves the sale, offer to sell, or possession of a schedule I 13888

or II controlled substance, with the exception of marihuana, and 13889
if the offender, as a result of the violation, is a major drug 13890
offender, division (D) of this section applies. 13891

(D) (1) If an offender is convicted of or pleads guilty to 13892
a felony violation of section 3719.07, 3719.08, 3719.16, or 13893
3719.161 or of division (C) or (D) of section 3719.172 of the 13894
Revised Code, if the violation involves the sale, offer to sell, 13895
or possession of a schedule I or II controlled substance, with 13896
the exception of marihuana, and if the court imposing sentence 13897
upon the offender finds that the offender as a result of the 13898
violation is a major drug offender and is guilty of a 13899
specification of the type described in division (A) of section 13900
2941.1410 of the Revised Code, the court, in lieu of the prison 13901
term authorized or required by division (A), (B), or (C) of this 13902
section and sections 2929.13 and 2929.14 of the Revised Code and 13903
in addition to any other sanction imposed for the offense under 13904
sections 2929.11 to 2929.18 of the Revised Code, shall impose 13905
upon the offender, in accordance with division (B) (3) of section 13906
2929.14 of the Revised Code, the mandatory prison term specified 13907
in that division. 13908

(2) Notwithstanding any contrary provision of section 13909
3719.21 of the Revised Code, the clerk of the court shall pay 13910
any fine imposed for a felony violation of section 3719.07, 13911
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 13912
section 3719.172 of the Revised Code pursuant to division (A) of 13913
section 2929.18 of the Revised Code in accordance with and 13914
subject to the requirements of division ~~(F)~~ (N) of section 13915
2925.03 of the Revised Code. The agency that receives the fine 13916
shall use the fine as specified in division ~~(F)~~ (N) of section 13917
2925.03 of the Revised Code. 13918

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 3721.121. (A) As used in this section:

(1) "Adult day-care program" means a program operated pursuant to rules adopted by the director of health under section 3721.04 of the Revised Code and provided by and on the same site as homes licensed under this chapter.

(2) "Applicant" means a person who is under final 13948
consideration for employment with a home or adult day-care 13949
program in a full-time, part-time, or temporary position that 13950
involves providing direct care to an older adult. "Applicant" 13951
does not include a person who provides direct care as a 13952
volunteer without receiving or expecting to receive any form of 13953
remuneration other than reimbursement for actual expenses. 13954

(3) "Community-based long-term care services provider" 13955
means a provider as defined in section 173.39 of the Revised 13956
Code. 13957

(4) "Criminal records check" has the same meaning as in 13958
section 109.572 of the Revised Code. 13959

(5) "Home" means a home as defined in section 3721.10 of 13960
the Revised Code. 13961

(6) "Older adult" means a person age sixty or older. 13962

(B) (1) Except as provided in division (I) of this section, 13963
the chief administrator of a home or adult day-care program 13964
shall request that the superintendent of the bureau of criminal 13965
identification and investigation conduct a criminal records 13966
check of each applicant. If an applicant for whom a criminal 13967
records check request is required under this division does not 13968
present proof of having been a resident of this state for the 13969
five-year period immediately prior to the date the criminal 13970
records check is requested or provide evidence that within that 13971
five-year period the superintendent has requested information 13972
about the applicant from the federal bureau of investigation in 13973
a criminal records check, the chief administrator shall request 13974
that the superintendent obtain information from the federal 13975
bureau of investigation as part of the criminal records check of 13976

the applicant. Even if an applicant for whom a criminal records
check request is required under this division presents proof of
having been a resident of this state for the five-year period,
the chief administrator may request that the superintendent
include information from the federal bureau of investigation in
the criminal records check.

(2) A person required by division (B)(1) of this section
to request a criminal records check shall do both of the
following:

(a) Provide to each applicant for whom a criminal records
check request is required under that division a copy of the form
prescribed pursuant to division (C)(1) of section 109.572 of the
Revised Code and a standard fingerprint impression sheet
prescribed pursuant to division (C)(2) of that section, and
obtain the completed form and impression sheet from the
applicant;

(b) Forward the completed form and impression sheet to the
superintendent of the bureau of criminal identification and
investigation.

(3) An applicant provided the form and fingerprint
impression sheet under division (B)(2)(a) of this section who
fails to complete the form or provide fingerprint impressions
shall not be employed in any position for which a criminal
records check is required by this section.

(C)(1) Except as provided in rules adopted by the director
of health in accordance with division (F) of this section and
subject to division (C)(2) of this section, no home or adult
day-care program shall employ a person in a position that
involves providing direct care to an older adult if the person

has been convicted of or pleaded guilty to any of the following: 14006

(a) A violation of section 2903.01, 2903.02, 2903.03, 14007
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14008
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 14009
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 14010
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 14011
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 14012
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 14013
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 14014
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 14015
2925.23, or 3716.11 of the Revised Code. 14016

(b) A violation of an existing or former law of this 14017
state, any other state, or the United States that is 14018
substantially equivalent to any of the offenses listed in 14019
division (C)(1)(a) of this section. 14020

(2)(a) A home or an adult day-care program may employ 14021
conditionally an applicant for whom a criminal records check 14022
request is required under division (B) of this section prior to 14023
obtaining the results of a criminal records check regarding the 14024
individual, provided that the home or program shall request a 14025
criminal records check regarding the individual in accordance 14026
with division (B)(1) of this section not later than five 14027
business days after the individual begins conditional 14028
employment. In the circumstances described in division (I)(2) of 14029
this section, a home or adult day-care program may employ 14030
conditionally an applicant who has been referred to the home or 14031
adult day-care program by an employment service that supplies 14032
full-time, part-time, or temporary staff for positions involving 14033
the direct care of older adults and for whom, pursuant to that 14034
division, a criminal records check is not required under 14035

division (B) of this section. 14036

(b) A home or adult day-care program that employs an 14037
individual conditionally under authority of division (C) (2) (a) 14038
of this section shall terminate the individual's employment if 14039
the results of the criminal records check requested under 14040
division (B) of this section or described in division (I) (2) of 14041
this section, other than the results of any request for 14042
information from the federal bureau of investigation, are not 14043
obtained within the period ending thirty days after the date the 14044
request is made. Regardless of when the results of the criminal 14045
records check are obtained, if the results indicate that the 14046
individual has been convicted of or pleaded guilty to any of the 14047
offenses listed or described in division (C) (1) of this section, 14048
the home or program shall terminate the individual's employment 14049
unless the home or program chooses to employ the individual 14050
pursuant to division (F) of this section. Termination of 14051
employment under this division shall be considered just cause 14052
for discharge for purposes of division (D) (2) of section 4141.29 14053
of the Revised Code if the individual makes any attempt to 14054
deceive the home or program about the individual's criminal 14055
record. 14056

(D) (1) Each home or adult day-care program shall pay to 14057
the bureau of criminal identification and investigation the fee 14058
prescribed pursuant to division (C) (3) of section 109.572 of the 14059
Revised Code for each criminal records check conducted pursuant 14060
to a request made under division (B) of this section. 14061

(2) A home or adult day-care program may charge an 14062
applicant a fee not exceeding the amount the home or program 14063
pays under division (D) (1) of this section. A home or program 14064
may collect a fee only if both of the following apply: 14065

(a) The home or program notifies the person at the time of 14066
initial application for employment of the amount of the fee and 14067
that, unless the fee is paid, the person will not be considered 14068
for employment; 14069

(b) The medicaid program does not reimburse the home or 14070
program the fee it pays under division (D)(1) of this section. 14071

(E) The report of any criminal records check conducted 14072
pursuant to a request made under this section is not a public 14073
record for the purposes of section 149.43 of the Revised Code 14074
and shall not be made available to any person other than the 14075
following: 14076

(1) The individual who is the subject of the criminal 14077
records check or the individual's representative; 14078

(2) The chief administrator of the home or program 14079
requesting the criminal records check or the administrator's 14080
representative; 14081

(3) The administrator of any other facility, agency, or 14082
program that provides direct care to older adults that is owned 14083
or operated by the same entity that owns or operates the home or 14084
program; 14085

(4) A court, hearing officer, or other necessary 14086
individual involved in a case dealing with a denial of 14087
employment of the applicant or dealing with employment or 14088
unemployment benefits of the applicant; 14089

(5) Any person to whom the report is provided pursuant to, 14090
and in accordance with, division (I)(1) or (2) of this section; 14091

(6) The board of nursing for purposes of accepting and 14092
processing an application for a medication aide certificate 14093

issued under Chapter 4723. of the Revised Code; 14094

(7) The director of aging or the director's designee if 14095
the criminal records check is requested by the chief 14096
administrator of a home that is also a community-based long-term 14097
care services provider. 14098

(F) In accordance with section 3721.11 of the Revised 14099
Code, the director of health shall adopt rules to implement this 14100
section. The rules shall specify circumstances under which a 14101
home or adult day-care program may employ a person who has been 14102
convicted of or pleaded guilty to an offense listed or described 14103
in division (C)(1) of this section but meets personal character 14104
standards set by the director. 14105

(G) The chief administrator of a home or adult day-care 14106
program shall inform each individual, at the time of initial 14107
application for a position that involves providing direct care 14108
to an older adult, that the individual is required to provide a 14109
set of fingerprint impressions and that a criminal records check 14110
is required to be conducted if the individual comes under final 14111
consideration for employment. 14112

(H) In a tort or other civil action for damages that is 14113
brought as the result of an injury, death, or loss to person or 14114
property caused by an individual who a home or adult day-care 14115
program employs in a position that involves providing direct 14116
care to older adults, all of the following shall apply: 14117

(1) If the home or program employed the individual in good 14118
faith and reasonable reliance on the report of a criminal 14119
records check requested under this section, the home or program 14120
shall not be found negligent solely because of its reliance on 14121
the report, even if the information in the report is determined 14122

later to have been incomplete or inaccurate; 14123

(2) If the home or program employed the individual in good 14124
faith on a conditional basis pursuant to division (C) (2) of this 14125
section, the home or program shall not be found negligent solely 14126
because it employed the individual prior to receiving the report 14127
of a criminal records check requested under this section; 14128

(3) If the home or program in good faith employed the 14129
individual according to the personal character standards 14130
established in rules adopted under division (F) of this section, 14131
the home or program shall not be found negligent solely because 14132
the individual prior to being employed had been convicted of or 14133
pleaded guilty to an offense listed or described in division (C) 14134
(1) of this section. 14135

(I) (1) The chief administrator of a home or adult day-care 14136
program is not required to request that the superintendent of 14137
the bureau of criminal identification and investigation conduct 14138
a criminal records check of an applicant if the applicant has 14139
been referred to the home or program by an employment service 14140
that supplies full-time, part-time, or temporary staff for 14141
positions involving the direct care of older adults and both of 14142
the following apply: 14143

(a) The chief administrator receives from the employment 14144
service or the applicant a report of the results of a criminal 14145
records check regarding the applicant that has been conducted by 14146
the superintendent within the one-year period immediately 14147
preceding the applicant's referral; 14148

(b) The report of the criminal records check demonstrates 14149
that the person has not been convicted of or pleaded guilty to 14150
an offense listed or described in division (C) (1) of this 14151

section, or the report demonstrates that the person has been 14152
convicted of or pleaded guilty to one or more of those offenses, 14153
but the home or adult day-care program chooses to employ the 14154
individual pursuant to division (F) of this section. 14155

(2) The chief administrator of a home or adult day-care 14156
program is not required to request that the superintendent of 14157
the bureau of criminal identification and investigation conduct 14158
a criminal records check of an applicant and may employ the 14159
applicant conditionally as described in this division, if the 14160
applicant has been referred to the home or program by an 14161
employment service that supplies full-time, part-time, or 14162
temporary staff for positions involving the direct care of older 14163
adults and if the chief administrator receives from the 14164
employment service or the applicant a letter from the employment 14165
service that is on the letterhead of the employment service, 14166
dated, and signed by a supervisor or another designated official 14167
of the employment service and that states that the employment 14168
service has requested the superintendent to conduct a criminal 14169
records check regarding the applicant, that the requested 14170
criminal records check will include a determination of whether 14171
the applicant has been convicted of or pleaded guilty to any 14172
offense listed or described in division (C) (1) of this section, 14173
that, as of the date set forth on the letter, the employment 14174
service had not received the results of the criminal records 14175
check, and that, when the employment service receives the 14176
results of the criminal records check, it promptly will send a 14177
copy of the results to the home or adult day-care program. If a 14178
home or adult day-care program employs an applicant 14179
conditionally in accordance with this division, the employment 14180
service, upon its receipt of the results of the criminal records 14181
check, promptly shall send a copy of the results to the home or 14182

adult day-care program, and division (C) (2) (b) of this section 14183
applies regarding the conditional employment. 14184

Sec. 3734.44. Notwithstanding the provisions of any law to 14185
the contrary, no permit or license shall be issued or renewed by 14186
the director of environmental protection or a board of health: 14187

(A) Unless the director or the board of health finds that 14188
the applicant, in any prior performance record in the 14189
transportation, transfer, treatment, storage, or disposal of 14190
solid wastes, infectious wastes, or hazardous waste, has 14191
exhibited sufficient reliability, expertise, and competency to 14192
operate the solid waste, infectious waste, or hazardous waste 14193
facility, given the potential for harm to human health and the 14194
environment that could result from the irresponsible operation 14195
of the facility, or, if no prior record exists, that the 14196
applicant is likely to exhibit that reliability, expertise, and 14197
competence; 14198

(B) If any individual or business concern required to be 14199
listed in the disclosure statement or shown to have a beneficial 14200
interest in the business of the applicant or the permittee, 14201
other than an equity interest or debt liability, by the 14202
investigation thereof, has been convicted of any of the 14203
following crimes under the laws of this state or equivalent laws 14204
of any other jurisdiction: 14205

(1) Murder; 14206

(2) Kidnapping; 14207

(3) Gambling; 14208

(4) Robbery; 14209

(5) Bribery; 14210

(6) Extortion;	14211
(7) Criminal usury;	14212
(8) Arson;	14213
(9) Burglary;	14214
(10) Theft and related crimes;	14215
(11) Forgery and fraudulent practices;	14216
(12) Fraud in the offering, sale, or purchase of securities;	14217 14218
(13) Alteration of motor vehicle identification numbers;	14219
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	14220 14221
(15) Unlawful possession or use of destructive devices or explosives;	14222 14223
(16) A violation of section 2925.03, <u>2925.031, 2925.032,</u> 2925.04, 2925.05, 2925.06, 2925.11, <u>2925.111, 2925.112,</u> 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	14224 14225 14226 14227 14228 14229 14230 14231
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	14232 14233
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	14234 14235
(19) Any violation of the criminal provisions of any	14236

federal or state environmental protection laws, rules, or 14237
regulations that is committed knowingly or recklessly, as 14238
defined in section 2901.22 of the Revised Code; 14239

(20) A violation of any provision of Chapter 2909. of the 14240
Revised Code; 14241

(21) Any offense specified in Chapter 2921. of the Revised 14242
Code. 14243

(C) Notwithstanding division (B) of this section, no 14244
applicant shall be denied the issuance or renewal of a permit or 14245
license on the basis of a conviction of any individual or 14246
business concern required to be listed in the disclosure 14247
statement or shown to have a beneficial interest in the business 14248
of the applicant or the permittee, other than an equity interest 14249
or debt liability, by the investigation thereof for any of the 14250
offenses enumerated in that division as disqualification 14251
criteria if that applicant has affirmatively demonstrated 14252
rehabilitation of the individual or business concern by a 14253
preponderance of the evidence. If any such individual was 14254
convicted of any of the offenses so enumerated that are 14255
felonies, a permit shall be denied unless five years have 14256
elapsed since the individual was fully discharged from 14257
imprisonment and parole for the offense, from a community 14258
control sanction imposed under section 2929.15 of the Revised 14259
Code, from a post-release control sanction imposed under section 14260
2967.28 of the Revised Code for the offense, or imprisonment, 14261
probation, and parole for an offense that was committed prior to 14262
July 1, 1996. In determining whether an applicant has 14263
affirmatively demonstrated rehabilitation, the director or the 14264
board of health shall request a recommendation on the matter 14265
from the attorney general and shall consider and base the 14266

determination on the following factors: 14267

(1) The nature and responsibilities of the position a 14268
convicted individual would hold; 14269

(2) The nature and seriousness of the offense; 14270

(3) The circumstances under which the offense occurred; 14271

(4) The date of the offense; 14272

(5) The age of the individual when the offense was 14273
committed; 14274

(6) Whether the offense was an isolated or repeated 14275
incident; 14276

(7) Any social conditions that may have contributed to the 14277
offense; 14278

(8) Any evidence of rehabilitation, including good conduct 14279
in prison or in the community, counseling or psychiatric 14280
treatment received, acquisition of additional academic or 14281
vocational schooling, successful participation in correctional 14282
work release programs, or the recommendation of persons who have 14283
or have had the applicant under their supervision; 14284

(9) In the instance of an applicant that is a business 14285
concern, rehabilitation shall be established if the applicant 14286
has implemented formal management controls to minimize and 14287
prevent the occurrence of violations and activities that will or 14288
may result in permit or license denial or revocation or if the 14289
applicant has formalized those controls as a result of a 14290
revocation or denial of a permit or license. Those controls may 14291
include, but are not limited to, instituting environmental 14292
auditing programs to help ensure the adequacy of internal 14293
systems to achieve, maintain, and monitor compliance with 14294

applicable environmental laws and standards or instituting an 14295
antitrust compliance auditing program to help ensure full 14296
compliance with applicable antitrust laws. The business concern 14297
shall prove by a preponderance of the evidence that the 14298
management controls are effective in preventing the violations 14299
that are the subject of concern. 14300

(D) Unless the director or the board of health finds that 14301
the applicant has a history of compliance with environmental 14302
laws in this state and other jurisdictions and is presently in 14303
substantial compliance with, or on a legally enforceable 14304
schedule that will result in compliance with, environmental laws 14305
in this state and other jurisdictions; 14306

(E) With respect to the approval of a permit, if the 14307
director determines that current prosecutions or pending charges 14308
in any jurisdiction for any of the offenses enumerated in 14309
division (B) of this section against any individual or business 14310
concern required to be listed in the disclosure statement or 14311
shown by the investigation to have a beneficial interest in the 14312
business of the applicant other than an equity interest or debt 14313
liability are of such magnitude that they prevent making the 14314
finding required under division (A) of this section, provided 14315
that at the request of the applicant or the individual or 14316
business concern charged, the director shall defer decision upon 14317
the application during the pendency of the charge. 14318

Sec. 3767.01. As used in all sections of the Revised Code 14319
relating to nuisances: 14320

(A) "Place" includes any building, erection, or place or 14321
any separate part or portion thereof or the ground itself; 14322

(B) "Person" includes any individual, corporation, 14323

association, partnership, trustee, lessee, agent, or assignee; 14324

(C) "Nuisance" means any of the following: 14325

(1) That which is defined and declared by statutes to be a 14326
nuisance; 14327

(2) Any place in or upon which lewdness, assignation, or 14328
prostitution is conducted, permitted, continued, or exists, or 14329
any place, in or upon which lewd, indecent, lascivious, or 14330
obscene films or plate negatives, film or plate positives, films 14331
designed to be projected on a screen for exhibition films, or 14332
glass slides either in negative or positive form designed for 14333
exhibition by projection on a screen, are photographed, 14334
manufactured, developed, screened, exhibited, or otherwise 14335
prepared or shown, and the personal property and contents used 14336
in conducting and maintaining any such place for any such 14337
purpose. This chapter shall not affect any newspaper, magazine, 14338
or other publication entered as second class matter by the post- 14339
office department. 14340

(3) Any room, house, building, boat, vehicle, structure, 14341
or place where beer or intoxicating liquor is manufactured, 14342
sold, bartered, possessed, or kept in violation of law and all 14343
property kept and used in maintaining the same, and all property 14344
designed for the unlawful manufacture of beer or intoxicating 14345
liquor and beer or intoxicating liquor contained in the room, 14346
house, building, boat, structure, or place, or the operation of 14347
such a room, house, building, boat, structure, or place as 14348
described in division (C) (3) of this section where the operation 14349
of that place substantially interferes with public decency, 14350
sobriety, peace, and good order. "Violation of law" includes, 14351
but is not limited to, sales to any person under the legal 14352
drinking age as prohibited in division (A) of section 4301.22 or 14353

division (A) of section 4301.69 of the Revised Code and any 14354
violation of section 2913.46~~or~~, 2925.03, 2925.031, or 2925.032 14355
of the Revised Code. 14356

Sec. 4112.02. It shall be an unlawful discriminatory 14357
practice: 14358

(A) For any employer, because of the race, color, 14359
religion, sex, military status, national origin, disability, 14360
age, or ancestry of any person, to discharge without just cause, 14361
to refuse to hire, or otherwise to discriminate against that 14362
person with respect to hire, tenure, terms, conditions, or 14363
privileges of employment, or any matter directly or indirectly 14364
related to employment. 14365

(B) For an employment agency or personnel placement 14366
service, because of race, color, religion, sex, military status, 14367
national origin, disability, age, or ancestry, to do any of the 14368
following: 14369

(1) Refuse or fail to accept, register, classify properly, 14370
or refer for employment, or otherwise discriminate against any 14371
person; 14372

(2) Comply with a request from an employer for referral of 14373
applicants for employment if the request directly or indirectly 14374
indicates that the employer fails to comply with the provisions 14375
of sections 4112.01 to 4112.07 of the Revised Code. 14376

(C) For any labor organization to do any of the following: 14377

(1) Limit or classify its membership on the basis of race, 14378
color, religion, sex, military status, national origin, 14379
disability, age, or ancestry; 14380

(2) Discriminate against, limit the employment 14381

opportunities of, or otherwise adversely affect the employment 14382
status, wages, hours, or employment conditions of any person as 14383
an employee because of race, color, religion, sex, military 14384
status, national origin, disability, age, or ancestry. 14385

(D) For any employer, labor organization, or joint labor- 14386
management committee controlling apprentice training programs to 14387
discriminate against any person because of race, color, 14388
religion, sex, military status, national origin, disability, or 14389
ancestry in admission to, or employment in, any program 14390
established to provide apprentice training. 14391

(E) Except where based on a bona fide occupational 14392
qualification certified in advance by the commission, for any 14393
employer, employment agency, personnel placement service, or 14394
labor organization, prior to employment or admission to 14395
membership, to do any of the following: 14396

(1) Elicit or attempt to elicit any information concerning 14397
the race, color, religion, sex, military status, national 14398
origin, disability, age, or ancestry of an applicant for 14399
employment or membership; 14400

(2) Make or keep a record of the race, color, religion, 14401
sex, military status, national origin, disability, age, or 14402
ancestry of any applicant for employment or membership; 14403

(3) Use any form of application for employment, or 14404
personnel or membership blank, seeking to elicit information 14405
regarding race, color, religion, sex, military status, national 14406
origin, disability, age, or ancestry; but an employer holding a 14407
contract containing a nondiscrimination clause with the 14408
government of the United States, or any department or agency of 14409
that government, may require an employee or applicant for 14410

employment to furnish documentary proof of United States 14411
citizenship and may retain that proof in the employer's 14412
personnel records and may use photographic or fingerprint 14413
identification for security purposes; 14414

(4) Print or publish or cause to be printed or published 14415
any notice or advertisement relating to employment or membership 14416
indicating any preference, limitation, specification, or 14417
discrimination, based upon race, color, religion, sex, military 14418
status, national origin, disability, age, or ancestry; 14419

(5) Announce or follow a policy of denying or limiting, 14420
through a quota system or otherwise, employment or membership 14421
opportunities of any group because of the race, color, religion, 14422
sex, military status, national origin, disability, age, or 14423
ancestry of that group; 14424

(6) Utilize in the recruitment or hiring of persons any 14425
employment agency, personnel placement service, training school 14426
or center, labor organization, or any other employee-referring 14427
source known to discriminate against persons because of their 14428
race, color, religion, sex, military status, national origin, 14429
disability, age, or ancestry. 14430

(F) For any person seeking employment to publish or cause 14431
to be published any advertisement that specifies or in any 14432
manner indicates that person's race, color, religion, sex, 14433
military status, national origin, disability, age, or ancestry, 14434
or expresses a limitation or preference as to the race, color, 14435
religion, sex, military status, national origin, disability, 14436
age, or ancestry of any prospective employer. 14437

(G) For any proprietor or any employee, keeper, or manager 14438
of a place of public accommodation to deny to any person, except 14439

for reasons applicable alike to all persons regardless of race, 14440
color, religion, sex, military status, national origin, 14441
disability, age, or ancestry, the full enjoyment of the 14442
accommodations, advantages, facilities, or privileges of the 14443
place of public accommodation. 14444

(H) Subject to section 4112.024 of the Revised Code, for 14445
any person to do any of the following: 14446

(1) Refuse to sell, transfer, assign, rent, lease, 14447
sublease, or finance housing accommodations, refuse to negotiate 14448
for the sale or rental of housing accommodations, or otherwise 14449
deny or make unavailable housing accommodations because of race, 14450
color, religion, sex, military status, familial status, 14451
ancestry, disability, or national origin; 14452

(2) Represent to any person that housing accommodations 14453
are not available for inspection, sale, or rental, when in fact 14454
they are available, because of race, color, religion, sex, 14455
military status, familial status, ancestry, disability, or 14456
national origin; 14457

(3) Discriminate against any person in the making or 14458
purchasing of loans or the provision of other financial 14459
assistance for the acquisition, construction, rehabilitation, 14460
repair, or maintenance of housing accommodations, or any person 14461
in the making or purchasing of loans or the provision of other 14462
financial assistance that is secured by residential real estate, 14463
because of race, color, religion, sex, military status, familial 14464
status, ancestry, disability, or national origin or because of 14465
the racial composition of the neighborhood in which the housing 14466
accommodations are located, provided that the person, whether an 14467
individual, corporation, or association of any type, lends money 14468
as one of the principal aspects or incident to the person's 14469

principal business and not only as a part of the purchase price 14470
of an owner-occupied residence the person is selling nor merely 14471
casually or occasionally to a relative or friend; 14472

(4) Discriminate against any person in the terms or 14473
conditions of selling, transferring, assigning, renting, 14474
leasing, or subleasing any housing accommodations or in 14475
furnishing facilities, services, or privileges in connection 14476
with the ownership, occupancy, or use of any housing 14477
accommodations, including the sale of fire, extended coverage, 14478
or homeowners insurance, because of race, color, religion, sex, 14479
military status, familial status, ancestry, disability, or 14480
national origin or because of the racial composition of the 14481
neighborhood in which the housing accommodations are located; 14482

(5) Discriminate against any person in the terms or 14483
conditions of any loan of money, whether or not secured by 14484
mortgage or otherwise, for the acquisition, construction, 14485
rehabilitation, repair, or maintenance of housing accommodations 14486
because of race, color, religion, sex, military status, familial 14487
status, ancestry, disability, or national origin or because of 14488
the racial composition of the neighborhood in which the housing 14489
accommodations are located; 14490

(6) Refuse to consider without prejudice the combined 14491
income of both husband and wife for the purpose of extending 14492
mortgage credit to a married couple or either member of a 14493
married couple; 14494

(7) Print, publish, or circulate any statement or 14495
advertisement, or make or cause to be made any statement or 14496
advertisement, relating to the sale, transfer, assignment, 14497
rental, lease, sublease, or acquisition of any housing 14498
accommodations, or relating to the loan of money, whether or not 14499

secured by mortgage or otherwise, for the acquisition, 14500
construction, rehabilitation, repair, or maintenance of housing 14501
accommodations, that indicates any preference, limitation, 14502
specification, or discrimination based upon race, color, 14503
religion, sex, military status, familial status, ancestry, 14504
disability, or national origin, or an intention to make any such 14505
preference, limitation, specification, or discrimination; 14506

(8) Except as otherwise provided in division (H) (8) or 14507
(17) of this section, make any inquiry, elicit any information, 14508
make or keep any record, or use any form of application 14509
containing questions or entries concerning race, color, 14510
religion, sex, military status, familial status, ancestry, 14511
disability, or national origin in connection with the sale or 14512
lease of any housing accommodations or the loan of any money, 14513
whether or not secured by mortgage or otherwise, for the 14514
acquisition, construction, rehabilitation, repair, or 14515
maintenance of housing accommodations. Any person may make 14516
inquiries, and make and keep records, concerning race, color, 14517
religion, sex, military status, familial status, ancestry, 14518
disability, or national origin for the purpose of monitoring 14519
compliance with this chapter. 14520

(9) Include in any transfer, rental, or lease of housing 14521
accommodations any restrictive covenant, or honor or exercise, 14522
or attempt to honor or exercise, any restrictive covenant; 14523

(10) Induce or solicit, or attempt to induce or solicit, a 14524
housing accommodations listing, sale, or transaction by 14525
representing that a change has occurred or may occur with 14526
respect to the racial, religious, sexual, military status, 14527
familial status, or ethnic composition of the block, 14528
neighborhood, or other area in which the housing accommodations 14529

are located, or induce or solicit, or attempt to induce or 14530
solicit, a housing accommodations listing, sale, or transaction 14531
by representing that the presence or anticipated presence of 14532
persons of any race, color, religion, sex, military status, 14533
familial status, ancestry, disability, or national origin, in 14534
the block, neighborhood, or other area will or may have results 14535
including, but not limited to, the following: 14536

(a) The lowering of property values; 14537

(b) A change in the racial, religious, sexual, military 14538
status, familial status, or ethnic composition of the block, 14539
neighborhood, or other area; 14540

(c) An increase in criminal or antisocial behavior in the 14541
block, neighborhood, or other area; 14542

(d) A decline in the quality of the schools serving the 14543
block, neighborhood, or other area. 14544

(11) Deny any person access to or membership or 14545
participation in any multiple-listing service, real estate 14546
brokers' organization, or other service, organization, or 14547
facility relating to the business of selling or renting housing 14548
accommodations, or discriminate against any person in the terms 14549
or conditions of that access, membership, or participation, on 14550
account of race, color, religion, sex, military status, familial 14551
status, national origin, disability, or ancestry; 14552

(12) Coerce, intimidate, threaten, or interfere with any 14553
person in the exercise or enjoyment of, or on account of that 14554
person's having exercised or enjoyed or having aided or 14555
encouraged any other person in the exercise or enjoyment of, any 14556
right granted or protected by division (H) of this section; 14557

(13) Discourage or attempt to discourage the purchase by a 14558

prospective purchaser of housing accommodations, by representing 14559
that any block, neighborhood, or other area has undergone or 14560
might undergo a change with respect to its religious, racial, 14561
sexual, military status, familial status, or ethnic composition; 14562

(14) Refuse to sell, transfer, assign, rent, lease, 14563
sublease, or finance, or otherwise deny or withhold, a burial 14564
lot from any person because of the race, color, sex, military 14565
status, familial status, age, ancestry, disability, or national 14566
origin of any prospective owner or user of the lot; 14567

(15) Discriminate in the sale or rental of, or otherwise 14568
make unavailable or deny, housing accommodations to any buyer or 14569
renter because of a disability of any of the following: 14570

(a) The buyer or renter; 14571

(b) A person residing in or intending to reside in the 14572
housing accommodations after they are sold, rented, or made 14573
available; 14574

(c) Any individual associated with the person described in 14575
division (H) (15) (b) of this section. 14576

(16) Discriminate in the terms, conditions, or privileges 14577
of the sale or rental of housing accommodations to any person or 14578
in the provision of services or facilities to any person in 14579
connection with the housing accommodations because of a 14580
disability of any of the following: 14581

(a) That person; 14582

(b) A person residing in or intending to reside in the 14583
housing accommodations after they are sold, rented, or made 14584
available; 14585

(c) Any individual associated with the person described in 14586

division (H) (16) (b) of this section. 14587

(17) Except as otherwise provided in division (H) (17) of 14588
this section, make an inquiry to determine whether an applicant 14589
for the sale or rental of housing accommodations, a person 14590
residing in or intending to reside in the housing accommodations 14591
after they are sold, rented, or made available, or any 14592
individual associated with that person has a disability, or make 14593
an inquiry to determine the nature or severity of a disability 14594
of the applicant or such a person or individual. The following 14595
inquiries may be made of all applicants for the sale or rental 14596
of housing accommodations, regardless of whether they have 14597
disabilities: 14598

(a) An inquiry into an applicant's ability to meet the 14599
requirements of ownership or tenancy; 14600

(b) An inquiry to determine whether an applicant is 14601
qualified for housing accommodations available only to persons 14602
with disabilities or persons with a particular type of 14603
disability; 14604

(c) An inquiry to determine whether an applicant is 14605
qualified for a priority available to persons with disabilities 14606
or persons with a particular type of disability; 14607

(d) An inquiry to determine whether an applicant currently 14608
uses a controlled substance in violation of section 2925.11, 14609
2925.111, or 2925.112 of the Revised Code or a substantively 14610
comparable municipal ordinance; 14611

(e) An inquiry to determine whether an applicant at any 14612
time has been convicted of or pleaded guilty to any offense, an 14613
element of which is the illegal sale, offer to sell, 14614
cultivation, manufacture, other production, shipment, 14615

transportation, delivery, or other distribution of a controlled substance. 14616
14617

(18) (a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following: 14618
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(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification; 14628
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(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement; 14633
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(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the 14639
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account reasonably necessary to ensure the availability of funds 14646
for the restoration work. The interest earned in connection with 14647
an escrow account described in this division shall accrue to the 14648
benefit of the disabled tenant who makes payments into the 14649
account. 14650

(b) A landlord shall not condition permission for a 14651
proposed modification upon a disabled tenant's payment of a 14652
security deposit that exceeds the customarily required security 14653
deposit of all tenants of the particular housing accommodations. 14654

(19) Refuse to make reasonable accommodations in rules, 14655
policies, practices, or services when necessary to afford a 14656
person with a disability equal opportunity to use and enjoy a 14657
dwelling unit, including associated public and common use areas; 14658

(20) Fail to comply with the standards and rules adopted 14659
under division (A) of section 3781.111 of the Revised Code; 14660

(21) Discriminate against any person in the selling, 14661
brokering, or appraising of real property because of race, 14662
color, religion, sex, military status, familial status, 14663
ancestry, disability, or national origin; 14664

(22) Fail to design and construct covered multifamily 14665
dwellings for first occupancy on or after June 30, 1992, in 14666
accordance with the following conditions: 14667

(a) The dwellings shall have at least one building 14668
entrance on an accessible route, unless it is impractical to do 14669
so because of the terrain or unusual characteristics of the 14670
site. 14671

(b) With respect to dwellings that have a building 14672
entrance on an accessible route, all of the following apply: 14673

(i) The public use areas and common use areas of the 14674
dwellings shall be readily accessible to and usable by persons 14675
with a disability. 14676

(ii) All the doors designed to allow passage into and 14677
within all premises shall be sufficiently wide to allow passage 14678
by persons with a disability who are in wheelchairs. 14679

(iii) All premises within covered multifamily dwelling 14680
units shall contain an accessible route into and through the 14681
dwelling; all light switches, electrical outlets, thermostats, 14682
and other environmental controls within such units shall be in 14683
accessible locations; the bathroom walls within such units shall 14684
contain reinforcements to allow later installation of grab bars; 14685
and the kitchens and bathrooms within such units shall be 14686
designed and constructed in a manner that enables an individual 14687
in a wheelchair to maneuver about such rooms. 14688

For purposes of division (H) (22) of this section, "covered 14689
multifamily dwellings" means buildings consisting of four or 14690
more units if such buildings have one or more elevators and 14691
ground floor units in other buildings consisting of four or more 14692
units. 14693

(I) For any person to discriminate in any manner against 14694
any other person because that person has opposed any unlawful 14695
discriminatory practice defined in this section or because that 14696
person has made a charge, testified, assisted, or participated 14697
in any manner in any investigation, proceeding, or hearing under 14698
sections 4112.01 to 4112.07 of the Revised Code. 14699

(J) For any person to aid, abet, incite, compel, or coerce 14700
the doing of any act declared by this section to be an unlawful 14701
discriminatory practice, to obstruct or prevent any person from 14702

complying with this chapter or any order issued under it, or to 14703
attempt directly or indirectly to commit any act declared by 14704
this section to be an unlawful discriminatory practice. 14705

(K) Nothing in divisions (A) to (E) of this section shall 14706
be construed to require a person with a disability to be 14707
employed or trained under circumstances that would significantly 14708
increase the occupational hazards affecting either the person 14709
with a disability, other employees, the general public, or the 14710
facilities in which the work is to be performed, or to require 14711
the employment or training of a person with a disability in a 14712
job that requires the person with a disability routinely to 14713
undertake any task, the performance of which is substantially 14714
and inherently impaired by the person's disability. 14715

(L) An aggrieved individual may enforce the individual's 14716
rights relative to discrimination on the basis of age as 14717
provided for in this section by instituting a civil action, 14718
within one hundred eighty days after the alleged unlawful 14719
discriminatory practice occurred, in any court with jurisdiction 14720
for any legal or equitable relief that will effectuate the 14721
individual's rights. 14722

A person who files a civil action under this division is 14723
barred, with respect to the practices complained of, from 14724
instituting a civil action under section 4112.14 of the Revised 14725
Code and from filing a charge with the commission under section 14726
4112.05 of the Revised Code. 14727

(M) With regard to age, it shall not be an unlawful 14728
discriminatory practice and it shall not constitute a violation 14729
of division (A) of section 4112.14 of the Revised Code for any 14730
employer, employment agency, joint labor-management committee 14731
controlling apprenticeship training programs, or labor 14732

organization to do any of the following: 14733

(1) Establish bona fide employment qualifications 14734
reasonably related to the particular business or occupation that 14735
may include standards for skill, aptitude, physical capability, 14736
intelligence, education, maturation, and experience; 14737

(2) Observe the terms of a bona fide seniority system or 14738
any bona fide employee benefit plan, including, but not limited 14739
to, a retirement, pension, or insurance plan, that is not a 14740
subterfuge to evade the purposes of this section. However, no 14741
such employee benefit plan shall excuse the failure to hire any 14742
individual, and no such seniority system or employee benefit 14743
plan shall require or permit the involuntary retirement of any 14744
individual, because of the individual's age except as provided 14745
for in the "Age Discrimination in Employment Act Amendment of 14746
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 14747
Discrimination in Employment Act Amendments of 1986," 100 Stat. 14748
3342, 29 U.S.C.A. 623, as amended. 14749

(3) Retire an employee who has attained sixty-five years 14750
of age who, for the two-year period immediately before 14751
retirement, is employed in a bona fide executive or a high 14752
policymaking position, if the employee is entitled to an 14753
immediate nonforfeitable annual retirement benefit from a 14754
pension, profit-sharing, savings, or deferred compensation plan, 14755
or any combination of those plans, of the employer of the 14756
employee, which equals, in the aggregate, at least forty-four 14757
thousand dollars, in accordance with the conditions of the "Age 14758
Discrimination in Employment Act Amendment of 1978," 92 Stat. 14759
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 14760
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 14761
631, as amended; 14762

(4) Observe the terms of any bona fide apprenticeship 14763
program if the program is registered with the Ohio 14764
apprenticeship council pursuant to sections 4139.01 to 4139.06 14765
of the Revised Code and is approved by the federal committee on 14766
apprenticeship of the United States department of labor. 14767

(N) Nothing in this chapter prohibiting age discrimination 14768
and nothing in division (A) of section 4112.14 of the Revised 14769
Code shall be construed to prohibit the following: 14770

(1) The designation of uniform age the attainment of which 14771
is necessary for public employees to receive pension or other 14772
retirement benefits pursuant to Chapter 145., 742., 3307., 14773
3309., or 5505. of the Revised Code; 14774

(2) The mandatory retirement of uniformed patrol officers 14775
of the state highway patrol as provided in section 5505.16 of 14776
the Revised Code; 14777

(3) The maximum age requirements for appointment as a 14778
patrol officer in the state highway patrol established by 14779
section 5503.01 of the Revised Code; 14780

(4) The maximum age requirements established for original 14781
appointment to a police department or fire department in 14782
sections 124.41 and 124.42 of the Revised Code; 14783

(5) Any maximum age not in conflict with federal law that 14784
may be established by a municipal charter, municipal ordinance, 14785
or resolution of a board of township trustees for original 14786
appointment as a police officer or firefighter; 14787

(6) Any mandatory retirement provision not in conflict 14788
with federal law of a municipal charter, municipal ordinance, or 14789
resolution of a board of township trustees pertaining to police 14790
officers and firefighters; 14791

(7) Until January 1, 1994, the mandatory retirement of any 14792
employee who has attained seventy years of age and who is 14793
serving under a contract of unlimited tenure, or similar 14794
arrangement providing for unlimited tenure, at an institution of 14795
higher education as defined in the "Education Amendments of 14796
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 14797

(O) (1) (a) Except as provided in division (O) (1) (b) of this 14798
section, for purposes of divisions (A) to (E) of this section, a 14799
disability does not include any physiological disorder or 14800
condition, mental or psychological disorder, or disease or 14801
condition caused by an illegal use of any controlled substance 14802
by an employee, applicant, or other person, if an employer, 14803
employment agency, personnel placement service, labor 14804
organization, or joint labor-management committee acts on the 14805
basis of that illegal use. 14806

(b) Division (O) (1) (a) of this section does not apply to 14807
an employee, applicant, or other person who satisfies any of the 14808
following: 14809

(i) The employee, applicant, or other person has 14810
successfully completed a supervised drug rehabilitation program 14811
and no longer is engaging in the illegal use of any controlled 14812
substance, or the employee, applicant, or other person otherwise 14813
successfully has been rehabilitated and no longer is engaging in 14814
that illegal use. 14815

(ii) The employee, applicant, or other person is 14816
participating in a supervised drug rehabilitation program and no 14817
longer is engaging in the illegal use of any controlled 14818
substance. 14819

(iii) The employee, applicant, or other person is 14820

erroneously regarded as engaging in the illegal use of any 14821
controlled substance, but the employee, applicant, or other 14822
person is not engaging in that illegal use. 14823

(2) Divisions (A) to (E) of this section do not prohibit 14824
an employer, employment agency, personnel placement service, 14825
labor organization, or joint labor-management committee from 14826
doing any of the following: 14827

(a) Adopting or administering reasonable policies or 14828
procedures, including, but not limited to, testing for the 14829
illegal use of any controlled substance, that are designed to 14830
ensure that an individual described in division (O) (1) (b) (i) or 14831
(ii) of this section no longer is engaging in the illegal use of 14832
any controlled substance; 14833

(b) Prohibiting the illegal use of controlled substances 14834
and the use of alcohol at the workplace by all employees; 14835

(c) Requiring that employees not be under the influence of 14836
alcohol or not be engaged in the illegal use of any controlled 14837
substance at the workplace; 14838

(d) Requiring that employees behave in conformance with 14839
the requirements established under "The Drug-Free Workplace Act 14840
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 14841

(e) Holding an employee who engages in the illegal use of 14842
any controlled substance or who is an alcoholic to the same 14843
qualification standards for employment or job performance, and 14844
the same behavior, to which the employer, employment agency, 14845
personnel placement service, labor organization, or joint labor- 14846
management committee holds other employees, even if any 14847
unsatisfactory performance or behavior is related to an 14848
employee's illegal use of a controlled substance or alcoholism; 14849

(f) Exercising other authority recognized in the 14850
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 14851
U.S.C.A. 12101, as amended, including, but not limited to, 14852
requiring employees to comply with any applicable federal 14853
standards. 14854

(3) For purposes of this chapter, a test to determine the 14855
illegal use of any controlled substance does not include a 14856
medical examination. 14857

(4) Division (O) of this section does not encourage, 14858
prohibit, or authorize, and shall not be construed as 14859
encouraging, prohibiting, or authorizing, the conduct of testing 14860
for the illegal use of any controlled substance by employees, 14861
applicants, or other persons, or the making of employment 14862
decisions based on the results of that type of testing. 14863

(P) This section does not apply to a religious 14864
corporation, association, educational institution, or society 14865
with respect to the employment of an individual of a particular 14866
religion to perform work connected with the carrying on by that 14867
religious corporation, association, educational institution, or 14868
society of its activities. 14869

The unlawful discriminatory practices defined in this 14870
section do not make it unlawful for a person or an appointing 14871
authority administering an examination under section 124.23 of 14872
the Revised Code to obtain information about an applicant's 14873
military status for the purpose of determining if the applicant 14874
is eligible for the additional credit that is available under 14875
that section. 14876

Sec. 4510.17. (A) The registrar of motor vehicles shall 14877
impose a class D suspension of the person's driver's license, 14878

commercial driver's license, temporary instruction permit, 14879
probationary license, or nonresident operating privilege for the 14880
period of time specified in division (B) (4) of section 4510.02 14881
of the Revised Code on any person who is a resident of this 14882
state and is convicted of or pleads guilty to a violation of a 14883
statute of any other state or any federal statute that is 14884
substantially similar to section 2925.02, 2925.03, 2925.031, 14885
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 14886
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 14887
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 14888
Revised Code. Upon receipt of a report from a court, court 14889
clerk, or other official of any other state or from any federal 14890
authority that a resident of this state was convicted of or 14891
pleaded guilty to an offense described in this division, the 14892
registrar shall send a notice by regular first class mail to the 14893
person, at the person's last known address as shown in the 14894
records of the bureau of motor vehicles, informing the person of 14895
the suspension, that the suspension will take effect twenty-one 14896
days from the date of the notice, and that, if the person wishes 14897
to appeal the suspension or denial, the person must file a 14898
notice of appeal within twenty-one days of the date of the 14899
notice requesting a hearing on the matter. If the person 14900
requests a hearing, the registrar shall hold the hearing not 14901
more than forty days after receipt by the registrar of the 14902
notice of appeal. The filing of a notice of appeal does not stay 14903
the operation of the suspension that must be imposed pursuant to 14904
this division. The scope of the hearing shall be limited to 14905
whether the person actually was convicted of or pleaded guilty 14906
to the offense for which the suspension is to be imposed. 14907

The suspension the registrar is required to impose under 14908
this division shall end either on the last day of the class D 14909

suspension period or of the suspension of the person's 14910
nonresident operating privilege imposed by the state or federal 14911
court, whichever is earlier. 14912

The registrar shall subscribe to or otherwise participate 14913
in any information system or register, or enter into reciprocal 14914
and mutual agreements with other states and federal authorities, 14915
in order to facilitate the exchange of information with other 14916
states and the United States government regarding persons who 14917
plead guilty to or are convicted of offenses described in this 14918
division and therefore are subject to the suspension or denial 14919
described in this division. 14920

(B) The registrar shall impose a class D suspension of the 14921
person's driver's license, commercial driver's license, 14922
temporary instruction permit, probationary license, or 14923
nonresident operating privilege for the period of time specified 14924
in division (B) (4) of section 4510.02 of the Revised Code on any 14925
person who is a resident of this state and is convicted of or 14926
pleads guilty to a violation of a statute of any other state or 14927
a municipal ordinance of a municipal corporation located in any 14928
other state that is substantially similar to section 4511.19 of 14929
the Revised Code. Upon receipt of a report from another state 14930
made pursuant to section 4510.61 of the Revised Code indicating 14931
that a resident of this state was convicted of or pleaded guilty 14932
to an offense described in this division, the registrar shall 14933
send a notice by regular first class mail to the person, at the 14934
person's last known address as shown in the records of the 14935
bureau of motor vehicles, informing the person of the 14936
suspension, that the suspension or denial will take effect 14937
twenty-one days from the date of the notice, and that, if the 14938
person wishes to appeal the suspension, the person must file a 14939
notice of appeal within twenty-one days of the date of the 14940

notice requesting a hearing on the matter. If the person 14941
requests a hearing, the registrar shall hold the hearing not 14942
more than forty days after receipt by the registrar of the 14943
notice of appeal. The filing of a notice of appeal does not stay 14944
the operation of the suspension that must be imposed pursuant to 14945
this division. The scope of the hearing shall be limited to 14946
whether the person actually was convicted of or pleaded guilty 14947
to the offense for which the suspension is to be imposed. 14948

The suspension the registrar is required to impose under 14949
this division shall end either on the last day of the class D 14950
suspension period or of the suspension of the person's 14951
nonresident operating privilege imposed by the state or federal 14952
court, whichever is earlier. 14953

(C) The registrar shall impose a class D suspension of the 14954
child's driver's license, commercial driver's license, temporary 14955
instruction permit, or nonresident operating privilege for the 14956
period of time specified in division (B)(4) of section 4510.02 14957
of the Revised Code on any child who is a resident of this state 14958
and is convicted of or pleads guilty to a violation of a statute 14959
of any other state or any federal statute that is substantially 14960
similar to section 2925.02, 2925.03, 2925.031, 2925.032, 14961
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.111, 14962
2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 14963
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 14964
receipt of a report from a court, court clerk, or other official 14965
of any other state or from any federal authority that a child 14966
who is a resident of this state was convicted of or pleaded 14967
guilty to an offense described in this division, the registrar 14968
shall send a notice by regular first class mail to the child, at 14969
the child's last known address as shown in the records of the 14970
bureau of motor vehicles, informing the child of the suspension, 14971

that the suspension or denial will take effect twenty-one days 14972
from the date of the notice, and that, if the child wishes to 14973
appeal the suspension, the child must file a notice of appeal 14974
within twenty-one days of the date of the notice requesting a 14975
hearing on the matter. If the child requests a hearing, the 14976
registrar shall hold the hearing not more than forty days after 14977
receipt by the registrar of the notice of appeal. The filing of 14978
a notice of appeal does not stay the operation of the suspension 14979
that must be imposed pursuant to this division. The scope of the 14980
hearing shall be limited to whether the child actually was 14981
convicted of or pleaded guilty to the offense for which the 14982
suspension is to be imposed. 14983

The suspension the registrar is required to impose under 14984
this division shall end either on the last day of the class D 14985
suspension period or of the suspension of the child's 14986
nonresident operating privilege imposed by the state or federal 14987
court, whichever is earlier. If the child is a resident of this 14988
state who is sixteen years of age or older and does not have a 14989
current, valid Ohio driver's or commercial driver's license or 14990
permit, the notice shall inform the child that the child will be 14991
denied issuance of a driver's or commercial driver's license or 14992
permit for six months beginning on the date of the notice. If 14993
the child has not attained the age of sixteen years on the date 14994
of the notice, the notice shall inform the child that the period 14995
of denial of six months shall commence on the date the child 14996
attains the age of sixteen years. 14997

The registrar shall subscribe to or otherwise participate 14998
in any information system or register, or enter into reciprocal 14999
and mutual agreements with other states and federal authorities, 15000
in order to facilitate the exchange of information with other 15001
states and the United States government regarding children who 15002

are residents of this state and plead guilty to or are convicted 15003
of offenses described in this division and therefore are subject 15004
to the suspension or denial described in this division. 15005

(D) The registrar shall impose a class D suspension of the 15006
child's driver's license, commercial driver's license, temporary 15007
instruction permit, probationary license, or nonresident 15008
operating privilege for the period of time specified in division 15009
(B) (4) of section 4510.02 of the Revised Code on any child who 15010
is a resident of this state and is convicted of or pleads guilty 15011
to a violation of a statute of any other state or a municipal 15012
ordinance of a municipal corporation located in any other state 15013
that is substantially similar to section 4511.19 of the Revised 15014
Code. Upon receipt of a report from another state made pursuant 15015
to section 4510.61 of the Revised Code indicating that a child 15016
who is a resident of this state was convicted of or pleaded 15017
guilty to an offense described in this division, the registrar 15018
shall send a notice by regular first class mail to the child, at 15019
the child's last known address as shown in the records of the 15020
bureau of motor vehicles, informing the child of the suspension, 15021
that the suspension will take effect twenty-one days from the 15022
date of the notice, and that, if the child wishes to appeal the 15023
suspension, the child must file a notice of appeal within 15024
twenty-one days of the date of the notice requesting a hearing 15025
on the matter. If the child requests a hearing, the registrar 15026
shall hold the hearing not more than forty days after receipt by 15027
the registrar of the notice of appeal. The filing of a notice of 15028
appeal does not stay the operation of the suspension that must 15029
be imposed pursuant to this division. The scope of the hearing 15030
shall be limited to whether the child actually was convicted of 15031
or pleaded guilty to the offense for which the suspension is to 15032
be imposed. 15033

The suspension the registrar is required to impose under 15034
this division shall end either on the last day of the class D 15035
suspension period or of the suspension of the child's 15036
nonresident operating privilege imposed by the state or federal 15037
court, whichever is earlier. If the child is a resident of this 15038
state who is sixteen years of age or older and does not have a 15039
current, valid Ohio driver's or commercial driver's license or 15040
permit, the notice shall inform the child that the child will be 15041
denied issuance of a driver's or commercial driver's license or 15042
permit for six months beginning on the date of the notice. If 15043
the child has not attained the age of sixteen years on the date 15044
of the notice, the notice shall inform the child that the period 15045
of denial of six months shall commence on the date the child 15046
attains the age of sixteen years. 15047

(E) (1) Any person whose license or permit has been 15048
suspended pursuant to this section may file a petition in the 15049
municipal or county court, or in case the person is under 15050
eighteen years of age, the juvenile court, in whose jurisdiction 15051
the person resides, requesting limited driving privileges and 15052
agreeing to pay the cost of the proceedings. Except as provided 15053
in division (E) (2) or (3) of this section, the judge may grant 15054
the person limited driving privileges during the period during 15055
which the suspension otherwise would be imposed for any of the 15056
purposes set forth in division (A) of section 4510.021 of the 15057
Revised Code. 15058

(2) No judge shall grant limited driving privileges for 15059
employment as a driver of a commercial motor vehicle to any 15060
person who would be disqualified from operating a commercial 15061
motor vehicle under section 4506.16 of the Revised Code if the 15062
violation had occurred in this state. Further, no judge shall 15063
grant limited driving privileges during any of the following 15064

periods of time: 15065

(a) The first fifteen days of a suspension under division 15066
(B) or (D) of this section, if the person has not been convicted 15067
within ten years of the date of the offense giving rise to the 15068
suspension under this section of a violation of any of the 15069
following: 15070

(i) Section 4511.19 of the Revised Code, or a municipal 15071
ordinance relating to operating a vehicle while under the 15072
influence of alcohol, a drug of abuse, or alcohol and a drug of 15073
abuse; 15074

(ii) A municipal ordinance relating to operating a motor 15075
vehicle with a prohibited concentration of alcohol, a controlled 15076
substance, or a metabolite of a controlled substance in the 15077
whole blood, blood serum or plasma, breath, or urine; 15078

(iii) Section 2903.04 of the Revised Code in a case in 15079
which the person was subject to the sanctions described in 15080
division (D) of that section; 15081

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 15082
of section 2903.08 of the Revised Code or a municipal ordinance 15083
that is substantially similar to either of those divisions; 15084

(v) Division (A)(2), (3), or (4) of section 2903.06, 15085
division (A)(2) of section 2903.08, or as it existed prior to 15086
March 23, 2000, section 2903.07 of the Revised Code, or a 15087
municipal ordinance that is substantially similar to any of 15088
those divisions or that former section, in a case in which the 15089
jury or judge found that the person was under the influence of 15090
alcohol, a drug of abuse, or alcohol and a drug of abuse. 15091

(b) The first thirty days of a suspension under division 15092
(B) or (D) of this section, if the person has been convicted one 15093

time within ten years of the date of the offense giving rise to 15094
the suspension under this section of any violation identified in 15095
division (E) (1) (a) of this section. 15096

(c) The first one hundred eighty days of a suspension 15097
under division (B) or (D) of this section, if the person has 15098
been convicted two times within ten years of the date of the 15099
offense giving rise to the suspension under this section of any 15100
violation identified in division (E) (1) (a) of this section. 15101

(3) No limited driving privileges may be granted if the 15102
person has been convicted three or more times within five years 15103
of the date of the offense giving rise to a suspension under 15104
division (B) or (D) of this section of any violation identified 15105
in division (E) (1) (a) of this section. 15106

(4) In accordance with section 4510.022 of the Revised 15107
Code, a person may petition for, and a judge may grant, 15108
unlimited driving privileges with a certified ignition interlock 15109
device during the period of suspension imposed under division 15110
(B) or (D) of this section to a person described in division (E) 15111
(2) (a) of this section. 15112

(5) If a person petitions for limited driving privileges 15113
under division (E) (1) of this section or unlimited driving 15114
privileges with a certified ignition interlock device as 15115
provided in division (E) (4) of this section, the registrar shall 15116
be represented by the county prosecutor of the county in which 15117
the person resides if the petition is filed in a juvenile court 15118
or county court, except that if the person resides within a city 15119
or village that is located within the jurisdiction of the county 15120
in which the petition is filed, the city director of law or 15121
village solicitor of that city or village shall represent the 15122
registrar. If the petition is filed in a municipal court, the 15123

registrar shall be represented as provided in section 1901.34 of 15124
the Revised Code. 15125

(6) (a) In issuing an order granting limited driving 15126
privileges under division (E) (1) of this section, the court may 15127
impose any condition it considers reasonable and necessary to 15128
limit the use of a vehicle by the person. The court shall 15129
deliver to the person a copy of the order setting forth the 15130
time, place, and other conditions limiting the person's use of a 15131
motor vehicle. Unless division (E) (6) (b) of this section 15132
applies, the grant of limited driving privileges shall be 15133
conditioned upon the person's having the order in the person's 15134
possession at all times during which the person is operating a 15135
vehicle. 15136

(b) If, under the order, the court requires the use of an 15137
immobilizing or disabling device as a condition of the grant of 15138
limited or unlimited driving privileges, the person shall 15139
present to the registrar or to a deputy registrar the copy of 15140
the order granting limited driving privileges and a certificate 15141
affirming the installation of an immobilizing or disabling 15142
device that is in a form established by the director of public 15143
safety and is signed by the person who installed the device. 15144
Upon presentation of the order and the certificate to the 15145
registrar or a deputy registrar, the registrar or deputy 15146
registrar shall issue to the offender a restricted license, 15147
unless the offender's driver's or commercial driver's license or 15148
permit is suspended under any other provision of law and limited 15149
driving privileges have not been granted with regard to that 15150
suspension. A restricted license issued under this division 15151
shall be identical to an Ohio driver's license, except that it 15152
shall have printed on its face a statement that the offender is 15153
prohibited from operating any motor vehicle that is not equipped 15154

with an immobilizing or disabling device in violation of the 15155
order. 15156

(7) (a) Unless division (E) (7) (b) applies, a person granted 15157
limited driving privileges who operates a vehicle for other than 15158
limited purposes, in violation of any condition imposed by the 15159
court or without having the order in the person's possession, is 15160
guilty of a violation of section 4510.11 of the Revised Code. 15161

(b) No person who has been granted limited or unlimited 15162
driving privileges under division (E) of this section subject to 15163
an immobilizing or disabling device order shall operate a motor 15164
vehicle prior to obtaining a restricted license. Any person who 15165
violates this prohibition is subject to the penalties prescribed 15166
in section 4510.14 of the Revised Code. 15167

(c) The offenses established under division (E) (7) of this 15168
section are strict liability offenses and section 2901.20 of the 15169
Revised Code does not apply. 15170

(F) The provisions of division (A) (8) of section 4510.13 15171
of the Revised Code apply to a person who has been granted 15172
limited or unlimited driving privileges with a certified 15173
ignition interlock device under this section and who either 15174
commits an ignition interlock device violation as defined under 15175
section 4510.46 of the Revised Code or operates a motor vehicle 15176
that is not equipped with a certified ignition interlock device. 15177

(G) Any person whose license or permit has been suspended 15178
under division (A) or (C) of this section may file a petition in 15179
the municipal or county court, or in case the person is under 15180
eighteen years of age, the juvenile court, in whose jurisdiction 15181
the person resides, requesting the termination of the suspension 15182
and agreeing to pay the cost of the proceedings. If the court, 15183

in its discretion, determines that a termination of the 15184
suspension is appropriate, the court shall issue an order to the 15185
registrar to terminate the suspension. Upon receiving such an 15186
order, the registrar shall reinstate the license. 15187

(H) As used in divisions (C) and (D) of this section: 15188

(1) "Child" means a person who is under the age of 15189
eighteen years, except that any person who violates a statute or 15190
ordinance described in division (C) or (D) of this section prior 15191
to attaining eighteen years of age shall be deemed a "child" 15192
irrespective of the person's age at the time the complaint or 15193
other equivalent document is filed in the other state or a 15194
hearing, trial, or other proceeding is held in the other state 15195
on the complaint or other equivalent document, and irrespective 15196
of the person's age when the period of license suspension or 15197
denial prescribed in division (C) or (D) of this section is 15198
imposed. 15199

(2) "Is convicted of or pleads guilty to" means, as it 15200
relates to a child who is a resident of this state, that in a 15201
proceeding conducted in a state or federal court located in 15202
another state for a violation of a statute or ordinance 15203
described in division (C) or (D) of this section, the result of 15204
the proceeding is any of the following: 15205

(a) Under the laws that govern the proceedings of the 15206
court, the child is adjudicated to be or admits to being a 15207
delinquent child or a juvenile traffic offender for a violation 15208
described in division (C) or (D) of this section that would be a 15209
crime if committed by an adult; 15210

(b) Under the laws that govern the proceedings of the 15211
court, the child is convicted of or pleads guilty to a violation 15212

described in division (C) or (D) of this section; 15213

(c) Under the laws that govern the proceedings of the 15214
court, irrespective of the terminology utilized in those laws, 15215
the result of the court's proceedings is the functional 15216
equivalent of division (H) (2) (a) or (b) of this section. 15217

Sec. 4729.99. (A) Whoever violates division (H) of section 15218
4729.16, division (G) of section 4729.38, division (I) of 15219
section 4729.382, section 4729.57, or division (F) of section 15220
4729.96 of the Revised Code is guilty of a minor misdemeanor, 15221
unless a different penalty is otherwise specified in the Revised 15222
Code. Each day's violation constitutes a separate offense. 15223

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 15224
of the Revised Code is guilty of a misdemeanor of the third 15225
degree. Each day's violation constitutes a separate offense. If 15226
the offender previously has been convicted of or pleaded guilty 15227
to a violation of this chapter, that person is guilty of a 15228
misdemeanor of the second degree. 15229

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 15230
of the Revised Code is guilty of a misdemeanor. 15231

(D) Whoever violates division (A), (B), (C), (D), (F), or 15232
(G) of section 4729.51 of the Revised Code is guilty of a 15233
misdemeanor of the first degree. 15234

(E) (1) Whoever violates section 4729.37, division (E) (1) 15235
(b) of section 4729.51, division (J) of section 4729.54, 15236
division (B) or (D) of section 4729.553, or section 4729.61 of 15237
the Revised Code is guilty of a felony of the fifth degree. If 15238
the offender previously has been convicted of or pleaded guilty 15239
to a violation of this chapter or a violation of Chapter 2925. 15240
or 3719. of the Revised Code, that person is guilty of a felony 15241

of the fourth degree. 15242

(2) If an offender is convicted of or pleads guilty to a 15243
violation of section 4729.37, division (E) of section 4729.51, 15244
division (J) of section 4729.54, or section 4729.61 of the 15245
Revised Code, if the violation involves the sale, offer to sell, 15246
or possession of a schedule I or II controlled substance, with 15247
the exception of marihuana, and if the court imposing sentence 15248
upon the offender finds that the offender as a result of the 15249
violation is a major drug offender, as defined in section 15250
2929.01 of the Revised Code, and is guilty of a specification of 15251
the type described in division (A) of section 2941.1410 of the 15252
Revised Code, the court, in lieu of the prison term authorized 15253
or required by division (E)(1) of this section and sections 15254
2929.13 and 2929.14 of the Revised Code and in addition to any 15255
other sanction imposed for the offense under sections 2929.11 to 15256
2929.18 of the Revised Code, shall impose upon the offender, in 15257
accordance with division (B)(3) of section 2929.14 of the 15258
Revised Code, the mandatory prison term specified in that 15259
division. 15260

(3) Notwithstanding any contrary provision of section 15261
3719.21 of the Revised Code, the clerk of court shall pay any 15262
fine imposed for a violation of section 4729.37, division (E) of 15263
section 4729.51, division (J) of section 4729.54, or section 15264
4729.61 of the Revised Code pursuant to division (A) of section 15265
2929.18 of the Revised Code in accordance with and subject to 15266
the requirements of division ~~(F)~~(N) of section 2925.03 of the 15267
Revised Code. The agency that receives the fine shall use the 15268
fine as specified in division ~~(F)~~(N) of section 2925.03 of the 15269
Revised Code. 15270

(F) Whoever violates section 4729.531 of the Revised Code 15271

or any rule adopted thereunder or section 4729.532 of the 15272
Revised Code is guilty of a misdemeanor of the first degree. 15273

(G) Whoever violates division (E) (1) (a) of section 4729.51 15274
of the Revised Code is guilty of a felony of the fourth degree. 15275
If the offender has previously been convicted of or pleaded 15276
guilty to a violation of this chapter, or of a violation of 15277
Chapter 2925. or 3719. of the Revised Code, that person is 15278
guilty of a felony of the third degree. 15279

(H) Whoever violates division (E) (1) (c) of section 4729.51 15280
of the Revised Code is guilty of a misdemeanor of the first 15281
degree. If the offender has previously been convicted of or 15282
pleaded guilty to a violation of this chapter, or of a violation 15283
of Chapter 2925. or 3719. of the Revised Code, that person is 15284
guilty of a felony of the fifth degree. 15285

(I) (1) Whoever violates division (A) of section 4729.95 of 15286
the Revised Code is guilty of unauthorized pharmacy-related drug 15287
conduct. Except as otherwise provided in this section, 15288
unauthorized pharmacy-related drug conduct is a misdemeanor of 15289
the second degree. If the offender previously has been convicted 15290
of or pleaded guilty to a violation of division (A), (B), or (C) 15291
of that section, unauthorized pharmacy-related drug conduct is a 15292
misdemeanor of the first degree on a second offense and a felony 15293
of the fifth degree on a third or subsequent offense. 15294

(2) Whoever violates division (B) or (C) of section 15295
4729.95 of the Revised Code is guilty of permitting unauthorized 15296
pharmacy-related drug conduct. Except as otherwise provided in 15297
this section, permitting unauthorized pharmacy-related drug 15298
conduct is a misdemeanor of the second degree. If the offender 15299
previously has been convicted of or pleaded guilty to a 15300
violation of division (A), (B), or (C) of that section, 15301

permitting unauthorized pharmacy-related drug conduct is a 15302
misdemeanor of the first degree on a second offense and a felony 15303
of the fifth degree on a third or subsequent offense. 15304

(3) Notwithstanding any contrary provision of section 15305
3719.21 of the Revised Code or any other provision of law that 15306
governs the distribution of fines, the clerk of the court shall 15307
pay any fine imposed pursuant to division (I) (1) or (2) of this 15308
section to the state board of pharmacy if the board has adopted 15309
a written internal control policy under division ~~(F)~~ (N) (2) of 15310
section 2925.03 of the Revised Code that addresses fine moneys 15311
that it receives under Chapter 2925. of the Revised Code and if 15312
the policy also addresses fine moneys paid under this division. 15313
The state board of pharmacy shall use the fines so paid in 15314
accordance with the written internal control policy to subsidize 15315
the board's law enforcement efforts that pertain to drug 15316
offenses. 15317

(J) (1) Whoever violates division (A) (1) of section 4729.86 15318
of the Revised Code is guilty of a misdemeanor of the third 15319
degree. If the offender has previously been convicted of or 15320
pleaded guilty to a violation of division (A) (1), (2), or (3) of 15321
section 4729.86 of the Revised Code, that person is guilty of a 15322
misdemeanor of the first degree. 15323

(2) Whoever violates division (A) (2) of section 4729.86 of 15324
the Revised Code is guilty of a misdemeanor of the first degree. 15325
If the offender has previously been convicted of or pleaded 15326
guilty to a violation of division (A) (1), (2), or (3) of section 15327
4729.86 of the Revised Code, that person is guilty of a felony 15328
of the fifth degree. 15329

(3) Whoever violates division (A) (3) of section 4729.86 of 15330
the Revised Code is guilty of a felony of the fifth degree. If 15331

the offender has previously been convicted of or pleaded guilty 15332
to a violation of division (A) (1), (2), or (3) of section 15333
4729.86 of the Revised Code, that person is guilty of a felony 15334
of the fourth degree. 15335

(K) A person who violates division (C) of section 4729.552 15336
of the Revised Code is guilty of a misdemeanor of the first 15337
degree. If the person previously has been convicted of or 15338
pleaded guilty to a violation of division (C) of section 15339
4729.552 of the Revised Code, that person is guilty of a felony 15340
of the fifth degree. 15341

Sec. 4742.03. (A) A person may obtain certification as an 15342
emergency service telecommunicator by successfully completing a 15343
basic course of emergency service telecommunicator training that 15344
is conducted by the state board of education under section 15345
4742.02 of the Revised Code. The basic course of emergency 15346
service telecommunicator training shall include, but not be 15347
limited to, both of the following: 15348

(1) At least forty hours of instruction or training; 15349
(2) Instructional or training units in all of the 15350
following subjects: 15351

(a) The role of the emergency service telecommunicator; 15352
(b) Effective communication skills; 15353
(c) Emergency service telecommunicator liability; 15354
(d) Telephone techniques; 15355
(e) Requirements of the "Americans With Disabilities Act 15356
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 15357
pertain to emergency service telecommunicators; 15358

(f) Handling hysterical and suicidal callers;	15359
(g) Informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section 2925.11, <u>2925.111</u> , or <u>2925.112</u> of the Revised Code;	15360 15361 15362 15363
(h) Law enforcement terminology;	15364
(i) Fire service terminology;	15365
(j) Emergency medical service terminology;	15366
(k) Emergency call processing guides for law enforcement;	15367
(l) Emergency call processing guides for fire service;	15368
(m) Emergency call processing guides for emergency medical service;	15369 15370
(n) Radio broadcast techniques;	15371
(o) Disaster planning;	15372
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	15373 15374 15375
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	15376 15377 15378 15379 15380 15381 15382 15383 15384
(C) If a person successfully completes the basic course of	15385

emergency service telecommunicator training described in 15386
division (A) of this section, the state board of education or a 15387
designee of the board shall certify the person's successful 15388
completion. The board shall send a copy of the certification to 15389
the person and to the emergency service provider by whom the 15390
person is employed. 15391

If a person successfully completes the continuing 15392
education coursework described in division (B) of this section, 15393
the state board of education or a designee of the board shall 15394
certify the person's successful completion. The board shall send 15395
a copy of the certification to the person and to the emergency 15396
service provider by whom the person is employed. 15397

Sec. 5103.0319. (A) No foster caregiver or prospective 15398
foster caregiver shall fail to notify the recommending agency 15399
that recommended or is recommending the foster caregiver or 15400
prospective foster caregiver for certification in writing if a 15401
person at least twelve years of age but less than eighteen years 15402
of age residing with the foster caregiver or prospective foster 15403
caregiver has been convicted of or pleaded guilty to any of the 15404
following or has been adjudicated to be a delinquent child for 15405
committing an act that if committed by an adult would have 15406
constituted such a violation: 15407

(1) A violation of section 2903.01, 2903.02, 2903.03, 15408
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15409
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 15410
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 15411
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15412
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 15413
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 15414
2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 15415

or 3716.11 of the Revised Code, a violation of section 2905.04 15416
of the Revised Code as it existed prior to July 1, 1996, a 15417
violation of section 2919.23 of the Revised Code that would have 15418
been a violation of section 2905.04 of the Revised Code as it 15419
existed prior to July 1, 1996, had the violation been committed 15420
prior to that date, a violation of section 2925.11, 2925.111, or 15421
2925.112 of the Revised Code that is not a minor drug possession 15422
offense, a violation of section 2923.01 of the Revised Code that 15423
involved an attempt to commit aggravated murder or murder, an 15424
OVI or OVUAC violation if the person previously was convicted of 15425
or pleaded guilty to one or more OVI or OVUAC violations within 15426
the three years immediately preceding the current violation, or 15427
felonious sexual penetration in violation of former section 15428
2907.12 of the Revised Code; 15429

(2) An offense that would be a felony if committed by an 15430
adult and the court determined that the child, if an adult, 15431
would be guilty of a specification found in section 2941.141, 15432
2941.144, or 2941.145 of the Revised Code or in another section 15433
of the Revised Code that relates to the possession or use of a 15434
firearm, as defined in section 2923.11 of the Revised Code, 15435
during the commission of the act for which the child was 15436
adjudicated a delinquent child; 15437

(3) A violation of an existing or former law of this 15438
state, any other state, or the United States that is 15439
substantially equivalent to any of the offenses described in 15440
division (A) (1) or (2) of this section. 15441

(B) If a recommending agency learns that a foster 15442
caregiver has failed to comply with division (A) of this 15443
section, it shall notify the department of job and family 15444
services and the department shall revoke the foster caregiver's 15445

foster home certificate. 15446

(C) As used in this section, "OVI or OVUAC violation" 15447
means a violation of section 4511.19 of the Revised Code or a 15448
violation of an existing or former law of this state, any other 15449
state, or the United States that is substantially equivalent to 15450
section 4511.19 of the Revised Code. 15451

Sec. 5119.36. (A) A community mental health services 15452
provider applicant or community addiction services provider 15453
applicant that seeks certification of its certifiable services 15454
and supports shall submit an application to the director of 15455
mental health and addiction services. On receipt of the 15456
application, the director may conduct an on-site review and 15457
shall evaluate the applicant to determine whether its 15458
certifiable services and supports satisfy the standards 15459
established by rules adopted under this section. The director 15460
shall make the evaluation, and, if the director conducts an on- 15461
site review of the applicant, may make the review, in 15462
cooperation with a board of alcohol, drug addiction, and mental 15463
health services that seeks to contract with the applicant under 15464
section 340.036 of the Revised Code. 15465

(B) Subject to section 5119.361 of the Revised Code, the 15466
director shall determine whether the certifiable services and 15467
supports of a community mental health services provider 15468
applicant or community addiction services provider applicant 15469
satisfy the standards for certification. If the director 15470
determines that an applicant's certifiable services and supports 15471
satisfy the standards for certification and the applicant has 15472
paid the fee required by this section, the director shall 15473
certify the certifiable services and supports. 15474

No community mental health services provider shall be 15475

eligible to receive for its certifiable services and supports 15476
any state funds, federal funds, or funds administered by a board 15477
of alcohol, drug addiction, and mental health services, unless 15478
those certifiable services and supports have been certified by 15479
the director. 15480

No person or government entity subject to section 5119.35 15481
of the Revised Code or any other community addiction services 15482
provider shall be eligible to receive for its services described 15483
in that section or its other certifiable services and supports 15484
any state funds, federal funds, or funds administered by a board 15485
of alcohol, drug addiction, and mental health services, unless 15486
those services or other certifiable services and supports have 15487
been certified by the director. 15488

(C) If the director determines that a community mental 15489
health services provider applicant's or a community addiction 15490
services provider applicant's certifiable services and supports 15491
do not satisfy the standards for certification, the director 15492
shall identify the areas of noncompliance, specify what action 15493
is necessary to satisfy the standards, and may offer technical 15494
assistance to the applicant and to a board of alcohol, drug 15495
addiction, and mental health services so that the board may 15496
assist the applicant in satisfying the standards. The director 15497
shall give the applicant a reasonable time within which to 15498
demonstrate that its certifiable services and supports satisfy 15499
the standards or to bring them into compliance with the 15500
standards. If the director concludes that the certifiable 15501
services and supports continue to fail to satisfy the standards, 15502
the director may request that the board reallocate any funds for 15503
the certifiable services and supports the applicant was to 15504
provide to another community mental health services provider or 15505
community addiction services provider whose certifiable services 15506

and supports satisfy the standards. If the board does not 15507
reallocate such funds in a reasonable period of time, the 15508
director may withhold state and federal funds for the 15509
certifiable services and supports and allocate those funds 15510
directly to a community mental health services provider or 15511
community addiction services provider whose certifiable services 15512
and supports satisfy the standards. 15513

(D) Each community mental health services provider 15514
applicant or community addiction services provider applicant 15515
seeking certification of its certifiable services and supports 15516
under this section shall pay a fee for the certification 15517
required by this section, unless the applicant is exempt under 15518
rules adopted under this section. Fees shall be paid into the 15519
state treasury to the credit of the sale of goods and services 15520
fund created pursuant to section 5119.45 of the Revised Code. 15521

(E) The director shall adopt rules in accordance with 15522
Chapter 119. of the Revised Code to implement this section. The 15523
rules shall do all of the following: 15524

(1) Subject to section 340.034 of the Revised Code, 15525
specify the types of recovery supports that are required to be 15526
certified under this section; 15527

(2) Establish certification standards for certifiable 15528
services and supports that are consistent with nationally 15529
recognized applicable standards and facilitate participation in 15530
federal assistance programs. The rules shall include as 15531
certification standards only requirements that improve the 15532
quality of certifiable services and supports or the health and 15533
safety of persons receiving certifiable services and supports. 15534
The standards shall address at a minimum all of the following: 15535

(a) Reporting major unusual incidents to the director;	15536
(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;	15537 15538 15539
(c) Seclusion;	15540
(d) Restraint;	15541
(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;	15542 15543
(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;	15544 15545
(g) Standards for evaluating certifiable services and supports;	15546 15547
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;	15548 15549 15550 15551 15552
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	15553 15554 15555 15556 15557
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	15558 15559 15560
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports,	15561 15562

including all of the following: 15563

(i) The right to a copy of the written policies addressing 15564
the rights of persons receiving certifiable services and 15565
supports; 15566

(ii) The right at all times to be treated with 15567
consideration and respect for the person's privacy and dignity; 15568

(iii) The right to have access to the person's own 15569
psychiatric, medical, or other treatment records unless access 15570
is specifically restricted in the person's treatment plan for 15571
clear treatment reasons; 15572

(iv) The right to have a client rights officer provided by 15573
the provider or board of alcohol, drug addiction, and mental 15574
health services advise the person of the person's rights, 15575
including the person's rights under Chapter 5122. of the Revised 15576
Code if the person is committed to the provider or board. 15577

(3) Establish the process for certification of certifiable 15578
services and supports; 15579

(4) Set the amount of certification review fees; 15580

(5) Specify the type of notice and hearing to be provided 15581
prior to a decision on whether to reallocate funds. 15582

(F) The director may issue an order suspending admissions 15583
to a community addiction services provider that provides 15584
overnight accommodations if the director finds either of the 15585
following: 15586

(1) The provider's certifiable services and supports are 15587
not in compliance with rules adopted under this section; 15588

(2) The provider has been cited for more than one 15589

violation of statutes or rules during any previous certification 15590
period of the provider. 15591

(G) The department of mental health and addiction services 15592
shall maintain a current list of community addiction services 15593
providers and shall provide a copy of the list to a judge of a 15594
court of common pleas who requests a copy for the use of the 15595
judge under division ~~(H)~~ (P) of section 2925.03 or a related 15596
provision of section 2925.031 or 2925.032 of the Revised Code. 15597
The list shall identify each provider by its name, its address, 15598
and the county in which it is located. 15599

(H) No person shall represent in any manner that a 15600
community mental health services provider's or community 15601
addiction services provider's certifiable services and supports 15602
are certified by the director if the certifiable services and 15603
supports are not so certified at the time the representation is 15604
made. 15605

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 15606
(1) (b) of this section, no person or government entity shall 15607
operate an opioid treatment program requiring certification, as 15608
certification is defined in 42 C.F.R. 8.2, unless the person or 15609
government entity is a community addiction services provider and 15610
the program is licensed under this section. 15611

(b) Division (A) (1) (a) of this section does not apply to a 15612
program operated by the United States department of veterans 15613
affairs. 15614

(2) No community addiction services provider licensed 15615
under this section shall operate an opioid treatment program in 15616
a manner inconsistent with this section and the rules adopted 15617
under it. 15618

(B) A community addiction services provider seeking a 15619
license to operate an opioid treatment program shall apply to 15620
the department of mental health and addiction services. The 15621
department shall review all applications received. 15622

(C) The department may issue a license to operate an 15623
opioid treatment program to a community addiction services 15624
provider only if all of the following apply: 15625

(1) During the three-year period immediately preceding the 15626
date of application, the provider or any owner, sponsor, medical 15627
director, administrator, or principal of the provider has been 15628
in good standing to operate an opioid treatment program in all 15629
other locations where the provider or such other person has been 15630
operating a similar program, as evidenced by both of the 15631
following: 15632

(a) Not having been denied a license, certificate, or 15633
similar approval to operate an opioid treatment program by this 15634
state or another jurisdiction; 15635

(b) Not having been the subject of any of the following in 15636
this state or another jurisdiction: 15637

(i) An action that resulted in the suspension or 15638
revocation of the license, certificate, or similar approval of 15639
the provider or other person; 15640

(ii) A voluntary relinquishment, withdrawal, or other 15641
action taken by the provider or other person to avoid suspension 15642
or revocation of the license, certificate, or similar approval; 15643

(iii) A disciplinary action that was based, in whole or in 15644
part, on the provider or other person engaging in the 15645
inappropriate prescribing, dispensing, administering, personally 15646
furnishing, diverting, storing, supplying, compounding, or 15647

selling of a controlled substance or other dangerous drug. 15648

(2) It affirmatively appears to the department that the 15649
provider is adequately staffed and equipped to operate an opioid 15650
treatment program. 15651

(3) It affirmatively appears to the department that the 15652
provider will operate an opioid treatment program in strict 15653
compliance with all laws relating to drug abuse and the rules 15654
adopted by the department. 15655

(4) Except as provided in division (D) of this section and 15656
section 5119.371 of the Revised Code, if the provider is seeking 15657
an initial license for a particular location, the proposed 15658
opioid treatment program is not located on a parcel of real 15659
estate that is within a radius of five hundred linear feet of 15660
the boundaries of a parcel of real estate having situated on it 15661
a public or private school, child day-care center licensed under 15662
Chapter 5104. of the Revised Code, or child-serving agency 15663
regulated by the department under this chapter. 15664

(5) The provider meets any additional requirements 15665
established by the department in rules adopted under division 15666
(F) of this section. 15667

(D) The department may waive the requirement of division 15668
(C) (4) of this section if it receives, from each public or 15669
private school, child day-care center, or child-serving agency 15670
that is within the five hundred linear feet radius described in 15671
that division, a letter of support for the location. The 15672
department shall determine whether a letter of support is 15673
satisfactory for purposes of waiving the requirement. 15674

(E) A license to operate an opioid treatment program shall 15675
expire one year from the date of issuance. Licenses may be 15676

renewed. 15677

(F) The department shall establish procedures and adopt 15678
rules for licensing, inspection, and supervision of community 15679
addiction services providers that operate an opioid treatment 15680
program. The rules shall establish standards for the control, 15681
storage, furnishing, use, dispensing, and administering of 15682
medications used in medication-assisted treatment; prescribe 15683
minimum standards for the operation of the opioid treatment 15684
program component of the provider's operations; and comply with 15685
federal laws and regulations. 15686

All rules adopted under this division shall be adopted in 15687
accordance with Chapter 119. of the Revised Code. All actions 15688
taken by the department regarding the licensing of providers to 15689
operate opioid treatment programs shall be conducted in 15690
accordance with Chapter 119. of the Revised Code, except as 15691
provided in division (L) of this section. 15692

(G) (1) The department shall inspect all community 15693
addiction services providers licensed to operate an opioid 15694
treatment program. Inspections shall be conducted at least 15695
annually and may be conducted more frequently. 15696

In addition, the department may inspect any provider or 15697
other person that it reasonably believes to be operating an 15698
opioid treatment program without a license issued under this 15699
section. 15700

(2) When conducting an inspection, the department may do 15701
both of the following: 15702

(a) Examine and copy all records, accounts, and other 15703
documents relating to the provider's or other person's 15704
operations, including records pertaining to patients or clients; 15705

(b) Conduct interviews with any individual employed by or 15706
contracted or otherwise associated with the provider or person, 15707
including an administrator, staff person, patient, or client. 15708

(3) No person or government entity shall interfere with a 15709
state or local government official acting on behalf of the 15710
department while conducting an inspection. 15711

(H) A community addiction services provider shall not 15712
administer or dispense methadone in a tablet, powder, or 15713
intravenous form. Methadone shall be administered or dispensed 15714
only in a liquid form intended for ingestion. 15715

A community addiction services provider shall not 15716
administer or dispense a medication used in medication-assisted 15717
treatment for pain or other medical reasons. 15718

(I) As used in this division, "program sponsor" means a 15719
person who assumes responsibility for the operation and 15720
employees of the opioid treatment program component of a 15721
community addiction services provider's operations. 15722

A community addiction services provider shall not employ 15723
an individual who receives a medication used in medication- 15724
assisted treatment from that provider. A provider shall not 15725
permit an individual to act as a program sponsor, medical 15726
director, or director of the provider if the individual is 15727
receiving that medication from any community addiction services 15728
provider. 15729

(J) The department may issue orders to ensure compliance 15730
with all laws relating to drug abuse and the rules adopted under 15731
this section. Subject to section 5119.27 of the Revised Code, 15732
the department may hold hearings, require the production of 15733
relevant matter, compel testimony, issue subpoenas, and make 15734

adjudications. Upon failure of a person without lawful excuse to 15735
obey a subpoena or to produce relevant matter, the department 15736
may apply to a court of common pleas for an order compelling 15737
compliance. 15738

(K) The department may refuse to issue, or may withdraw or 15739
revoke, a license to operate an opioid treatment program. A 15740
license may be refused if a community addiction services 15741
provider does not meet the requirements of division (C) of this 15742
section. A license may be withdrawn at any time the department 15743
determines that the provider no longer meets the requirements 15744
for receiving the license. A license may be revoked in 15745
accordance with division (L) of this section. 15746

Once a license is issued under this section, the 15747
department shall not consider the requirement of division (C) (4) 15748
of this section in determining whether to renew, withdraw, or 15749
revoke the license or whether to reissue the license as a result 15750
of a change in ownership. 15751

(L) If the department finds reasonable cause to believe 15752
that a community addiction services provider licensed under this 15753
section is in violation of any state or federal law or rule 15754
relating to drug abuse, the department may issue an order 15755
immediately revoking the license, subject to division (M) of 15756
this section. The department shall set a date not more than 15757
fifteen days later than the date of the order of revocation for 15758
a hearing on the continuation or cancellation of the revocation. 15759
For good cause, the department may continue the hearing on 15760
application of any interested party. In conducting hearings, the 15761
department has all the authority and power set forth in division 15762
(J) of this section. Following the hearing, the department shall 15763
either confirm or cancel the revocation. The hearing shall be 15764

conducted in accordance with Chapter 119. of the Revised Code, 15765
except that the provider shall not be permitted to operate an 15766
opioid treatment program pending the hearing or pending any 15767
appeal from an adjudication made as a result of the hearing. 15768
Notwithstanding any provision of Chapter 119. of the Revised 15769
Code to the contrary, a court shall not stay or suspend any 15770
order of revocation issued by the department under this division 15771
pending judicial appeal. 15772

(M) The department shall not revoke a license to operate 15773
an opioid treatment program unless all clients receiving 15774
medication used in medication-assisted treatment from the 15775
community addiction services provider are provided adequate 15776
substitute medication or treatment. For purposes of this 15777
division, the department may transfer the clients to other 15778
providers licensed to operate opioid treatment programs or 15779
replace any or all of the administrators and staff of the 15780
provider with representatives of the department who shall 15781
continue on a provisional basis the opioid treatment component 15782
of the provider's operations. 15783

(N) Each time the department receives an application from 15784
a community addiction services provider for a license to operate 15785
an opioid treatment program, issues or refuses to issue a 15786
license, or withdraws or revokes a license, the department shall 15787
notify the board of alcohol, drug addiction, and mental health 15788
services of each alcohol, drug addiction, and mental health 15789
service district in which the provider operates. 15790

(O) Whenever it appears to the department from files, upon 15791
complaint, or otherwise, that a community addiction services 15792
provider has engaged in any practice declared to be illegal or 15793
prohibited by section 3719.61 of the Revised Code, or any other 15794

state or federal laws or regulations relating to drug abuse, or 15795
when the department believes it to be in the best interest of 15796
the public and necessary for the protection of the citizens of 15797
the state, the department may request criminal proceedings by 15798
laying before the prosecuting attorney of the proper county any 15799
evidence of criminality which may come to its knowledge. 15800

(P) The department shall maintain a current list of 15801
community addiction services providers licensed by the 15802
department under this section and shall provide a copy of the 15803
current list to a judge of a court of common pleas who requests 15804
a copy for the use of the judge under division ~~(H)~~ (P) of section 15805
2925.03 or a related provision of section 2925.031 or 2925.032 15806
of the Revised Code. The list of licensed community addiction 15807
services providers shall identify each licensed provider by its 15808
name, its address, and the county in which it is located. 15809

Sec. 5120.53. (A) If a treaty between the United States 15810
and a foreign country provides for the transfer or exchange, 15811
from one of the signatory countries to the other signatory 15812
country, of convicted offenders who are citizens or nationals of 15813
the other signatory country, the governor, subject to and in 15814
accordance with the terms of the treaty, may authorize the 15815
director of rehabilitation and correction to allow the transfer 15816
or exchange of convicted offenders and to take any action 15817
necessary to initiate participation in the treaty. If the 15818
governor grants the director the authority described in this 15819
division, the director may take the necessary action to initiate 15820
participation in the treaty and, subject to and in accordance 15821
with division (B) of this section and the terms of the treaty, 15822
may allow the transfer or exchange to a foreign country that has 15823
signed the treaty of any convicted offender who is a citizen or 15824
national of that signatory country. 15825

(B) (1) No convicted offender who is serving a term of imprisonment in this state for aggravated murder, murder, or a felony of the first or second degree, who is serving a mandatory prison term imposed under section 2925.03~~or~~, 2925.031, 2925.032, or 2925.11 of the Revised Code in circumstances in which the court was required to impose as the mandatory prison term the maximum definite prison term or longest minimum prison term authorized for the degree of offense committed, who is serving a term of imprisonment in this state imposed for an offense committed prior to July 1, 1996, that was an aggravated felony of the first or second degree or that was aggravated trafficking in violation of division (A) (9) or (10) of section 2925.03 of the Revised Code, or who has been sentenced to death in this state shall be transferred or exchanged to another country pursuant to a treaty of the type described in division (A) of this section.

(2) If a convicted offender is serving a term of imprisonment in this state and the offender is a citizen or national of a foreign country that has signed a treaty of the type described in division (A) of this section, if the governor has granted the director of rehabilitation and correction the authority described in that division, and if the transfer or exchange of the offender is not barred by division (B) (1) of this section, the director or the director's designee may approve the offender for transfer or exchange pursuant to the treaty if the director or the designee, after consideration of the factors set forth in the rules adopted by the department under division (D) of this section and all other relevant factors, determines that the transfer or exchange of the offender is appropriate.

(C) Notwithstanding any provision of the Revised Code

regarding the parole eligibility of, or the duration or 15857
calculation of a sentence of imprisonment imposed upon, an 15858
offender, if a convicted offender is serving a term of 15859
imprisonment in this state and the offender is a citizen or 15860
national of a foreign country that has signed a treaty of the 15861
type described in division (A) of this section, if the offender 15862
is serving an indefinite term of imprisonment, if the offender 15863
is barred from being transferred or exchanged pursuant to the 15864
treaty due to the indefinite nature of the offender's term of 15865
imprisonment, and if in accordance with division (B) (2) of this 15866
section the director of rehabilitation and correction or the 15867
director's designee approves the offender for transfer or 15868
exchange pursuant to the treaty, the parole board, pursuant to 15869
rules adopted by the director, shall set a date certain for the 15870
release of the offender. To the extent possible, the date 15871
certain that is set shall be reasonably proportionate to the 15872
indefinite term of imprisonment that the offender is serving. 15873
The date certain that is set for the release of the offender 15874
shall be considered only for purposes of facilitating the 15875
international transfer or exchange of the offender, shall not be 15876
viable or actionable for any other purpose, and shall not create 15877
any expectation or guarantee of release. If an offender for whom 15878
a date certain for release is set under this division is not 15879
transferred to or exchanged with the foreign country pursuant to 15880
the treaty, the date certain is null and void, and the 15881
offender's release shall be determined pursuant to the laws and 15882
rules of this state pertaining to parole eligibility and the 15883
duration and calculation of an indefinite sentence of 15884
imprisonment. 15885

(D) If the governor, pursuant to division (A) of this 15886
section, authorizes the director of rehabilitation and 15887

correction to allow any transfer or exchange of convicted 15888
offenders as described in that division, the director shall 15889
adopt rules under Chapter 119. of the Revised Code to implement 15890
the provisions of this section. The rules shall include a rule 15891
that requires the director or the director's designee, in 15892
determining whether to approve a convicted offender who is 15893
serving a term of imprisonment in this state for transfer or 15894
exchange pursuant to a treaty of the type described in division 15895
(A) of this section, to consider all of the following factors: 15896

(1) The nature of the offense for which the offender is 15897
serving the term of imprisonment in this state; 15898

(2) The likelihood that, if the offender is transferred or 15899
exchanged to a foreign country pursuant to the treaty, the 15900
offender will serve a shorter period of time in imprisonment in 15901
the foreign country than the offender would serve if the 15902
offender is not transferred or exchanged to the foreign country 15903
pursuant to the treaty; 15904

(3) The likelihood that, if the offender is transferred or 15905
exchanged to a foreign country pursuant to the treaty, the 15906
offender will return or attempt to return to this state after 15907
the offender has been released from imprisonment in the foreign 15908
country; 15909

(4) The degree of any shock to the conscience of justice 15910
and society that will be experienced in this state if the 15911
offender is transferred or exchanged to a foreign country 15912
pursuant to the treaty; 15913

(5) All other factors that the department determines are 15914
relevant to the determination. 15915

Sec. 5153.111. (A) (1) The executive director of a public 15916

children services agency shall request the superintendent of the 15917
bureau of criminal identification and investigation to conduct a 15918
criminal records check with respect to any applicant who has 15919
applied to the agency for employment as a person responsible for 15920
the care, custody, or control of a child. If the applicant does 15921
not present proof that the applicant has been a resident of this 15922
state for the five-year period immediately prior to the date 15923
upon which the criminal records check is requested or does not 15924
provide evidence that within that five-year period the 15925
superintendent has requested information about the applicant 15926
from the federal bureau of investigation in a criminal records 15927
check, the executive director shall request that the 15928
superintendent obtain information from the federal bureau of 15929
investigation as a part of the criminal records check for the 15930
applicant. If the applicant presents proof that the applicant 15931
has been a resident of this state for that five-year period, the 15932
executive director may request that the superintendent include 15933
information from the federal bureau of investigation in the 15934
criminal records check. 15935

(2) Any person required by division (A)(1) of this section 15936
to request a criminal records check shall provide to each 15937
applicant a copy of the form prescribed pursuant to division (C) 15938
(1) of section 109.572 of the Revised Code, provide to each 15939
applicant a standard impression sheet to obtain fingerprint 15940
impressions prescribed pursuant to division (C)(2) of section 15941
109.572 of the Revised Code, obtain the completed form and 15942
impression sheet from each applicant, and forward the completed 15943
form and impression sheet to the superintendent of the bureau of 15944
criminal identification and investigation at the time the person 15945
requests a criminal records check pursuant to division (A)(1) of 15946
this section. 15947

(3) Any applicant who receives pursuant to division (A) (2) 15948
of this section a copy of the form prescribed pursuant to 15949
division (C) (1) of section 109.572 of the Revised Code and a 15950
copy of an impression sheet prescribed pursuant to division (C) 15951
(2) of that section and who is requested to complete the form 15952
and provide a set of fingerprint impressions shall complete the 15953
form or provide all the information necessary to complete the 15954
form and shall provide the impression sheet with the impressions 15955
of the applicant's fingerprints. If an applicant, upon request, 15956
fails to provide the information necessary to complete the form 15957
or fails to provide impressions of the applicant's fingerprints, 15958
that agency shall not employ that applicant for any position for 15959
which a criminal records check is required by division (A) (1) of 15960
this section. 15961

(B) (1) Except as provided in rules adopted by the director 15962
of job and family services in accordance with division (E) of 15963
this section, no public children services agency shall employ a 15964
person as a person responsible for the care, custody, or control 15965
of a child if the person previously has been convicted of or 15966
pleaded guilty to any of the following: 15967

(a) A violation of section 2903.01, 2903.02, 2903.03, 15968
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15969
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 15970
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 15971
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15972
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 15973
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 15974
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 15975
3716.11 of the Revised Code, a violation of section 2905.04 of 15976
the Revised Code as it existed prior to July 1, 1996, a 15977
violation of section 2919.23 of the Revised Code that would have 15978

been a violation of section 2905.04 of the Revised Code as it 15979
existed prior to July 1, 1996, had the violation occurred prior 15980
to that date, a violation of section 2925.11, 2925.111, or 15981
2925.112 of the Revised Code that is not a minor drug possession 15982
offense, or felonious sexual penetration in violation of former 15983
section 2907.12 of the Revised Code; 15984

(b) A violation of an existing or former law of this 15985
state, any other state, or the United States that is 15986
substantially equivalent to any of the offenses or violations 15987
described in division (B) (1) (a) of this section. 15988

(2) A public children services agency may employ an 15989
applicant conditionally until the criminal records check 15990
required by this section is completed and the agency receives 15991
the results of the criminal records check. If the results of the 15992
criminal records check indicate that, pursuant to division (B) 15993
(1) of this section, the applicant does not qualify for 15994
employment, the agency shall release the applicant from 15995
employment. 15996

(C) (1) Each public children services agency shall pay to 15997
the bureau of criminal identification and investigation the fee 15998
prescribed pursuant to division (C) (3) of section 109.572 of the 15999
Revised Code for each criminal records check conducted in 16000
accordance with that section upon the request pursuant to 16001
division (A) (1) of this section of the executive director of the 16002
agency. 16003

(2) A public children services agency may charge an 16004
applicant a fee for the costs it incurs in obtaining a criminal 16005
records check under this section. A fee charged under this 16006
division shall not exceed the amount of fees the agency pays 16007
under division (C) (1) of this section. If a fee is charged under 16008

this division, the agency shall notify the applicant at the time 16009
of the applicant's initial application for employment of the 16010
amount of the fee and that, unless the fee is paid, the agency 16011
will not consider the applicant for employment. 16012

(D) The report of any criminal records check conducted by 16013
the bureau of criminal identification and investigation in 16014
accordance with section 109.572 of the Revised Code and pursuant 16015
to a request under division (A)(1) of this section is not a 16016
public record for the purposes of section 149.43 of the Revised 16017
Code and shall not be made available to any person other than 16018
the applicant who is the subject of the criminal records check 16019
or the applicant's representative, the public children services 16020
agency requesting the criminal records check or its 16021
representative, and any court, hearing officer, or other 16022
necessary individual involved in a case dealing with the denial 16023
of employment to the applicant. 16024

(E) The director of job and family services shall adopt 16025
rules pursuant to Chapter 119. of the Revised Code to implement 16026
this section, including rules specifying circumstances under 16027
which a public children services agency may hire a person who 16028
has been convicted of an offense listed in division (B)(1) of 16029
this section but who meets standards in regard to rehabilitation 16030
set by the department. 16031

(F) Any person required by division (A)(1) of this section 16032
to request a criminal records check shall inform each person, at 16033
the time of the person's initial application for employment, 16034
that the person is required to provide a set of impressions of 16035
the person's fingerprints and that a criminal records check is 16036
required to be conducted and satisfactorily completed in 16037
accordance with section 109.572 of the Revised Code if the 16038

person comes under final consideration for appointment or 16039
employment as a precondition to employment for that position. 16040

(G) As used in this section: 16041

(1) "Applicant" means a person who is under final 16042
consideration for appointment or employment in a position with 16043
the agency as a person responsible for the care, custody, or 16044
control of a child. 16045

(2) "Criminal records check" has the same meaning as in 16046
section 109.572 of the Revised Code. 16047

(3) "Minor drug possession offense" has the same meaning 16048
as in section 2925.01 of the Revised Code. 16049

Sec. 5502.13. The department of public safety shall 16050
maintain an investigative unit in order to conduct 16051
investigations and other enforcement activity authorized by 16052
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 16053
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 16054
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.111, 16055
2925.112, 2925.13, 2927.02, and 4507.30 of the Revised Code. The 16056
director of public safety shall appoint the employees of the 16057
unit who are necessary, designate the activities to be performed 16058
by those employees, and prescribe their titles and duties. 16059

Section 4. That existing sections 109.572, 128.04, 177.01, 16060
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 16061
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 16062
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 16063
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 16064
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 16065
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 16066
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 16067

5119.37, 5120.53, 5153.111, and 5502.13 of the Revised Code are 16068
hereby repealed. 16069

Section 5. The General Assembly, applying the principle 16070
stated in division (B) of section 1.52 of the Revised Code that 16071
amendments are to be harmonized if reasonably capable of 16072
simultaneous operation, finds that the following sections, 16073
presented in this act as composites of the sections as amended 16074
by the acts indicated, are the resulting versions of the 16075
sections in effect prior to the effective date of the sections 16076
as presented in this act: 16077

(A) As presented in Section 1 of this act: 16078

Section 2923.13 of the Revised Code as amended by both 16079
H.B. 234 and S.B. 43 of the 130th General Assembly. 16080

Section 2925.01 of the Revised Code as amended by Am. Sub. 16081
H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. 16082
Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General 16083
Assembly. 16084

Section 2925.03 of the Revised Code as amended by Am. Sub. 16085
H.B. 111, Am. Sub. S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, 16086
all of the 132nd General Assembly. 16087

Section 2925.11 of the Revised Code as amended by Am. Sub. 16088
S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, all of the 132nd 16089
General Assembly. 16090

Section 2929.01 of the Revised Code as amended by Sub. 16091
H.B. 63, Sub. H.B. 411, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. 16092
Sub. S.B. 201, all of the 132nd General Assembly. 16093

Section 2929.13 of the Revised Code as amended by Sub. 16094
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and 16095

Am. Sub. S.B. 201, all of the 132nd General Assembly.	16096
Section 2929.14 of the Revised Code as amended by Sub.	16097
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201,	16098
all of the 132nd General Assembly.	16099
Section 2929.15 of the Revised Code as amended by both Am.	16100
Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General	16101
Assembly.	16102
Section 2981.01 of the Revised Code as amended by both	16103
H.B. 347 and S.B. 293 of the 131st General Assembly.	16104
(B) As presented in Section 3 of this act:	16105
Section 109.572 of the Revised Code as amended by both	16106
H.B. 166 and S.B. 57 of the 133rd General Assembly.	16107
Section 2923.31 of the Revised Code as amended by both	16108
Sub. H.B. 199 and Am. H.B. 405 of the 132nd General Assembly.	16109
Section 2925.02 of the Revised Code as amended by both Am.	16110
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	16111
Section 2925.04 of the Revised Code as amended by both Am.	16112
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	16113
Section 2925.05 of the Revised Code as amended by both Am.	16114
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	16115
Section 2951.041 of the Revised Code as amended by Sub.	16116
S.B. 4, Sub. S.B. 33, and Am. Sub. S.B. 66, all of the 132nd	16117
General Assembly.	16118
Section 2967.18 of the Revised Code as amended by both Am.	16119
Sub. H.B. 180 and Am. Sub. H.B. 445 of the 121st General	16120
Assembly.	16121
Section 2967.28 of the Revised Code as amended by both Am.	16122

Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General	16123
Assembly.	16124
Section 3719.99 of the Revised Code as amended by both Am.	16125
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	16126
Section 4510.17 of the Revised Code as amended by both	16127
Sub. H.B. 388 and Sub. S.B. 204 of the 131st General Assembly.	16128
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