

As Reported by the Senate Judiciary Committee

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 288

Senator Manning

A BILL

To amend sections 9.79, 109.11, 109.42, 109.57, 1
109.572, 109.71, 109.73, 109.75, 109.79, 2
109.801, 149.43, 307.93, 307.932, 313.10, 3
341.42, 753.32, 1547.11, 1547.111, 1547.99, 4
2151.23, 2151.358, 2152.02, 2152.10, 2152.11, 5
2152.12, 2152.121, 2746.02, 2901.01, 2901.011, 6
2901.13, 2903.06, 2903.08, 2903.13, 2903.214, 7
2907.05, 2913.02, 2923.12, 2923.125, 2923.128, 8
2923.1213, 2923.16, 2925.11, 2925.12, 2925.14, 9
2925.141, 2929.01, 2929.13, 2929.14, 2929.141, 10
2929.142, 2929.143, 2929.15, 2929.20, 2929.24, 11
2929.25, 2930.03, 2930.06, 2930.16, 2930.17, 12
2935.01, 2935.10, 2939.21, 2941.1413, 2941.1415, 13
2941.1421, 2941.1423, 2945.71, 2945.73, 14
2950.151, 2950.99, 2951.02, 2951.041, 2953.25, 15
2953.31, 2953.32, 2953.34, 2953.37, 2953.38, 16
2953.52, 2953.521, 2953.57, 2953.58, 2953.59, 17
2953.61, 2967.04, 2967.12, 2967.13, 2967.131, 18
2967.132, 2967.193, 2967.26, 2967.28, 3770.021, 19
4301.69, 4301.99, 4506.01, 4510.04, 4510.17, 20
4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 21
4511.195, 4511.21, 4723.28, 4729.16, 4729.56, 22
4729.57, 4729.96, 4730.25, 4731.22, 4734.31, 23
4752.09, 4759.07, 4760.13, 4761.09, 4762.13, 24

4774.13, 4778.14, 5120.035, 5120.66, 5139.45, 25
5147.30, and 5149.101; to amend, for the purpose 26
of adopting new section numbers as indicated in 27
parentheses, sections 2953.37 (2953.35), 2953.38 28
(2953.36), 2953.52 (2953.33), and 2953.56 29
(2953.37); to enact sections 109.772, 109.773, 30
2152.022, 2305.118, 2903.18, 2907.13, 2907.14, 31
2953.39, 4731.86, 4731.861, 4731.862, 4731.864, 32
4731.865, 4731.867, 4731.869, 4731.8610, 33
4731.8611, and 5139.101; and to repeal sections 34
2953.321, 2953.33, 2953.35, 2953.36, 2953.51, 35
2953.53, 2953.54, 2953.55, and 2967.19 of the 36
Revised Code to modify various aspects of the 37
law regarding crimes and corrections, trial 38
procedures, correctional officers and employees, 39
coroner records, inmate internet access, civil 40
protection orders, delinquent child 41
adjudications and case transfers, youthful 42
offender parole review, OVI and other traffic 43
offenses, certificates of qualification for 44
employment, licensing collateral sanctions, 45
criminal record sealing and expungement, and 46
certain assisted reproduction matters. 47

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

Section 1. That sections 9.79, 109.11, 109.42, 109.57, 48
109.572, 109.71, 109.73, 109.75, 109.79, 109.801, 149.43, 49
307.93, 307.932, 313.10, 341.42, 753.32, 1547.11, 1547.111, 50
1547.99, 2151.23, 2151.358, 2152.02, 2152.10, 2152.11, 2152.12, 51

2152.121, 2746.02, 2901.01, 2901.011, 2901.13, 2903.06, 2903.08, 52
2903.13, 2903.214, 2907.05, 2913.02, 2923.12, 2923.125, 53
2923.128, 2923.1213, 2923.16, 2925.11, 2925.12, 2925.14, 54
2925.141, 2929.01, 2929.13, 2929.14, 2929.141, 2929.142, 55
2929.143, 2929.15, 2929.20, 2929.24, 2929.25, 2930.03, 2930.06, 56
2930.16, 2930.17, 2935.01, 2935.10, 2939.21, 2941.1413, 57
2941.1415, 2941.1421, 2941.1423, 2945.71, 2945.73, 2950.151, 58
2950.99, 2951.02, 2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 59
2953.38, 2953.52, 2953.521, 2953.57, 2953.58, 2953.59, 2953.61, 60
2967.04, 2967.12, 2967.13, 2967.131, 2967.132, 2967.193, 61
2967.26, 2967.28, 3770.021, 4301.69, 4301.99, 4506.01, 4510.04, 62
4510.17, 4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 63
4511.195, 4511.21, 4723.28, 4729.16, 4729.56, 4729.57, 4729.96, 64
4730.25, 4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 4761.09, 65
4762.13, 4774.13, 4778.14, 5120.035, 5120.66, 5139.45, 5147.30, 66
and 5149.101 be amended; sections 2953.37 (2953.35), 2953.38 67
(2953.36), 2953.52 (2953.33), and 2953.56 (2953.37) be amended 68
for the purpose of adopting new section numbers as indicated in 69
parentheses; and sections 109.772, 109.773, 2152.022, 2305.118, 70
2903.18, 2907.13, 2907.14, 2953.39, 4731.86, 4731.861, 4731.862, 71
4731.864, 4731.865, 4731.867, 4731.869, 4731.8610, 4731.8611, 72
and 5139.101 of the Revised Code be enacted to read as follows: 73

Sec. 9.79. (A) As used in this section: 74

(1) "License" means an authorization evidenced by a 75
license, certificate, registration, permit, card, or other 76
authority that is issued or conferred by a licensing authority 77
to an individual by which the individual has or claims the 78
privilege to engage in a profession, occupation, or occupational 79
activity over which the licensing authority has jurisdiction. 80
"License" does not include a registration under section 101.72, 81
101.92, or 121.62 of the Revised Code. 82

(2) "Licensing authority" means a state agency that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession.	83 84 85
(3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.	86 87
(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	88 89
(5) "State agency" has the same meaning as in section 1.60 of the Revised Code.	90 91
(6) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	92 93
(7) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	94 95
(8) "Fiduciary duty" means a duty to act for someone else's benefit, while subordinating one's personal interest to that of the other person.	96 97 98
(B) (1) Notwithstanding any provision of the Revised Code to the contrary, <u>subject to division (L) of this section</u> , for each type of license issued or conferred by a licensing authority, the licensing authority shall establish within one hundred eighty days after the effective date of this section <u>April 12, 2021</u> , a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license. The licensing authority shall make the list available to the public on the licensing authority's web site pursuant to division (C) of section 9.78 of the Revised Code. The licensing authority, in adopting the list, shall do both of the following:	99 100 101 102 103 104 105 106 107 108 109 110

(a) Identify each disqualifying offense by name or by the Revised Code section number that creates the offense;	111 112
(b) Include in the list only criminal offenses that are directly related to the duties and responsibilities of the licensed occupation.	113 114 115
(2) The licensing authority may include in the list <u>established under division (B) (1) of this section</u> an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any section or offense included in the list adopted under division (B) (1) of this section.	116 117 118 119 120 121
(C) (1) Except as provided in division (C) (2) or (D) of this section <u>and subject to division (L) of this section</u> , a licensing authority shall not refuse to issue an initial license to an individual based on any of the following:	122 123 124 125
(a) Solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;	126 127
(b) A criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty;	128 129
(c) A nonspecific qualification such as "moral turpitude" or lack of "moral character";	130 131
(d) A disqualifying offense included on <u>in</u> the list adopted <u>established</u> under division (B) of this section, if consideration of that offense occurs after the time periods permitted in division (D) of this section.	132 133 134 135
(2) If the individual was convicted of, found guilty pursuant to a judicial finding of <u>guilt of</u> , or pleaded guilty to a disqualifying offense included in the list adopted <u>established</u>	136 137 138

under division (B) of this section for the license for which the individual applied, the licensing authority may take the conviction, judicial finding of guilt, or plea of guilty into consideration in accordance with division (D) of this section.

(D) (1) A licensing authority that may, under division (C) (2) of this section, consider a conviction of, judicial finding of guilt of, or plea of guilty to an offense in determining whether to refuse to issue an initial license to an individual shall consider all of the following factors and shall use a preponderance of the evidence standard in evaluating those factors to determine whether the conviction, judicial finding of guilt, or plea of guilty disqualifies the individual from receiving the license:

(a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding of guilt, or pleaded guilty;

(b) The passage of time since the individual committed the offense;

(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;

(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code;

(e) Whether the denial of a license is reasonably necessary to ensure public safety.

(2) A licensing authority may take a disqualifying offense 168
included in the list established under division (B) of this 169
section into account only during the following time periods: 170

(a) For a conviction of, judicial finding of guilt of, or 171
plea of guilty to a disqualifying offense that does not involve 172
a breach of fiduciary duty and that is not an offense of 173
violence or a sexually oriented offense, whichever of the 174
following is later, provided the individual was not convicted 175
of, found guilty pursuant to a judicial finding of guilt of, and 176
did not enter a plea of guilty to any other offense during the 177
applicable period: 178

(i) Five years from the date of conviction, judicial 179
finding of guilt, or plea of guilty; 180

(ii) Five years from the date of the release from 181
incarceration; 182

(iii) The time period specified in division (D) (3) of this 183
section. 184

(b) For a conviction of, judicial finding of guilt of, or 185
plea of guilty to a disqualifying offense that involves a breach 186
of fiduciary duty and that is not an offense of violence or a 187
sexually oriented offense, whichever of the following is later, 188
provided the individual was not convicted of, found guilty 189
pursuant to a judicial finding of guilt of, and did not enter a 190
plea of guilty to any other offense during the applicable 191
period: 192

(i) Ten years from the date of conviction, judicial 193
finding of guilt, or plea of guilty; 194

(ii) Ten years from the date of the release from 195
incarceration; 196

(iii) The time period specified in division (D) (4) of this section.	197 198
(c) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is an offense of violence or a sexually oriented offense, any time.	199 200 201
(3) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense <u>included in the list established under division (B) of this section</u> that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:	202 203 204 205 206 207 208 209
(a) If the community control sanction, parole, or post-release control sanction was for a term of less than five years, the period of the community control sanction, parole, or post-release control sanction plus the number of years after the date of final discharge of the community control sanction, parole, or post-release control sanction necessary to equal five years;	210 211 212 213 214 215
(b) If the community control sanction, parole, or post-release control sanction was for a term of five years or more, the period of the community control sanction, parole, or post-release control sanction.	216 217 218 219
(4) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense <u>included in the list established under division (B) of this section</u> that involved a breach of fiduciary duty and that is not an offense of violence or a	220 221 222 223 224 225

sexually oriented offense, a licensing authority may take the	226
offense into account during the following time periods:	227
(a) If the community control sanction, parole, or post-	228
release control sanction was for a term of less than ten years,	229
for the period of the community control sanction, parole, or	230
post-release control sanction plus the number of years after the	231
date of final discharge of the community control sanction,	232
parole, or post-release control sanction necessary to equal ten	233
years;	234
(b) If the community control sanction, parole, or post-	235
release control sanction was for a term of ten years or more,	236
the period of the community control sanction, parole, or post-	237
release control sanction.	238
(E) If a licensing authority refuses to issue an initial	239
license to an individual pursuant to division (D) of this	240
section, the licensing authority shall notify the individual in	241
writing of all of the following:	242
(1) The grounds and reasons for the refusal, including an	243
explanation of the licensing authority's application of the	244
factors under division (D) of this section to the evidence the	245
licensing authority used to reach the decision;	246
(2) The individual's right to a hearing regarding the	247
licensing authority's decision under section 119.06 of the	248
Revised Code;	249
(3) The earliest date the individual may reapply for a	250
license;	251
(4) Notice that evidence of rehabilitation may be	252
considered on reapplication.	253

(F) In an administrative hearing or civil action reviewing 254
a licensing authority's refusal under divisions (B) to (K) of 255
this section to issue an initial license ~~under this section~~ to 256
an individual, the licensing authority has the burden of proof 257
on the question of whether the individual's conviction of, 258
judicial finding of guilt of, or plea of guilty to an offense 259
directly relates to the licensed occupation. 260

(G) A licensing authority that is authorized by law to 261
limit or otherwise place restrictions on a license may do so to 262
comply with the terms and conditions of a community control 263
sanction, post-release control sanction, or an intervention plan 264
established in accordance with section 2951.041 of the Revised 265
Code. 266

(H) Each licensing authority shall adopt any rules that it 267
determines are necessary to implement divisions (B) to (F) of 268
this section. 269

(I) ~~This section does~~ Divisions (B) to (K) of this section 270
do not apply to any of the following: 271

(1) Any position for which appointment requires compliance 272
with section 109.77 of the Revised Code or in which an 273
individual may satisfy the requirements for appointment or 274
election by complying with that section; 275

(2) Any position for which federal law requires 276
disqualification from licensure or employment based on a 277
conviction of, judicial finding of guilt of, or plea of guilty 278
to an offense; 279

(3) Community-based long-term care services certificates 280
and community-based long-term care services contracts or grants 281
issued under section 173.381 of the Revised Code; 282

(4) Certifications of a provider to provide community-	283
based long-term care services under section 173.391 of the	284
Revised Code;	285
(5) Certificates of authority to a health insuring	286
corporation issued under section 1751.05 of the Revised Code;	287
(6) Licenses to operate a home or residential care	288
facility issued under section 3721.07 of the Revised Code;	289
(7) Certificates of authority to make contracts of	290
indemnity issued under section 3931.10 of the Revised Code;	291
(8) Supported living certificates issued under section	292
5123.161 of the Revised Code;	293
(9) Certificates to administer medications and perform	294
health-related activities under section 5123.45 of the Revised	295
Code.	296
(J) Nothing in <u>divisions (B) to (K) of</u> this section	297
prohibits a licensing authority from considering either of the	298
following when making a determination whether to issue a license	299
to an individual:	300
(1) Past disciplinary action taken by the licensing	301
authority against the individual;	302
(2) Past disciplinary action taken against the individual	303
by an authority in another state that issues a license that is	304
substantially similar to the license for which the individual	305
applies.	306
(K) Notwithstanding any provision of the Revised Code to	307
the contrary, if a licensing authority issues a license to an	308
individual after considering a conviction of, judicial finding	309
of guilt of, or plea of guilty to an offense under division (D)	310

of this section, the licensing authority shall not refuse to 311
renew the individual's license based on that conviction, 312
judicial finding of guilt, or plea of guilty. 313

(L)(1) Notwithstanding any provision of the Revised Code 314
to the contrary, subject to division (G) of this section, during 315
the period commencing on the effective date of this amendment 316
and ending on the date that is two years after the effective 317
date of this amendment, no licensing authority shall refuse to 318
issue a license to a person, limit or otherwise place 319
restrictions on a person's license, or suspend or revoke a 320
person's license under any provision of the Revised Code that 321
takes effect on or after the effective date of this amendment 322
and prior to the date that is two years after the effective date 323
of this amendment and that requires or authorizes such a 324
refusal, limitation, restriction, suspension, or revocation as a 325
result of the person's conviction of, judicial finding of guilt 326
of, or plea of guilty to an offense. 327

(2) Divisions (B) to (F), and (H) to (K), of this section 328
do not apply with respect to any provision of the Revised Code 329
that takes effect on or after the effective date of this 330
amendment and prior to the date that is two years after the 331
effective date of this amendment and that requires or authorizes 332
a licensing authority to refuse to issue a license to a person, 333
to limit or otherwise place restrictions on a person's license, 334
or to suspend or revoke a person's license as a result of the 335
person's conviction of, judicial finding of guilt of, or plea of 336
guilty to an offense. 337

Sec. 109.11. There is hereby created in the state treasury 338
the attorney general reimbursement fund that shall be used for 339
the expenses of the office of the attorney general in providing 340

legal services and other services on behalf of the state. Except 341
as otherwise provided in this division, all amounts received by 342
the attorney general as reimbursement for legal services and 343
other services that have been rendered to other state agencies 344
shall be paid into the state treasury to the credit of the 345
attorney general reimbursement fund. All amounts awarded by a 346
court to the attorney general for attorney's fees, investigation 347
costs, expert witness fees, fines, and all other costs and fees 348
associated with representation provided by the attorney general 349
and all amounts awarded to the attorney general by a court shall 350
be paid into the state treasury to the credit of the attorney 351
general reimbursement fund. All amounts paid into the state 352
treasury under division ~~(C) (3)~~ (D) (3) of section 2953.32 or 353
division (B) (3) of section 2953.39 of the Revised Code and that 354
are required under that division to be credited to the attorney 355
general reimbursement fund shall be credited to the fund, and 356
the amounts so credited shall be used by the bureau of criminal 357
identification and investigation for expenses related to the 358
sealing or expungement of records. 359

Sec. 109.42. (A) The attorney general shall prepare and 360
have printed a pamphlet that contains a compilation of all 361
statutes relative to victim's rights in which the attorney 362
general lists and explains the statutes in the form of a 363
victim's bill of rights. The attorney general shall distribute 364
the pamphlet to all sheriffs, marshals, municipal corporation 365
and township police departments, constables, and other law 366
enforcement agencies, to all prosecuting attorneys, city 367
directors of law, village solicitors, and other similar chief 368
legal officers of municipal corporations, and to organizations 369
that represent or provide services for victims of crime. The 370
victim's bill of rights set forth in the pamphlet shall contain 371

a description of all of the rights of victims that are provided 372
for in Chapter 2930. or in any other section of the Revised Code 373
and shall include, but not be limited to, all of the following: 374

(1) The right of a victim or a victim's representative to 375
attend a proceeding before a grand jury, in a juvenile case, or 376
in a criminal case pursuant to a subpoena without being 377
discharged from the victim's or representative's employment, 378
having the victim's or representative's employment terminated, 379
having the victim's or representative's pay decreased or 380
withheld, or otherwise being punished, penalized, or threatened 381
as a result of time lost from regular employment because of the 382
victim's or representative's attendance at the proceeding 383
pursuant to the subpoena, as set forth in section 2151.211, 384
2930.18, 2939.121, or 2945.451 of the Revised Code; 385

(2) The potential availability pursuant to section 386
2151.359 or 2152.61 of the Revised Code of a forfeited 387
recognizance to pay damages caused by a child when the 388
delinquency of the child or child's violation of probation or 389
community control is found to be proximately caused by the 390
failure of the child's parent or guardian to subject the child 391
to reasonable parental authority or to faithfully discharge the 392
conditions of probation or community control; 393

(3) The availability of awards of reparations pursuant to 394
sections 2743.51 to 2743.72 of the Revised Code for injuries 395
caused by criminal offenses; 396

(4) The right of the victim in certain criminal or 397
juvenile cases or a victim's representative to receive, pursuant 398
to section 2930.06 of the Revised Code, notice of the date, 399
time, and place of the trial or delinquency proceeding in the 400
case or, if there will not be a trial or delinquency proceeding, 401

information from the prosecutor, as defined in section 2930.01 402
of the Revised Code, regarding the disposition of the case; 403

(5) The right of the victim in certain criminal or 404
juvenile cases or a victim's representative to receive, pursuant 405
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 406
notice of the name of the person charged with the violation, the 407
case or docket number assigned to the charge, and a telephone 408
number or numbers that can be called to obtain information about 409
the disposition of the case; 410

(6) The right of the victim in certain criminal or 411
juvenile cases or of the victim's representative pursuant to 412
section 2930.13 or 2930.14 of the Revised Code, subject to any 413
reasonable terms set by the court as authorized under section 414
2930.14 of the Revised Code, to make a statement about the 415
victimization and, if applicable, a statement relative to the 416
sentencing or disposition of the offender; 417

(7) The opportunity to obtain a court order, pursuant to 418
section 2945.04 of the Revised Code, to prevent or stop the 419
commission of the offense of intimidation of a crime victim or 420
witness or an offense against the person or property of the 421
complainant, or of the complainant's ward or child; 422

(8) The right of the victim in certain criminal or 423
juvenile cases or a victim's representative pursuant to sections 424
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 425
Code to receive notice of a pending motion for judicial release, ~~7~~ 426
~~release pursuant to section 2967.19 of the Revised Code,~~ or 427
other early release of the person who committed the offense 428
against the victim, to make an oral or written statement at the 429
court hearing on the motion, and to be notified of the court's 430
decision on the motion; 431

(9) The right of the victim in certain criminal or 432
juvenile cases or a victim's representative pursuant to section 433
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 434
Code to receive notice of any pending commutation, pardon, 435
parole, transitional control, discharge, other form of 436
authorized release, post-release control, or supervised release 437
for the person who committed the offense against the victim or 438
any application for release of that person and to send a written 439
statement relative to the victimization and the pending action 440
to the adult parole authority or the release authority of the 441
department of youth services; 442

(10) The right of the victim to bring a civil action 443
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 444
obtain money from the offender's profit fund; 445

(11) The right, pursuant to section 3109.09 of the Revised 446
Code, to maintain a civil action to recover compensatory damages 447
not exceeding ten thousand dollars and costs from the parent of 448
a minor who willfully damages property through the commission of 449
an act that would be a theft offense, as defined in section 450
2913.01 of the Revised Code, if committed by an adult; 451

(12) The right, pursuant to section 3109.10 of the Revised 452
Code, to maintain a civil action to recover compensatory damages 453
not exceeding ten thousand dollars and costs from the parent of 454
a minor who willfully and maliciously assaults a person; 455

(13) The possibility of receiving restitution from an 456
offender or a delinquent child pursuant to section 2152.20, 457
2929.18, or 2929.28 of the Revised Code; 458

(14) The right of the victim in certain criminal or 459
juvenile cases or a victim's representative, pursuant to section 460

2930.16 of the Revised Code, to receive notice of the escape 461
from confinement or custody of the person who committed the 462
offense, to receive that notice from the custodial agency of the 463
person at the victim's last address or telephone number provided 464
to the custodial agency, and to receive notice that, if either 465
the victim's address or telephone number changes, it is in the 466
victim's interest to provide the new address or telephone number 467
to the custodial agency; 468

(15) The right of a victim of domestic violence, including 469
domestic violence in a dating relationship as defined in section 470
3113.31 of the Revised Code, to seek the issuance of a civil 471
protection order pursuant to that section, the right of a victim 472
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 473
2911.211, or 2919.22 of the Revised Code, a violation of a 474
substantially similar municipal ordinance, or an offense of 475
violence who is a family or household member of the offender at 476
the time of the offense to seek the issuance of a temporary 477
protection order pursuant to section 2919.26 of the Revised 478
Code, and the right of both types of victims to be accompanied 479
by a victim advocate during court proceedings; 480

(16) The right of a victim of a sexually oriented offense 481
or of a child-victim oriented offense that is committed by a 482
person who is convicted of, pleads guilty to, or is adjudicated 483
a delinquent child for committing the offense and who is in a 484
category specified in division (B) of section 2950.10 of the 485
Revised Code to receive, pursuant to that section, notice that 486
the person has registered with a sheriff under section 2950.04, 487
2950.041, or 2950.05 of the Revised Code and notice of the 488
person's name, the person's residence that is registered, and 489
the offender's school, institution of higher education, or place 490
of employment address or addresses that are registered, the 491

person's photograph, and a summary of the manner in which the 492
victim must make a request to receive the notice. As used in 493
this division, "sexually oriented offense" and "child-victim 494
oriented offense" have the same meanings as in section 2950.01 495
of the Revised Code. 496

(17) The right of a victim of certain sexually violent 497
offenses committed by an offender who also is convicted of or 498
pleads guilty to a sexually violent predator specification and 499
who is sentenced to a prison term pursuant to division (A) (3) of 500
section 2971.03 of the Revised Code, of a victim of a violation 501
of division (A) (1) (b) of section 2907.02 of the Revised Code 502
committed on or after January 2, 2007, by an offender who is 503
sentenced for the violation pursuant to division (B) (1) (a), (b), 504
or (c) of section 2971.03 of the Revised Code, of a victim of an 505
attempted rape committed on or after January 2, 2007, by an 506
offender who also is convicted of or pleads guilty to a 507
specification of the type described in section 2941.1418, 508
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 509
the violation pursuant to division (B) (2) (a), (b), or (c) of 510
section 2971.03 of the Revised Code, and of a victim of an 511
offense that is described in division (B) (3) (a), (b), (c), or 512
(d) of section 2971.03 of the Revised Code and is committed by 513
an offender who is sentenced pursuant to one of those divisions 514
to receive, pursuant to section 2930.16 of the Revised Code, 515
notice of a hearing to determine whether to modify the 516
requirement that the offender serve the entire prison term in a 517
state correctional facility, whether to continue, revise, or 518
revoke any existing modification of that requirement, or whether 519
to terminate the prison term. As used in this division, 520
"sexually violent offense" and "sexually violent predator 521
specification" have the same meanings as in section 2971.01 of 522

the Revised Code. 523

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 524
prosecuting attorney, assistant prosecuting attorney, city 525
director of law, assistant city director of law, village 526
solicitor, assistant village solicitor, or similar chief legal 527
officer of a municipal corporation or an assistant of any of 528
those officers who prosecutes an offense committed in this 529
state, upon first contact with the victim of the offense, the 530
victim's family, or the victim's dependents, shall give the 531
victim, the victim's family, or the victim's dependents a copy 532
of the pamphlet prepared pursuant to division (A) of this 533
section and explain, upon request, the information in the 534
pamphlet to the victim, the victim's family, or the victim's 535
dependents. 536

(b) Subject to division (B) (1) (c) of this section, a law 537
enforcement agency that investigates an offense or delinquent 538
act committed in this state shall give the victim of the offense 539
or delinquent act, the victim's family, or the victim's 540
dependents a copy of the pamphlet prepared pursuant to division 541
(A) of this section at one of the following times: 542

(i) Upon first contact with the victim, the victim's 543
family, or the victim's dependents; 544

(ii) If the offense or delinquent act is an offense of 545
violence, if the circumstances of the offense or delinquent act 546
and the condition of the victim, the victim's family, or the 547
victim's dependents indicate that the victim, the victim's 548
family, or the victim's dependents will not be able to 549
understand the significance of the pamphlet upon first contact 550
with the agency, and if the agency anticipates that it will have 551
an additional contact with the victim, the victim's family, or 552

the victim's dependents, upon the agency's second contact with 553
the victim, the victim's family, or the victim's dependents. 554

If the agency does not give the victim, the victim's 555
family, or the victim's dependents a copy of the pamphlet upon 556
first contact with them and does not have a second contact with 557
the victim, the victim's family, or the victim's dependents, the 558
agency shall mail a copy of the pamphlet to the victim, the 559
victim's family, or the victim's dependents at their last known 560
address. 561

(c) In complying on and after December 9, 1994, with the 562
duties imposed by division (B) (1) (a) or (b) of this section, an 563
official or a law enforcement agency shall use copies of the 564
pamphlet that are in the official's or agency's possession on 565
December 9, 1994, until the official or agency has distributed 566
all of those copies. After the official or agency has 567
distributed all of those copies, the official or agency shall 568
use only copies of the pamphlet that contain at least the 569
information described in divisions (A) (1) to (17) of this 570
section. 571

(2) The failure of a law enforcement agency or of a 572
prosecuting attorney, assistant prosecuting attorney, city 573
director of law, assistant city director of law, village 574
solicitor, assistant village solicitor, or similar chief legal 575
officer of a municipal corporation or an assistant to any of 576
those officers to give, as required by division (B) (1) of this 577
section, the victim of an offense or delinquent act, the 578
victim's family, or the victim's dependents a copy of the 579
pamphlet prepared pursuant to division (A) of this section does 580
not give the victim, the victim's family, the victim's 581
dependents, or a victim's representative any rights under 582

section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 583
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 584
other provision of the Revised Code and does not affect any 585
right under those sections. 586

(3) A law enforcement agency, a prosecuting attorney or 587
assistant prosecuting attorney, or a city director of law, 588
assistant city director of law, village solicitor, assistant 589
village solicitor, or similar chief legal officer of a municipal 590
corporation that distributes a copy of the pamphlet prepared 591
pursuant to division (A) of this section shall not be required 592
to distribute a copy of an information card or other printed 593
material provided by the clerk of the court of claims pursuant 594
to section 2743.71 of the Revised Code. 595

(C) The cost of printing and distributing the pamphlet 596
prepared pursuant to division (A) of this section shall be paid 597
out of the reparations fund, created pursuant to section 598
2743.191 of the Revised Code, in accordance with division (D) of 599
that section. 600

(D) As used in this section: 601

(1) "Victim's representative" has the same meaning as in 602
section 2930.01 of the Revised Code; 603

(2) "Victim advocate" has the same meaning as in section 604
2919.26 of the Revised Code. 605

Sec. 109.57. (A) (1) The superintendent of the bureau of 606
criminal identification and investigation shall procure from 607
wherever procurable and file for record photographs, pictures, 608
descriptions, fingerprints, measurements, and other information 609
that may be pertinent of all persons who have been convicted of 610
committing within this state a felony, any crime constituting a 611

misdemeanor on the first offense and a felony on subsequent 612
offenses, or any misdemeanor described in division (A) (1) (a), 613
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 614
of all children under eighteen years of age who have been 615
adjudicated delinquent children for committing within this state 616
an act that would be a felony or an offense of violence if 617
committed by an adult or who have been convicted of or pleaded 618
guilty to committing within this state a felony or an offense of 619
violence, and of all well-known and habitual criminals. The 620
person in charge of any county, multicounty, municipal, 621
municipal-county, or multicounty-municipal jail or workhouse, 622
community-based correctional facility, halfway house, 623
alternative residential facility, or state correctional 624
institution and the person in charge of any state institution 625
having custody of a person suspected of having committed a 626
felony, any crime constituting a misdemeanor on the first 627
offense and a felony on subsequent offenses, or any misdemeanor 628
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 629
section 109.572 of the Revised Code or having custody of a child 630
under eighteen years of age with respect to whom there is 631
probable cause to believe that the child may have committed an 632
act that would be a felony or an offense of violence if 633
committed by an adult shall furnish such material to the 634
superintendent of the bureau. Fingerprints, photographs, or 635
other descriptive information of a child who is under eighteen 636
years of age, has not been arrested or otherwise taken into 637
custody for committing an act that would be a felony or an 638
offense of violence who is not in any other category of child 639
specified in this division, if committed by an adult, has not 640
been adjudicated a delinquent child for committing an act that 641
would be a felony or an offense of violence if committed by an 642
adult, has not been convicted of or pleaded guilty to committing 643

a felony or an offense of violence, and is not a child with 644
respect to whom there is probable cause to believe that the 645
child may have committed an act that would be a felony or an 646
offense of violence if committed by an adult shall not be 647
procured by the superintendent or furnished by any person in 648
charge of any county, multicounty, municipal, municipal-county, 649
or multicounty-municipal jail or workhouse, community-based 650
correctional facility, halfway house, alternative residential 651
facility, or state correctional institution, except as 652
authorized in section 2151.313 of the Revised Code. 653

(2) Every clerk of a court of record in this state, other 654
than the supreme court or a court of appeals, shall send to the 655
superintendent of the bureau a weekly report containing a 656
summary of each case involving a felony, involving any crime 657
constituting a misdemeanor on the first offense and a felony on 658
subsequent offenses, involving a misdemeanor described in 659
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 660
of the Revised Code, or involving an adjudication in a case in 661
which a child under eighteen years of age was alleged to be a 662
delinquent child for committing an act that would be a felony or 663
an offense of violence if committed by an adult. The clerk of 664
the court of common pleas shall include in the report and 665
summary the clerk sends under this division all information 666
described in divisions (A) (2) (a) to (f) of this section 667
regarding a case before the court of appeals that is served by 668
that clerk. The summary shall be written on the standard forms 669
furnished by the superintendent pursuant to division (B) of this 670
section and shall include the following information: 671

(a) The incident tracking number contained on the standard 672
forms furnished by the superintendent pursuant to division (B) 673
of this section; 674

(b) The style and number of the case;	675
(c) The date of arrest, offense, summons, or arraignment;	676
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	677 678 679 680 681 682 683 684 685 686 687 688
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	689 690
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	691 692 693 694
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	695 696 697 698 699
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of	700 701 702 703

identification of all persons arrested on a charge of a felony, 704
any crime constituting a misdemeanor on the first offense and a 705
felony on subsequent offenses, or a misdemeanor described in 706
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 707
of the Revised Code and of all children under eighteen years of 708
age arrested or otherwise taken into custody for committing an 709
act that would be a felony or an offense of violence if 710
committed by an adult. The superintendent also shall file for 711
record the fingerprint impressions of all persons confined in a 712
county, multicounty, municipal, municipal-county, or 713
multicounty-municipal jail or workhouse, community-based 714
correctional facility, halfway house, alternative residential 715
facility, or state correctional institution for the violation of 716
state laws and of all children under eighteen years of age who 717
are confined in a county, multicounty, municipal, municipal- 718
county, or multicounty-municipal jail or workhouse, community- 719
based correctional facility, halfway house, alternative 720
residential facility, or state correctional institution or in 721
any facility for delinquent children for committing an act that 722
would be a felony or an offense of violence if committed by an 723
adult, and any other information that the superintendent may 724
receive from law enforcement officials of the state and its 725
political subdivisions. 726

(4) The superintendent shall carry out Chapter 2950. of 727
the Revised Code with respect to the registration of persons who 728
are convicted of or plead guilty to a sexually oriented offense 729
or a child-victim oriented offense and with respect to all other 730
duties imposed on the bureau under that chapter. 731

(5) The bureau shall perform centralized recordkeeping 732
functions for criminal history records and services in this 733
state for purposes of the national crime prevention and privacy 734

compact set forth in section 109.571 of the Revised Code and is 735
the criminal history record repository as defined in that 736
section for purposes of that compact. The superintendent or the 737
superintendent's designee is the compact officer for purposes of 738
that compact and shall carry out the responsibilities of the 739
compact officer specified in that compact. 740

(6) The superintendent shall, upon request, assist a 741
county coroner in the identification of a deceased person 742
through the use of fingerprint impressions obtained pursuant to 743
division (A) (1) of this section or collected pursuant to section 744
109.572 or 311.41 of the Revised Code. 745

(B) The superintendent shall prepare and furnish to every 746
county, multicounty, municipal, municipal-county, or 747
multicounty-municipal jail or workhouse, community-based 748
correctional facility, halfway house, alternative residential 749
facility, or state correctional institution and to every clerk 750
of a court in this state specified in division (A) (2) of this 751
section standard forms for reporting the information required 752
under division (A) of this section. The standard forms that the 753
superintendent prepares pursuant to this division may be in a 754
tangible format, in an electronic format, or in both tangible 755
formats and electronic formats. 756

(C) (1) The superintendent may operate a center for 757
electronic, automated, or other data processing for the storage 758
and retrieval of information, data, and statistics pertaining to 759
criminals and to children under eighteen years of age who are 760
adjudicated delinquent children for committing an act that would 761
be a felony or an offense of violence if committed by an adult, 762
criminal activity, crime prevention, law enforcement, and 763
criminal justice, and may establish and operate a statewide 764

communications network to be known as the Ohio law enforcement 765
gateway to gather and disseminate information, data, and 766
statistics for the use of law enforcement agencies and for other 767
uses specified in this division. The superintendent may gather, 768
store, retrieve, and disseminate information, data, and 769
statistics that pertain to children who are under eighteen years 770
of age and that are gathered pursuant to sections 109.57 to 771
109.61 of the Revised Code together with information, data, and 772
statistics that pertain to adults and that are gathered pursuant 773
to those sections. 774

(2) The superintendent or the superintendent's designee 775
shall gather information of the nature described in division (C) 776
(1) of this section that pertains to the offense and delinquency 777
history of a person who has been convicted of, pleaded guilty 778
to, or been adjudicated a delinquent child for committing a 779
sexually oriented offense or a child-victim oriented offense for 780
inclusion in the state registry of sex offenders and child- 781
victim offenders maintained pursuant to division (A) (1) of 782
section 2950.13 of the Revised Code and in the internet database 783
operated pursuant to division (A) (13) of that section and for 784
possible inclusion in the internet database operated pursuant to 785
division (A) (11) of that section. 786

(3) In addition to any other authorized use of 787
information, data, and statistics of the nature described in 788
division (C) (1) of this section, the superintendent or the 789
superintendent's designee may provide and exchange the 790
information, data, and statistics pursuant to the national crime 791
prevention and privacy compact as described in division (A) (5) 792
of this section. 793

(4) The Ohio law enforcement gateway shall contain the 794

name, confidential address, and telephone number of program 795
participants in the address confidentiality program established 796
under sections 111.41 to 111.47 of the Revised Code. 797

(5) The attorney general may adopt rules under Chapter 798
119. of the Revised Code establishing guidelines for the 799
operation of and participation in the Ohio law enforcement 800
gateway. The rules may include criteria for granting and 801
restricting access to information gathered and disseminated 802
through the Ohio law enforcement gateway. The attorney general 803
shall adopt rules under Chapter 119. of the Revised Code that 804
grant access to information in the gateway regarding an address 805
confidentiality program participant under sections 111.41 to 806
111.47 of the Revised Code to only chiefs of police, village 807
marshals, county sheriffs, county prosecuting attorneys, and a 808
designee of each of these individuals. The attorney general 809
shall permit the state medical board and board of nursing to 810
access and view, but not alter, information gathered and 811
disseminated through the Ohio law enforcement gateway. 812

The attorney general may appoint a steering committee to 813
advise the attorney general in the operation of the Ohio law 814
enforcement gateway that is comprised of persons who are 815
representatives of the criminal justice agencies in this state 816
that use the Ohio law enforcement gateway and is chaired by the 817
superintendent or the superintendent's designee. 818

(D) (1) The following are not public records under section 819
149.43 of the Revised Code: 820

(a) Information and materials furnished to the 821
superintendent pursuant to division (A) of this section; 822

(b) Information, data, and statistics gathered or 823

disseminated through the Ohio law enforcement gateway pursuant 824
to division (C) (1) of this section; 825

(c) Information and materials furnished to any board or 826
person under division (F) or (G) of this section. 827

(2) The superintendent or the superintendent's designee 828
shall gather and retain information so furnished under division 829
(A) of this section that pertains to the offense and delinquency 830
history of a person who has been convicted of, pleaded guilty 831
to, or been adjudicated a delinquent child for committing a 832
sexually oriented offense or a child-victim oriented offense for 833
the purposes described in division (C) (2) of this section. 834

(E) (1) The attorney general shall adopt rules, in 835
accordance with Chapter 119. of the Revised Code and subject to 836
division (E) (2) of this section, setting forth the procedure by 837
which a person may receive or release information gathered by 838
the superintendent pursuant to division (A) of this section. A 839
reasonable fee may be charged for this service. If a temporary 840
employment service submits a request for a determination of 841
whether a person the service plans to refer to an employment 842
position has been convicted of or pleaded guilty to an offense 843
listed or described in division (A) (1), (2), or (3) of section 844
109.572 of the Revised Code, the request shall be treated as a 845
single request and only one fee shall be charged. 846

(2) Except as otherwise provided in this division or 847
division (E) (3) or (4) of this section, a rule adopted under 848
division (E) (1) of this section may provide only for the release 849
of information gathered pursuant to division (A) of this section 850
that relates to the conviction of a person, or a person's plea 851
of guilty to, a criminal offense or to the arrest of a person as 852
provided in division (E) (3) of this section. The superintendent 853

shall not release, and the attorney general shall not adopt any 854
rule under division (E) (1) of this section that permits the 855
release of, any information gathered pursuant to division (A) of 856
this section that relates to an adjudication of a child as a 857
delinquent child, or that relates to a criminal conviction of a 858
person under eighteen years of age if the person's case was 859
transferred back to a juvenile court under division (B) (2) or 860
(3) of section 2152.121 of the Revised Code and the juvenile 861
court imposed a disposition or serious youthful offender 862
disposition upon the person under either division, unless either 863
of the following applies with respect to the adjudication or 864
conviction: 865

(a) The adjudication or conviction was for a violation of 866
section 2903.01 or 2903.02 of the Revised Code. 867

(b) The adjudication or conviction was for a sexually 868
oriented offense, the juvenile court was required to classify 869
the child a juvenile offender registrant for that offense under 870
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 871
classification has not been removed, and the records of the 872
adjudication or conviction have not been sealed or expunged 873
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 874
pursuant to section ~~2952.32~~ 2953.32 of the Revised Code. 875

(3) A rule adopted under division (E) (1) of this section 876
may provide for the release of information gathered pursuant to 877
division (A) of this section that relates to the arrest of a 878
person who is eighteen years of age or older when the person has 879
not been convicted as a result of that arrest if any of the 880
following applies: 881

(a) The arrest was made outside of this state. 882

(b) A criminal action resulting from the arrest is 883
pending, and the superintendent confirms that the criminal 884
action has not been resolved at the time the criminal records 885
check is performed. 886

(c) The bureau cannot reasonably determine whether a 887
criminal action resulting from the arrest is pending, and not 888
more than one year has elapsed since the date of the arrest. 889

(4) A rule adopted under division (E) (1) of this section 890
may provide for the release of information gathered pursuant to 891
division (A) of this section that relates to an adjudication of 892
a child as a delinquent child if not more than five years have 893
elapsed since the date of the adjudication, the adjudication was 894
for an act that would have been a felony if committed by an 895
adult, the records of the adjudication have not been sealed or 896
expunged pursuant to sections 2151.355 to 2151.358 of the 897
Revised Code, and the request for information is made under 898
division (F) of this section or under section 109.572 of the 899
Revised Code. In the case of an adjudication for a violation of 900
the terms of community control or supervised release, the five- 901
year period shall be calculated from the date of the 902
adjudication to which the community control or supervised 903
release pertains. 904

(F) (1) As used in division (F) (2) of this section, "head 905
start agency" means an entity in this state that has been 906
approved to be an agency for purposes of subchapter II of the 907
"Community Economic Development Act," 95 Stat. 489 (1981), 42 908
U.S.C.A. 9831, as amended. 909

(2) (a) In addition to or in conjunction with any request 910
that is required to be made under section 109.572, 2151.86, 911
3301.32, 3301.541, division (C) of section 3310.58, or section 912

3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 913
5153.111 of the Revised Code or that is made under section 914
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 915
board of education of any school district; the director of 916
developmental disabilities; any county board of developmental 917
disabilities; any provider or subcontractor as defined in 918
section 5123.081 of the Revised Code; the chief administrator of 919
any chartered nonpublic school; the chief administrator of a 920
registered private provider that is not also a chartered 921
nonpublic school; the chief administrator of any home health 922
agency; the chief administrator of or person operating any child 923
day-care center, type A family day-care home, or type B family 924
day-care home licensed under Chapter 5104. of the Revised Code; 925
the chief administrator of any head start agency; the executive 926
director of a public children services agency; a private company 927
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 928
the Revised Code; or an employer described in division (J) (2) of 929
section 3327.10 of the Revised Code may request that the 930
superintendent of the bureau investigate and determine, with 931
respect to any individual who has applied for employment in any 932
position after October 2, 1989, or any individual wishing to 933
apply for employment with a board of education may request, with 934
regard to the individual, whether the bureau has any information 935
gathered under division (A) of this section that pertains to 936
that individual. On receipt of the request, subject to division 937
(E) (2) of this section, the superintendent shall determine 938
whether that information exists and, upon request of the person, 939
board, or entity requesting information, also shall request from 940
the federal bureau of investigation any criminal records it has 941
pertaining to that individual. The superintendent or the 942
superintendent's designee also may request criminal history 943
records from other states or the federal government pursuant to 944

the national crime prevention and privacy compact set forth in 945
section 109.571 of the Revised Code. Within thirty days of the 946
date that the superintendent receives a request, subject to 947
division (E) (2) of this section, the superintendent shall send 948
to the board, entity, or person a report of any information that 949
the superintendent determines exists, including information 950
contained in records that have been sealed under section 2953.32 951
of the Revised Code, and, within thirty days of its receipt, 952
subject to division (E) (2) of this section, shall send the 953
board, entity, or person a report of any information received 954
from the federal bureau of investigation, other than information 955
the dissemination of which is prohibited by federal law. 956

(b) When a board of education or a registered private 957
provider is required to receive information under this section 958
as a prerequisite to employment of an individual pursuant to 959
division (C) of section 3310.58 or section 3319.39 of the 960
Revised Code, it may accept a certified copy of records that 961
were issued by the bureau of criminal identification and 962
investigation and that are presented by an individual applying 963
for employment with the district in lieu of requesting that 964
information itself. In such a case, the board shall accept the 965
certified copy issued by the bureau in order to make a photocopy 966
of it for that individual's employment application documents and 967
shall return the certified copy to the individual. In a case of 968
that nature, a district or provider only shall accept a 969
certified copy of records of that nature within one year after 970
the date of their issuance by the bureau. 971

(c) Notwithstanding division (F) (2) (a) of this section, in 972
the case of a request under section 3319.39, 3319.391, or 973
3327.10 of the Revised Code only for criminal records maintained 974
by the federal bureau of investigation, the superintendent shall 975

not determine whether any information gathered under division 976
(A) of this section exists on the person for whom the request is 977
made. 978

(3) The state board of education may request, with respect 979
to any individual who has applied for employment after October 980
2, 1989, in any position with the state board or the department 981
of education, any information that a school district board of 982
education is authorized to request under division (F) (2) of this 983
section, and the superintendent of the bureau shall proceed as 984
if the request has been received from a school district board of 985
education under division (F) (2) of this section. 986

(4) When the superintendent of the bureau receives a 987
request for information under section 3319.291 of the Revised 988
Code, the superintendent shall proceed as if the request has 989
been received from a school district board of education and 990
shall comply with divisions (F) (2) (a) and (c) of this section. 991

(G) In addition to or in conjunction with any request that 992
is required to be made under section 3712.09, 3721.121, or 993
3740.11 of the Revised Code with respect to an individual who 994
has applied for employment in a position that involves providing 995
direct care to an older adult or adult resident, the chief 996
administrator of a home health agency, hospice care program, 997
home licensed under Chapter 3721. of the Revised Code, or adult 998
day-care program operated pursuant to rules adopted under 999
section 3721.04 of the Revised Code may request that the 1000
superintendent of the bureau investigate and determine, with 1001
respect to any individual who has applied after January 27, 1002
1997, for employment in a position that does not involve 1003
providing direct care to an older adult or adult resident, 1004
whether the bureau has any information gathered under division 1005

(A) of this section that pertains to that individual. 1006

In addition to or in conjunction with any request that is 1007
required to be made under section 173.27 of the Revised Code 1008
with respect to an individual who has applied for employment in 1009
a position that involves providing ombudsman services to 1010
residents of long-term care facilities or recipients of 1011
community-based long-term care services, the state long-term 1012
care ombudsman, the director of aging, a regional long-term care 1013
ombudsman program, or the designee of the ombudsman, director, 1014
or program may request that the superintendent investigate and 1015
determine, with respect to any individual who has applied for 1016
employment in a position that does not involve providing such 1017
ombudsman services, whether the bureau has any information 1018
gathered under division (A) of this section that pertains to 1019
that applicant. 1020

In addition to or in conjunction with any request that is 1021
required to be made under section 173.38 of the Revised Code 1022
with respect to an individual who has applied for employment in 1023
a direct-care position, the chief administrator of a provider, 1024
as defined in section 173.39 of the Revised Code, may request 1025
that the superintendent investigate and determine, with respect 1026
to any individual who has applied for employment in a position 1027
that is not a direct-care position, whether the bureau has any 1028
information gathered under division (A) of this section that 1029
pertains to that applicant. 1030

In addition to or in conjunction with any request that is 1031
required to be made under section 3712.09 of the Revised Code 1032
with respect to an individual who has applied for employment in 1033
a position that involves providing direct care to a pediatric 1034
respite care patient, the chief administrator of a pediatric 1035

respice care program may request that the superintendent of the 1036
bureau investigate and determine, with respect to any individual 1037
who has applied for employment in a position that does not 1038
involve providing direct care to a pediatric respice care 1039
patient, whether the bureau has any information gathered under 1040
division (A) of this section that pertains to that individual. 1041

On receipt of a request under this division, the 1042
superintendent shall determine whether that information exists 1043
and, on request of the individual requesting information, shall 1044
also request from the federal bureau of investigation any 1045
criminal records it has pertaining to the applicant. The 1046
superintendent or the superintendent's designee also may request 1047
criminal history records from other states or the federal 1048
government pursuant to the national crime prevention and privacy 1049
compact set forth in section 109.571 of the Revised Code. Within 1050
thirty days of the date a request is received, subject to 1051
division (E) (2) of this section, the superintendent shall send 1052
to the requester a report of any information determined to 1053
exist, including information contained in records that have been 1054
sealed under section 2953.32 of the Revised Code, and, within 1055
thirty days of its receipt, shall send the requester a report of 1056
any information received from the federal bureau of 1057
investigation, other than information the dissemination of which 1058
is prohibited by federal law. 1059

(H) Information obtained by a government entity or person 1060
under this section is confidential and shall not be released or 1061
disseminated. 1062

(I) The superintendent may charge a reasonable fee for 1063
providing information or criminal records under division (F) (2) 1064
or (G) of this section. 1065

(J) As used in this section:	1066
(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code.	1067 1068 1069
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	1070 1071 1072
(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	1073 1074 1075 1076 1077 1078
Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25,	1090 1091 1092 1093 1094

2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1095
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1096
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1097
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1098
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1099
of the Revised Code, felonious sexual penetration in violation 1100
of former section 2907.12 of the Revised Code, a violation of 1101
section 2905.04 of the Revised Code as it existed prior to July 1102
1, 1996, a violation of section 2919.23 of the Revised Code that 1103
would have been a violation of section 2905.04 of the Revised 1104
Code as it existed prior to July 1, 1996, had the violation been 1105
committed prior to that date, or a violation of section 2925.11 1106
of the Revised Code that is not a minor drug possession offense; 1107

(b) A violation of an existing or former law of this 1108
state, any other state, or the United States that is 1109
substantially equivalent to any of the offenses listed in 1110
division (A) (1) (a) of this section; 1111

(c) If the request is made pursuant to section 3319.39 of 1112
the Revised Code for an applicant who is a teacher, any offense 1113
specified under section 9.79 of the Revised Code or in section 1114
3319.31 of the Revised Code. 1115

(2) On receipt of a request pursuant to section 3712.09 or 1116
3721.121 of the Revised Code, a completed form prescribed 1117
pursuant to division (C) (1) of this section, and a set of 1118
fingerprint impressions obtained in the manner described in 1119
division (C) (2) of this section, the superintendent of the 1120
bureau of criminal identification and investigation shall 1121
conduct a criminal records check with respect to any person who 1122
has applied for employment in a position for which a criminal 1123
records check is required by those sections. The superintendent 1124

shall conduct the criminal records check in the manner described 1125
in division (B) of this section to determine whether any 1126
information exists that indicates that the person who is the 1127
subject of the request previously has been convicted of or 1128
pleaded guilty to any of the following: 1129

(a) A violation of section 2903.01, 2903.02, 2903.03, 1130
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1131
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1132
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1133
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1134
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1135
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1136
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1137
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1138

(b) An existing or former law of this state, any other 1139
state, or the United States that is substantially equivalent to 1140
any of the offenses listed in division (A)(2)(a) of this 1141
section. 1142

(3) On receipt of a request pursuant to section 173.27, 1143
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1144
5123.081, or 5123.169 of the Revised Code, a completed form 1145
prescribed pursuant to division (C)(1) of this section, and a 1146
set of fingerprint impressions obtained in the manner described 1147
in division (C)(2) of this section, the superintendent of the 1148
bureau of criminal identification and investigation shall 1149
conduct a criminal records check of the person for whom the 1150
request is made. The superintendent shall conduct the criminal 1151
records check in the manner described in division (B) of this 1152
section to determine whether any information exists that 1153
indicates that the person who is the subject of the request 1154

previously has been convicted of, has pleaded guilty to, or 1155
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 1156
eligible for intervention in lieu of conviction for any of the 1157
following, regardless of the date of the conviction, the date of 1158
entry of the guilty plea, or (except in the case of a request 1159
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1160
Revised Code) the date the person was found eligible for 1161
intervention in lieu of conviction: 1162
1163

(a) A violation of section 959.13, 959.131, 2903.01, 1164
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1165
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1166
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1167
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1168
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1169
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1170
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1171
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1172
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1173
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1174
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1175
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 1176
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 1177
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 1178
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 1179
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1180
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 1181
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 1182
of the Revised Code; 1183

(b) Felonious sexual penetration in violation of former 1184
section 2907.12 of the Revised Code; 1185

(c) A violation of section 2905.04 of the Revised Code as 1186
it existed prior to July 1, 1996; 1187

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1188
the Revised Code when the underlying offense that is the object 1189
of the conspiracy, attempt, or complicity is one of the offenses 1190
listed in divisions (A) (3) (a) to (c) of this section; 1191

(e) A violation of an existing or former municipal 1192
ordinance or law of this state, any other state, or the United 1193
States that is substantially equivalent to any of the offenses 1194
listed in divisions (A) (3) (a) to (d) of this section. 1195

(4) On receipt of a request pursuant to section 2151.86 or 1196
2151.904 of the Revised Code, a completed form prescribed 1197
pursuant to division (C) (1) of this section, and a set of 1198
fingerprint impressions obtained in the manner described in 1199
division (C) (2) of this section, the superintendent of the 1200
bureau of criminal identification and investigation shall 1201
conduct a criminal records check in the manner described in 1202
division (B) of this section to determine whether any 1203
information exists that indicates that the person who is the 1204
subject of the request previously has been convicted of or 1205
pleaded guilty to any of the following: 1206

(a) A violation of section 959.13, 2903.01, 2903.02, 1207
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1208
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1209
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1210
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1211
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1212
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1213
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1214
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1215

2927.12, or 3716.11 of the Revised Code, a violation of section 1216
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1217
a violation of section 2919.23 of the Revised Code that would 1218
have been a violation of section 2905.04 of the Revised Code as 1219
it existed prior to July 1, 1996, had the violation been 1220
committed prior to that date, a violation of section 2925.11 of 1221
the Revised Code that is not a minor drug possession offense, 1222
two or more OVI or OVUAC violations committed within the three 1223
years immediately preceding the submission of the application or 1224
petition that is the basis of the request, or felonious sexual 1225
penetration in violation of former section 2907.12 of the 1226
Revised Code; 1227

(b) A violation of an existing or former law of this 1228
state, any other state, or the United States that is 1229
substantially equivalent to any of the offenses listed in 1230
division (A) (4) (a) of this section. 1231

(5) Upon receipt of a request pursuant to section 5104.013 1232
of the Revised Code, a completed form prescribed pursuant to 1233
division (C) (1) of this section, and a set of fingerprint 1234
impressions obtained in the manner described in division (C) (2) 1235
of this section, the superintendent of the bureau of criminal 1236
identification and investigation shall conduct a criminal 1237
records check in the manner described in division (B) of this 1238
section to determine whether any information exists that 1239
indicates that the person who is the subject of the request has 1240
been convicted of or pleaded guilty to any of the following: 1241

(a) A violation of section 2151.421, 2903.01, 2903.02, 1242
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1243
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1244
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1245

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1246
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1247
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1248
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1249
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1250
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1251
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1252
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1253
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1254
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1255
3716.11 of the Revised Code, felonious sexual penetration in 1256
violation of former section 2907.12 of the Revised Code, a 1257
violation of section 2905.04 of the Revised Code as it existed 1258
prior to July 1, 1996, a violation of section 2919.23 of the 1259
Revised Code that would have been a violation of section 2905.04 1260
of the Revised Code as it existed prior to July 1, 1996, had the 1261
violation been committed prior to that date, a violation of 1262
section 2925.11 of the Revised Code that is not a minor drug 1263
possession offense, a violation of section 2923.02 or 2923.03 of 1264
the Revised Code that relates to a crime specified in this 1265
division, or a second violation of section 4511.19 of the 1266
Revised Code within five years of the date of application for 1267
licensure or certification. 1268

(b) A violation of an existing or former law of this 1269
state, any other state, or the United States that is 1270
substantially equivalent to any of the offenses or violations 1271
described in division (A) (5) (a) of this section. 1272

(6) Upon receipt of a request pursuant to section 5153.111 1273
of the Revised Code, a completed form prescribed pursuant to 1274
division (C) (1) of this section, and a set of fingerprint 1275
impressions obtained in the manner described in division (C) (2) 1276

of this section, the superintendent of the bureau of criminal 1277
identification and investigation shall conduct a criminal 1278
records check in the manner described in division (B) of this 1279
section to determine whether any information exists that 1280
indicates that the person who is the subject of the request 1281
previously has been convicted of or pleaded guilty to any of the 1282
following: 1283

(a) A violation of section 2903.01, 2903.02, 2903.03, 1284
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1285
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1286
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1287
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1288
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1289
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1290
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1291
Code, felonious sexual penetration in violation of former 1292
section 2907.12 of the Revised Code, a violation of section 1293
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1294
a violation of section 2919.23 of the Revised Code that would 1295
have been a violation of section 2905.04 of the Revised Code as 1296
it existed prior to July 1, 1996, had the violation been 1297
committed prior to that date, or a violation of section 2925.11 1298
of the Revised Code that is not a minor drug possession offense; 1299

(b) A violation of an existing or former law of this 1300
state, any other state, or the United States that is 1301
substantially equivalent to any of the offenses listed in 1302
division (A) (6) (a) of this section. 1303

(7) On receipt of a request for a criminal records check 1304
from an individual pursuant to section 4749.03 or 4749.06 of the 1305
Revised Code, accompanied by a completed copy of the form 1306

prescribed in division (C) (1) of this section and a set of 1307
fingerprint impressions obtained in a manner described in 1308
division (C) (2) of this section, the superintendent of the 1309
bureau of criminal identification and investigation shall 1310
conduct a criminal records check in the manner described in 1311
division (B) of this section to determine whether any 1312
information exists indicating that the person who is the subject 1313
of the request has been convicted of or pleaded guilty to any 1314
criminal offense in this state or in any other state. If the 1315
individual indicates that a firearm will be carried in the 1316
course of business, the superintendent shall require information 1317
from the federal bureau of investigation as described in 1318
division (B) (2) of this section. Subject to division (F) of this 1319
section, the superintendent shall report the findings of the 1320
criminal records check and any information the federal bureau of 1321
investigation provides to the director of public safety. 1322

(8) On receipt of a request pursuant to section 1321.37, 1323
1321.53, or 4763.05 of the Revised Code, a completed form 1324
prescribed pursuant to division (C) (1) of this section, and a 1325
set of fingerprint impressions obtained in the manner described 1326
in division (C) (2) of this section, the superintendent of the 1327
bureau of criminal identification and investigation shall 1328
conduct a criminal records check with respect to any person who 1329
has applied for a license, permit, or certification from the 1330
department of commerce or a division in the department. The 1331
superintendent shall conduct the criminal records check in the 1332
manner described in division (B) of this section to determine 1333
whether any information exists that indicates that the person 1334
who is the subject of the request previously has been convicted 1335
of or pleaded guilty to any criminal offense in this state, any 1336
other state, or the United States. 1337

(9) On receipt of a request for a criminal records check 1338
from the treasurer of state under section 113.041 of the Revised 1339
Code or from an individual under section 928.03, 4701.08, 1340
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1341
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1342
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1343
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 1344
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1345
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1346
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1347
Code, accompanied by a completed form prescribed under division 1348
(C) (1) of this section and a set of fingerprint impressions 1349
obtained in the manner described in division (C) (2) of this 1350
section, the superintendent of the bureau of criminal 1351
identification and investigation shall conduct a criminal 1352
records check in the manner described in division (B) of this 1353
section to determine whether any information exists that 1354
indicates that the person who is the subject of the request has 1355
been convicted of or pleaded guilty to any criminal offense in 1356
this state or any other state. Subject to division (F) of this 1357
section, the superintendent shall send the results of a check 1358
requested under section 113.041 of the Revised Code to the 1359
treasurer of state and shall send the results of a check 1360
requested under any of the other listed sections to the 1361
licensing board specified by the individual in the request. 1362

(10) On receipt of a request pursuant to section 124.74, 1363
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1364
Code, a completed form prescribed pursuant to division (C) (1) of 1365
this section, and a set of fingerprint impressions obtained in 1366
the manner described in division (C) (2) of this section, the 1367
superintendent of the bureau of criminal identification and 1368

investigation shall conduct a criminal records check in the 1369
manner described in division (B) of this section to determine 1370
whether any information exists that indicates that the person 1371
who is the subject of the request previously has been convicted 1372
of or pleaded guilty to any criminal offense under any existing 1373
or former law of this state, any other state, or the United 1374
States. 1375

(11) On receipt of a request for a criminal records check 1376
from an appointing or licensing authority under section 3772.07 1377
of the Revised Code, a completed form prescribed under division 1378
(C)(1) of this section, and a set of fingerprint impressions 1379
obtained in the manner prescribed in division (C)(2) of this 1380
section, the superintendent of the bureau of criminal 1381
identification and investigation shall conduct a criminal 1382
records check in the manner described in division (B) of this 1383
section to determine whether any information exists that 1384
indicates that the person who is the subject of the request 1385
previously has been convicted of or pleaded guilty or no contest 1386
to any offense under any existing or former law of this state, 1387
any other state, or the United States that makes the person 1388
ineligible for appointment or retention under section 3772.07 of 1389
the Revised Code or that is a disqualifying offense as defined 1390
in that section or substantially equivalent to a disqualifying 1391
offense, as applicable. 1392

(12) On receipt of a request pursuant to section 2151.33 1393
or 2151.412 of the Revised Code, a completed form prescribed 1394
pursuant to division (C)(1) of this section, and a set of 1395
fingerprint impressions obtained in the manner described in 1396
division (C)(2) of this section, the superintendent of the 1397
bureau of criminal identification and investigation shall 1398
conduct a criminal records check with respect to any person for 1399

whom a criminal records check is required under that section. 1400
The superintendent shall conduct the criminal records check in 1401
the manner described in division (B) of this section to 1402
determine whether any information exists that indicates that the 1403
person who is the subject of the request previously has been 1404
convicted of or pleaded guilty to any of the following: 1405

(a) A violation of section 2903.01, 2903.02, 2903.03, 1406
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1407
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1408
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1409
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1410
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1411
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1412
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1413
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1414

(b) An existing or former law of this state, any other 1415
state, or the United States that is substantially equivalent to 1416
any of the offenses listed in division (A)(12)(a) of this 1417
section. 1418

(13) On receipt of a request pursuant to section 3796.12 1419
of the Revised Code, a completed form prescribed pursuant to 1420
division (C)(1) of this section, and a set of fingerprint 1421
impressions obtained in a manner described in division (C)(2) of 1422
this section, the superintendent of the bureau of criminal 1423
identification and investigation shall conduct a criminal 1424
records check in the manner described in division (B) of this 1425
section to determine whether any information exists that 1426
indicates that the person who is the subject of the request 1427
previously has been convicted of or pleaded guilty to the 1428
following: 1429

(a) A disqualifying offense as specified in rules adopted 1430
under section 9.79 and division (B) (2) (b) of section 3796.03 of 1431
the Revised Code if the person who is the subject of the request 1432
is an administrator or other person responsible for the daily 1433
operation of, or an owner or prospective owner, officer or 1434
prospective officer, or board member or prospective board member 1435
of, an entity seeking a license from the department of commerce 1436
under Chapter 3796. of the Revised Code; 1437

(b) A disqualifying offense as specified in rules adopted 1438
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1439
the Revised Code if the person who is the subject of the request 1440
is an administrator or other person responsible for the daily 1441
operation of, or an owner or prospective owner, officer or 1442
prospective officer, or board member or prospective board member 1443
of, an entity seeking a license from the state board of pharmacy 1444
under Chapter 3796. of the Revised Code. 1445

(14) On receipt of a request required by section 3796.13 1446
of the Revised Code, a completed form prescribed pursuant to 1447
division (C) (1) of this section, and a set of fingerprint 1448
impressions obtained in a manner described in division (C) (2) of 1449
this section, the superintendent of the bureau of criminal 1450
identification and investigation shall conduct a criminal 1451
records check in the manner described in division (B) of this 1452
section to determine whether any information exists that 1453
indicates that the person who is the subject of the request 1454
previously has been convicted of or pleaded guilty to the 1455
following: 1456

(a) A disqualifying offense as specified in rules adopted 1457
under division (B) (8) (a) of section 3796.03 of the Revised Code 1458
if the person who is the subject of the request is seeking 1459

employment with an entity licensed by the department of commerce 1460
under Chapter 3796. of the Revised Code; 1461

(b) A disqualifying offense as specified in rules adopted 1462
under division (B) (14) (a) of section 3796.04 of the Revised Code 1463
if the person who is the subject of the request is seeking 1464
employment with an entity licensed by the state board of 1465
pharmacy under Chapter 3796. of the Revised Code. 1466

(15) On receipt of a request pursuant to section 4768.06 1467
of the Revised Code, a completed form prescribed under division 1468
(C) (1) of this section, and a set of fingerprint impressions 1469
obtained in the manner described in division (C) (2) of this 1470
section, the superintendent of the bureau of criminal 1471
identification and investigation shall conduct a criminal 1472
records check in the manner described in division (B) of this 1473
section to determine whether any information exists indicating 1474
that the person who is the subject of the request has been 1475
convicted of or pleaded guilty to any criminal offense in this 1476
state or in any other state. 1477

(16) On receipt of a request pursuant to division (B) of 1478
section 4764.07 or division (A) of section 4735.143 of the 1479
Revised Code, a completed form prescribed under division (C) (1) 1480
of this section, and a set of fingerprint impressions obtained 1481
in the manner described in division (C) (2) of this section, the 1482
superintendent of the bureau of criminal identification and 1483
investigation shall conduct a criminal records check in the 1484
manner described in division (B) of this section to determine 1485
whether any information exists indicating that the person who is 1486
the subject of the request has been convicted of or pleaded 1487
guilty to any criminal offense in any state or the United 1488
States. 1489

(17) On receipt of a request for a criminal records check 1490
under section 147.022 of the Revised Code, a completed form 1491
prescribed under division (C)(1) of this section, and a set of 1492
fingerprint impressions obtained in the manner prescribed in 1493
division (C)(2) of this section, the superintendent of the 1494
bureau of criminal identification and investigation shall 1495
conduct a criminal records check in the manner described in 1496
division (B) of this section to determine whether any 1497
information exists that indicates that the person who is the 1498
subject of the request previously has been convicted of or 1499
pleaded guilty or no contest to any criminal offense under any 1500
existing or former law of this state, any other state, or the 1501
United States. 1502

(18) Upon receipt of a request pursuant to division (F) of 1503
section 2915.081 or division (E) of section 2915.082 of the 1504
Revised Code, a completed form prescribed under division (C)(1) 1505
of this section, and a set of fingerprint impressions obtained 1506
in the manner described in division (C)(2) of this section, the 1507
superintendent of the bureau of criminal identification and 1508
investigation shall conduct a criminal records check in the 1509
manner described in division (B) of this section to determine 1510
whether any information exists indicating that the person who is 1511
the subject of the request has been convicted of or pleaded 1512
guilty or no contest to any offense that is a violation of 1513
Chapter 2915. of the Revised Code or to any offense under any 1514
existing or former law of this state, any other state, or the 1515
United States that is substantially equivalent to such an 1516
offense. 1517

(19) On receipt of a request pursuant to section 3775.03 1518
of the Revised Code, a completed form prescribed under division 1519
(C)(1) of this section, and a set of fingerprint impressions 1520

obtained in the manner described in division (C) (2) of this 1521
section, the superintendent of the bureau of criminal 1522
identification and investigation shall conduct a criminal 1523
records check in the manner described in division (B) of this 1524
section and shall request information from the federal bureau of 1525
investigation to determine whether any information exists 1526
indicating that the person who is the subject of the request has 1527
been convicted of any offense under any existing or former law 1528
of this state, any other state, or the United States that is a 1529
disqualifying offense as defined in section 3772.07 of the 1530
Revised Code. 1531

(B) Subject to division (F) of this section, the 1532
superintendent shall conduct any criminal records check to be 1533
conducted under this section as follows: 1534

(1) The superintendent shall review or cause to be 1535
reviewed any relevant information gathered and compiled by the 1536
bureau under division (A) of section 109.57 of the Revised Code 1537
that relates to the person who is the subject of the criminal 1538
records check, including, if the criminal records check was 1539
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1540
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1541
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1542
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1543
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1544
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1545
5123.169, or 5153.111 of the Revised Code, any relevant 1546
information contained in records that have been sealed under 1547
section 2953.32 of the Revised Code; 1548

(2) If the request received by the superintendent asks for 1549
information from the federal bureau of investigation, the 1550

superintendent shall request from the federal bureau of 1551
investigation any information it has with respect to the person 1552
who is the subject of the criminal records check, including 1553
fingerprint-based checks of national crime information databases 1554
as described in 42 U.S.C. 671 if the request is made pursuant to 1555
section 2151.86 or 5104.013 of the Revised Code or if any other 1556
Revised Code section requires fingerprint-based checks of that 1557
nature, and shall review or cause to be reviewed any information 1558
the superintendent receives from that bureau. If a request under 1559
section 3319.39 of the Revised Code asks only for information 1560
from the federal bureau of investigation, the superintendent 1561
shall not conduct the review prescribed by division (B) (1) of 1562
this section. 1563

(3) The superintendent or the superintendent's designee 1564
may request criminal history records from other states or the 1565
federal government pursuant to the national crime prevention and 1566
privacy compact set forth in section 109.571 of the Revised 1567
Code. 1568

(4) The superintendent shall include in the results of the 1569
criminal records check a list or description of the offenses 1570
listed or described in the relevant provision of division (A) of 1571
this section. The superintendent shall exclude from the results 1572
any information the dissemination of which is prohibited by 1573
federal law. 1574

(5) The superintendent shall send the results of the 1575
criminal records check to the person to whom it is to be sent 1576
not later than the following number of days after the date the 1577
superintendent receives the request for the criminal records 1578
check, the completed form prescribed under division (C) (1) of 1579
this section, and the set of fingerprint impressions obtained in 1580

the manner described in division (C) (2) of this section: 1581

(a) If the superintendent is required by division (A) of 1582
this section (other than division (A) (3) of this section) to 1583
conduct the criminal records check, thirty; 1584

(b) If the superintendent is required by division (A) (3) 1585
of this section to conduct the criminal records check, sixty. 1586

(C) (1) The superintendent shall prescribe a form to obtain 1587
the information necessary to conduct a criminal records check 1588
from any person for whom a criminal records check is to be 1589
conducted under this section. The form that the superintendent 1590
prescribes pursuant to this division may be in a tangible 1591
format, in an electronic format, or in both tangible and 1592
electronic formats. 1593

(2) The superintendent shall prescribe standard impression 1594
sheets to obtain the fingerprint impressions of any person for 1595
whom a criminal records check is to be conducted under this 1596
section. Any person for whom a records check is to be conducted 1597
under this section shall obtain the fingerprint impressions at a 1598
county sheriff's office, municipal police department, or any 1599
other entity with the ability to make fingerprint impressions on 1600
the standard impression sheets prescribed by the superintendent. 1601
The office, department, or entity may charge the person a 1602
reasonable fee for making the impressions. The standard 1603
impression sheets the superintendent prescribes pursuant to this 1604
division may be in a tangible format, in an electronic format, 1605
or in both tangible and electronic formats. 1606

(3) Subject to division (D) of this section, the 1607
superintendent shall prescribe and charge a reasonable fee for 1608
providing a criminal records check under this section. The 1609

person requesting the criminal records check shall pay the fee 1610
prescribed pursuant to this division. In the case of a request 1611
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1612
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1613
fee shall be paid in the manner specified in that section. 1614

(4) The superintendent of the bureau of criminal 1615
identification and investigation may prescribe methods of 1616
forwarding fingerprint impressions and information necessary to 1617
conduct a criminal records check, which methods shall include, 1618
but not be limited to, an electronic method. 1619

(D) The results of a criminal records check conducted 1620
under this section, other than a criminal records check 1621
specified in division (A) (7) of this section, are valid for the 1622
person who is the subject of the criminal records check for a 1623
period of one year from the date upon which the superintendent 1624
completes the criminal records check. If during that period the 1625
superintendent receives another request for a criminal records 1626
check to be conducted under this section for that person, the 1627
superintendent shall provide the results from the previous 1628
criminal records check of the person at a lower fee than the fee 1629
prescribed for the initial criminal records check. 1630

(E) When the superintendent receives a request for 1631
information from a registered private provider, the 1632
superintendent shall proceed as if the request was received from 1633
a school district board of education under section 3319.39 of 1634
the Revised Code. The superintendent shall apply division (A) (1) 1635
(c) of this section to any such request for an applicant who is 1636
a teacher. 1637

(F) (1) Subject to division (F) (2) of this section, all 1638
information regarding the results of a criminal records check 1639

conducted under this section that the superintendent reports or 1640
sends under division (A) (7) or (9) of this section to the 1641
director of public safety, the treasurer of state, or the 1642
person, board, or entity that made the request for the criminal 1643
records check shall relate to the conviction of the subject 1644
person, or the subject person's plea of guilty to, a criminal 1645
offense. 1646

(2) Division (F) (1) of this section does not limit, 1647
restrict, or preclude the superintendent's release of 1648
information that relates to the arrest of a person who is 1649
eighteen years of age or older, to an adjudication of a child as 1650
a delinquent child, or to a criminal conviction of a person 1651
under eighteen years of age in circumstances in which a release 1652
of that nature is authorized under division (E) (2), (3), or (4) 1653
of section 109.57 of the Revised Code pursuant to a rule adopted 1654
under division (E) (1) of that section. 1655

(G) As used in this section: 1656

(1) "Criminal records check" means any criminal records 1657
check conducted by the superintendent of the bureau of criminal 1658
identification and investigation in accordance with division (B) 1659
of this section. 1660

(2) "Minor drug possession offense" has the same meaning 1661
as in section 2925.01 of the Revised Code. 1662

(3) "OVI or OVUAC violation" means a violation of section 1663
4511.19 of the Revised Code or a violation of an existing or 1664
former law of this state, any other state, or the United States 1665
that is substantially equivalent to section 4511.19 of the 1666
Revised Code. 1667

(4) "Registered private provider" means a nonpublic school 1668

or entity registered with the superintendent of public 1669
instruction under section 3310.41 of the Revised Code to 1670
participate in the autism scholarship program or section 3310.58 1671
of the Revised Code to participate in the Jon Peterson special 1672
needs scholarship program. 1673

Sec. 109.71. There is hereby created in the office of the 1674
attorney general the Ohio peace officer training commission. The 1675
commission shall consist of ten members appointed by the 1676
governor with the advice and consent of the senate and selected 1677
as follows: one member representing the public; one member who 1678
represents a fraternal organization representing law enforcement 1679
officers; two members who are incumbent sheriffs; two members 1680
who are incumbent chiefs of police; one member from the bureau 1681
of criminal identification and investigation; one member from 1682
the state highway patrol; one member who is the special agent in 1683
charge of a field office of the federal bureau of investigation 1684
in this state; and one member from the department of education, 1685
trade and industrial education services, law enforcement 1686
training. 1687

This section does not confer any arrest authority or any 1688
ability or authority to detain a person, write or issue any 1689
citation, or provide any disposition alternative, as granted 1690
under Chapter 2935. of the Revised Code. 1691

Pursuant to division (A) (9) of section 101.82 of the 1692
Revised Code, the commission is exempt from the requirements of 1693
sections 101.82 to 101.87 of the Revised Code. 1694

As used in sections 109.71 to 109.801 of the Revised Code: 1695

(A) "Peace officer" means: 1696

(1) A deputy sheriff, marshal, deputy marshal, member of 1697

the organized police department of a township or municipal 1698
corporation, member of a township police district or joint 1699
police district police force, member of a police force employed 1700
by a metropolitan housing authority under division (D) of 1701
section 3735.31 of the Revised Code, or township constable, who 1702
is commissioned and employed as a peace officer by a political 1703
subdivision of this state or by a metropolitan housing 1704
authority, and whose primary duties are to preserve the peace, 1705
to protect life and property, and to enforce the laws of this 1706
state, ordinances of a municipal corporation, resolutions of a 1707
township, or regulations of a board of county commissioners or 1708
board of township trustees, or any of those laws, ordinances, 1709
resolutions, or regulations; 1710

(2) A police officer who is employed by a railroad company 1711
and appointed and commissioned by the secretary of state 1712
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 1713

(3) Employees of the department of taxation engaged in the 1714
enforcement of Chapter 5743. of the Revised Code and designated 1715
by the tax commissioner for peace officer training for purposes 1716
of the delegation of investigation powers under section 5743.45 1717
of the Revised Code; 1718

(4) An undercover drug agent; 1719

(5) Enforcement agents of the department of public safety 1720
whom the director of public safety designates under section 1721
5502.14 of the Revised Code; 1722

(6) An employee of the department of natural resources who 1723
is a natural resources law enforcement staff officer designated 1724
pursuant to section 1501.013, a natural resources officer 1725
appointed pursuant to section 1501.24, a forest-fire 1726

investigator appointed pursuant to section 1503.09, or a	1727
wildlife officer designated pursuant to section 1531.13 of the	1728
Revised Code;	1729
(7) An employee of a park district who is designated	1730
pursuant to section 511.232 or 1545.13 of the Revised Code;	1731
(8) An employee of a conservancy district who is	1732
designated pursuant to section 6101.75 of the Revised Code;	1733
(9) A police officer who is employed by a hospital that	1734
employs and maintains its own proprietary police department or	1735
security department, and who is appointed and commissioned by	1736
the secretary of state pursuant to sections 4973.17 to 4973.22	1737
of the Revised Code;	1738
(10) Veterans' homes police officers designated under	1739
section 5907.02 of the Revised Code;	1740
(11) A police officer who is employed by a qualified	1741
nonprofit corporation police department pursuant to section	1742
1702.80 of the Revised Code;	1743
(12) A state university law enforcement officer appointed	1744
under section 3345.04 of the Revised Code or a person serving as	1745
a state university law enforcement officer on a permanent basis	1746
on June 19, 1978, who has been awarded a certificate by the	1747
executive director of the Ohio peace officer training commission	1748
attesting to the person's satisfactory completion of an approved	1749
state, county, municipal, or department of natural resources	1750
peace officer basic training program;	1751
(13) A special police officer employed by the department	1752
of mental health and addiction services pursuant to section	1753
5119.08 of the Revised Code or the department of developmental	1754
disabilities pursuant to section 5123.13 of the Revised Code;	1755

(14) A member of a campus police department appointed	1756
under section 1713.50 of the Revised Code;	1757
(15) A member of a police force employed by a regional	1758
transit authority under division (Y) of section 306.35 of the	1759
Revised Code;	1760
(16) Investigators appointed by the auditor of state	1761
pursuant to section 117.091 of the Revised Code and engaged in	1762
the enforcement of Chapter 117. of the Revised Code;	1763
(17) A special police officer designated by the	1764
superintendent of the state highway patrol pursuant to section	1765
5503.09 of the Revised Code or a person who was serving as a	1766
special police officer pursuant to that section on a permanent	1767
basis on October 21, 1997, and who has been awarded a	1768
certificate by the executive director of the Ohio peace officer	1769
training commission attesting to the person's satisfactory	1770
completion of an approved state, county, municipal, or	1771
department of natural resources peace officer basic training	1772
program;	1773
(18) A special police officer employed by a port authority	1774
under section 4582.04 or 4582.28 of the Revised Code or a person	1775
serving as a special police officer employed by a port authority	1776
on a permanent basis on May 17, 2000, who has been awarded a	1777
certificate by the executive director of the Ohio peace officer	1778
training commission attesting to the person's satisfactory	1779
completion of an approved state, county, municipal, or	1780
department of natural resources peace officer basic training	1781
program;	1782
(19) A special police officer employed by a municipal	1783
corporation who has been awarded a certificate by the executive	1784

director of the Ohio peace officer training commission for 1785
satisfactory completion of an approved peace officer basic 1786
training program and who is employed on a permanent basis on or 1787
after March 19, 2003, at a municipal airport, or other municipal 1788
air navigation facility, that has scheduled operations, as 1789
defined in section 119.3 of Title 14 of the Code of Federal 1790
Regulations, 14 C.F.R. 119.3, as amended, and that is required 1791
to be under a security program and is governed by aviation 1792
security rules of the transportation security administration of 1793
the United States department of transportation as provided in 1794
Parts 1542. and 1544. of Title 49 of the Code of Federal 1795
Regulations, as amended; 1796

(20) A police officer who is employed by an owner or 1797
operator of an amusement park that has an average yearly 1798
attendance in excess of six hundred thousand guests and that 1799
employs and maintains its own proprietary police department or 1800
security department, and who is appointed and commissioned by a 1801
judge of the appropriate municipal court or county court 1802
pursuant to section 4973.17 of the Revised Code; 1803

(21) A police officer who is employed by a bank, savings 1804
and loan association, savings bank, credit union, or association 1805
of banks, savings and loan associations, savings banks, or 1806
credit unions, who has been appointed and commissioned by the 1807
secretary of state pursuant to sections 4973.17 to 4973.22 of 1808
the Revised Code, and who has been awarded a certificate by the 1809
executive director of the Ohio peace officer training commission 1810
attesting to the person's satisfactory completion of a state, 1811
county, municipal, or department of natural resources peace 1812
officer basic training program; 1813

(22) An investigator, as defined in section 109.541 of the 1814

Revised Code, of the bureau of criminal identification and 1815
investigation who is commissioned by the superintendent of the 1816
bureau as a special agent for the purpose of assisting law 1817
enforcement officers or providing emergency assistance to peace 1818
officers pursuant to authority granted under that section; 1819

(23) A state fire marshal law enforcement officer 1820
appointed under section 3737.22 of the Revised Code or a person 1821
serving as a state fire marshal law enforcement officer on a 1822
permanent basis on or after July 1, 1982, who has been awarded a 1823
certificate by the executive director of the Ohio peace officer 1824
training commission attesting to the person's satisfactory 1825
completion of an approved state, county, municipal, or 1826
department of natural resources peace officer basic training 1827
program; 1828

(24) A gaming agent employed under section 3772.03 of the 1829
Revised Code; 1830

(25) An employee of the state board of pharmacy designated 1831
by the executive director of the board pursuant to section 1832
4729.04 of the Revised Code to investigate violations of 1833
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 1834
Revised Code and rules adopted thereunder. 1835

(B) "Undercover drug agent" has the same meaning as in 1836
division (B) (2) of section 109.79 of the Revised Code. 1837

(C) "Crisis intervention training" means training in the 1838
use of interpersonal and communication skills to most 1839
effectively and sensitively interview victims of rape. 1840

(D) "Missing children" has the same meaning as in section 1841
2901.30 of the Revised Code. 1842

(E) "Tactical medical professional" means an EMT, EMT- 1843

basic, AEMT, EMT-I, paramedic, nurse, or physician who is 1844
trained and certified in a nationally recognized tactical 1845
medical training program that is equivalent to "tactical combat 1846
casualty care" (TCCC) and "tactical emergency medical support" 1847
(TEMS) and who functions in the tactical or austere environment 1848
while attached to a law enforcement agency of either this state 1849
or a political subdivision of this state. 1850

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 1851
meanings as in section 4765.01 of the Revised Code and "EMT" and 1852
"AEMT" have the same meanings as in section 4765.011 of the 1853
Revised Code. 1854

(G) "Nurse" means any of the following: 1855

(1) Any person who is licensed to practice nursing as a 1856
registered nurse by the board of nursing; 1857

(2) Any certified nurse practitioner, clinical nurse 1858
specialist, certified registered nurse anesthetist, or certified 1859
nurse-midwife who holds a certificate of authority issued by the 1860
board of nursing under Chapter 4723. of the Revised Code; 1861

(3) Any person who is licensed to practice nursing as a 1862
licensed practical nurse by the board of nursing pursuant to 1863
Chapter 4723. of the Revised Code. 1864

(H) "Physician" means a person who is licensed pursuant to 1865
Chapter 4731. of the Revised Code to practice medicine and 1866
surgery or osteopathic medicine and surgery. 1867

(I) "County correctional officer" has the same meaning as 1868
in section 341.41 of the Revised Code. 1869

Sec. 109.73. (A) The Ohio peace officer training 1870
commission shall recommend rules to the attorney general with 1871

respect to all of the following: 1872

(1) The approval, or revocation of approval, of peace 1873
officer training schools administered by the state, counties, 1874
municipal corporations, public school districts, technical 1875
college districts, and the department of natural resources; 1876

(2) Minimum courses of study, attendance requirements, and 1877
equipment and facilities to be required at approved state, 1878
county, municipal, and department of natural resources peace 1879
officer training schools; 1880

(3) Minimum qualifications for instructors at approved 1881
state, county, municipal, and department of natural resources 1882
peace officer training schools; 1883

(4) The requirements of minimum basic training that peace 1884
officers appointed to probationary terms shall complete before 1885
being eligible for permanent appointment, which requirements 1886
shall include training in the handling of the offense of 1887
domestic violence, other types of domestic violence-related 1888
offenses and incidents, and protection orders and consent 1889
agreements issued or approved under section 2919.26 or 3113.31 1890
of the Revised Code; crisis intervention training; and training 1891
in the handling of missing children and child abuse and neglect 1892
cases; and training in handling violations of section 2905.32 of 1893
the Revised Code; and the time within which such basic training 1894
shall be completed following appointment to a probationary term; 1895

(5) The requirements of minimum basic training that peace 1896
officers not appointed for probationary terms but appointed on 1897
other than a permanent basis shall complete in order to be 1898
eligible for continued employment or permanent appointment, 1899
which requirements shall include training in the handling of the 1900

offense of domestic violence, other types of domestic violence- 1901
related offenses and incidents, and protection orders and 1902
consent agreements issued or approved under section 2919.26 or 1903
3113.31 of the Revised Code, crisis intervention training, and 1904
training in the handling of missing children and child abuse and 1905
neglect cases, and training in handling violations of section 1906
2905.32 of the Revised Code, and the time within which such 1907
basic training shall be completed following appointment on other 1908
than a permanent basis; 1909

(6) Categories or classifications of advanced in-service 1910
training programs for peace officers, including programs in the 1911
handling of the offense of domestic violence, other types of 1912
domestic violence-related offenses and incidents, and protection 1913
orders and consent agreements issued or approved under section 1914
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 1915
and in the handling of missing children and child abuse and 1916
neglect cases, and in handling violations of section 2905.32 of 1917
the Revised Code, and minimum courses of study and attendance 1918
requirements with respect to such categories or classifications; 1919

(7) Permitting persons, who are employed as members of a 1920
campus police department appointed under section 1713.50 of the 1921
Revised Code; who are employed as police officers by a qualified 1922
nonprofit corporation police department pursuant to section 1923
1702.80 of the Revised Code; who are appointed and commissioned 1924
as bank, savings and loan association, savings bank, credit 1925
union, or association of banks, savings and loan associations, 1926
savings banks, or credit unions police officers, as railroad 1927
police officers, or as hospital police officers pursuant to 1928
sections 4973.17 to 4973.22 of the Revised Code; or who are 1929
appointed and commissioned as amusement park police officers 1930
pursuant to section 4973.17 of the Revised Code, to attend 1931

approved peace officer training schools, including the Ohio 1932
peace officer training academy, and to receive certificates of 1933
satisfactory completion of basic training programs, if the 1934
private college or university that established the campus police 1935
department; qualified nonprofit corporation police department; 1936
bank, savings and loan association, savings bank, credit union, 1937
or association of banks, savings and loan associations, savings 1938
banks, or credit unions; railroad company; hospital; or 1939
amusement park sponsoring the police officers pays the entire 1940
cost of the training and certification and if trainee vacancies 1941
are available; 1942

(8) Permitting undercover drug agents to attend approved 1943
peace officer training schools, other than the Ohio peace 1944
officer training academy, and to receive certificates of 1945
satisfactory completion of basic training programs, if, for each 1946
undercover drug agent, the county, township, or municipal 1947
corporation that employs that undercover drug agent pays the 1948
entire cost of the training and certification; 1949

(9) (a) The requirements for basic training programs for 1950
bailiffs and deputy bailiffs of courts of record of this state 1951
and for criminal investigators employed by the state public 1952
defender that those persons shall complete before they may carry 1953
a firearm while on duty; 1954

(b) The requirements for any training received by a 1955
bailiff or deputy bailiff of a court of record of this state or 1956
by a criminal investigator employed by the state public defender 1957
prior to June 6, 1986, that is to be considered equivalent to 1958
the training described in division (A) (9) (a) of this section. 1959

(10) Establishing minimum qualifications and requirements 1960
for certification for dogs utilized by law enforcement agencies; 1961

(11) Establishing minimum requirements for certification	1962
of persons who are employed as correction officers in a full-	1963
service jail, five-day facility, or eight-hour holding facility	1964
or who provide correction services in such a jail or facility;	1965
(12) Establishing requirements for the training of humane	1966
society agents under section 1717.061 of the Revised Code,	1967
including, without limitation, a requirement that the agents	1968
receive instruction on traditional animal husbandry methods and	1969
training techniques, including customary owner-performed	1970
practices;	1971
(13) Permitting tactical medical professionals to attend	1972
approved peace officer training schools, including the Ohio	1973
peace officer training academy, to receive training of the type	1974
described in division (A) (14) of this section and to receive	1975
certificates of satisfactory completion of training programs	1976
described in that division;	1977
(14) The requirements for training programs that tactical	1978
medical professionals shall complete to qualify them to carry	1979
firearms while on duty under section 109.771 of the Revised	1980
Code, which requirements shall include at least the firearms	1981
training specified in division (A) of section 109.748 of the	1982
Revised Code;	1983
(15) Procedures and requirements for a portion of basic	1984
training that peace officers complete in proper interactions	1985
with civilians during traffic stops and other in-person	1986
encounters as specified in division (B) (4) of section 109.803 of	1987
the Revised Code and including the topics of instruction listed	1988
for active duty peace officers under divisions (B) (4) (a) to (d)	1989
of that section;	1990

(16) Permitting county correctional officers to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A)(17) of this section, and to receive certificates of satisfactory completion of basic training programs described in that division; 1991
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(17) The requirements for basic training programs that county correctional officers shall complete to qualify them to carry firearms while on duty under section 109.772 of the Revised Code, which requirements shall include the firearms training specified in section 109.773 of the Revised Code. 1997
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(B) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the commission. The executive director shall perform such duties assigned by the commission. The executive director shall receive a salary fixed pursuant to Chapter 124. of the Revised Code and reimbursement for expenses within the amounts available by appropriation. The executive director may appoint officers, employees, agents, and consultants as the executive director considers necessary, prescribe their duties, and provide for reimbursement of their expenses within the amounts available for reimbursement by appropriation and with the approval of the commission. 2002
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(C) The commission may do all of the following: 2014

(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code; 2015
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(2) Visit and inspect any peace officer training school 2019

that has been approved by the executive director or for which
application for approval has been made; 2020
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(3) Make recommendations, from time to time, to the 2022
executive director, the attorney general, and the general 2023
assembly regarding the carrying out of the purposes of sections 2024
109.71 to 109.77 of the Revised Code; 2025

(4) Report to the attorney general from time to time, and 2026
to the governor and the general assembly at least annually, 2027
concerning the activities of the commission; 2028

(5) Establish fees for the services the commission offers 2029
under sections 109.71 to 109.79 of the Revised Code, including, 2030
but not limited to, fees for training, certification, and 2031
testing; 2032

(6) Perform such other acts as are necessary or 2033
appropriate to carry out the powers and duties of the commission 2034
as set forth in sections 109.71 to 109.77 of the Revised Code. 2035

(D) In establishing the requirements, under division (A) 2036
(12) of this section, the commission may consider any portions 2037
of the curriculum for instruction on the topic of animal 2038
husbandry practices, if any, of the Ohio state university 2039
college of veterinary medicine. No person or entity that fails 2040
to provide instruction on traditional animal husbandry methods 2041
and training techniques, including customary owner-performed 2042
practices, shall qualify to train a humane society agent for 2043
appointment under section 1717.06 of the Revised Code. 2044

Sec. 109.75. The executive director of the Ohio peace 2045
officer training commission, on behalf of the commission, shall 2046
have the following powers and duties, which shall be exercised 2047
with the general advice of the commission and only in accordance 2048

with section 109.751 of the Revised Code and the rules adopted 2049
pursuant to that section, and with the rules adopted by the 2050
attorney general pursuant to sections 109.74, 109.741, 109.742, 2051
and 109.743 of the Revised Code: 2052

(A) To approve peace officer training schools and firearms 2053
requalification programs administered by the state, counties, 2054
municipal corporations, and the department of natural resources, 2055
to issue certificates of approval to approved schools, and to 2056
revoke an approval or certificate; 2057

(B) To certify, as qualified, instructors at approved 2058
peace officer training schools, to issue appropriate 2059
certificates to these instructors, and to revoke for good cause 2060
shown certificates of these instructors; 2061

(C) To certify, as qualified, commanders at approved peace 2062
officer training schools, to issue appropriate certificates to 2063
these commanders, and to revoke for good cause shown 2064
certificates of these commanders. As used in this division, 2065
"commander" means the director or other head of an approved 2066
peace officer training school. 2067

(D) To certify peace officers and sheriffs who have 2068
satisfactorily completed basic training programs and to issue 2069
appropriate certificates to these peace officers and sheriffs; 2070

(E) To cause studies and surveys to be made relating to 2071
the establishment, operation, and approval of state, county, and 2072
municipal peace officer training schools; 2073

(F) To consult and cooperate with state, county, and 2074
municipal peace officer training schools for the development of 2075
advanced in-service training programs for peace officers; 2076

(G) To consult and cooperate with universities, colleges, 2077

and institutes for the development of specialized courses of 2078
study in the state for peace officers in police science and 2079
police administration; 2080

(H) To consult and cooperate with other departments and 2081
agencies of the state and federal government concerned with 2082
peace officer training; 2083

(I) To perform any other acts that may be necessary or 2084
appropriate to carry out the executive director's powers and 2085
duties as set forth in sections 109.71 to 109.77 of the Revised 2086
Code; 2087

(J) To report to the commission at each regular meeting of 2088
the commission and at any other times that the commission may 2089
require; 2090

(K) To certify persons who have satisfactorily completed 2091
approved training programs for correction officers in full- 2092
service jails, five-day facilities, or eight-hour holding 2093
facilities or approved training programs for others who provide 2094
correction services in those jails or facilities and to issue 2095
appropriate certificates to those persons; 2096

(L) To maintain any records associated with the powers and 2097
duties set forth in this section. Certification examinations, 2098
either before or after completion, are not public records for 2099
purposes of section 149.43 of the Revised Code, but the results 2100
of such examinations are public records under that section; 2101

(M) To certify tactical medical professionals who have 2102
satisfactorily completed approved training programs that qualify 2103
them to carry firearms while on duty under section 109.771 of 2104
the Revised Code and to issue appropriate certificates to such 2105
professionals; 2106

(N) To certify county correctional officers who have 2107
satisfactorily completed approved basic training programs that 2108
qualify them to carry firearms while on duty under section 2109
109.772 of the Revised Code and to issue appropriate 2110
certificates to such county correctional officers. 2111

Sec. 109.772. (A) A county correctional officer may carry 2112
firearms while on duty in the same manner, to the same extent, 2113
and in the same areas as a law enforcement officer of the law 2114
enforcement agency with jurisdiction over the place at which the 2115
county jail, county workhouse, minimum security jail, joint city 2116
and county workhouse, municipal-county correctional center, 2117
multicounty-municipal correctional center, municipal-county jail 2118
or workhouse, or multicounty-municipal jail or workhouse is 2119
located, if all of the following apply: 2120

(1) The person in charge of the county jail, county 2121
workhouse, minimum security jail, joint city and county 2122
workhouse, municipal-county correctional center, multicounty- 2123
municipal correctional center, municipal-county jail or 2124
workhouse, or multicounty-municipal jail or workhouse has 2125
specifically authorized the county correctional officer to carry 2126
firearms while on duty. 2127

(2) The county correctional officer has done or received 2128
one of the following: 2129

(a) The county correctional officer has been awarded a 2130
certificate by the executive director of the Ohio peace officer 2131
training commission, which certificate attests to satisfactory 2132
completion of an approved state, county, or municipal basic 2133
training program or a program at the Ohio peace officer training 2134
academy that qualifies the county correctional officer to carry 2135
firearms while on duty and that conforms to the rules adopted 2136

under section 109.773 of the Revised Code. 2137

(b) Prior to or during employment as a county correctional officer and prior to the effective date of this section, the county correctional officer has successfully completed a firearms training program, other than one described in division (A) (2) (a) of this section, that was approved by the Ohio peace officer training commission. 2138
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(B) A county correctional officer to whom division (A) of this section applies and who is carrying one or more firearms under authority of that division has protection from potential civil or criminal liability for any conduct occurring while carrying the firearm or firearms to the same extent as a law enforcement officer of the law enforcement agency with jurisdiction over the place at which the county jail, county workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse is located has such protection. 2144
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Sec. 109.773. The attorney general shall adopt, in accordance with Chapter 119. or pursuant to section 109.74 of the Revised Code, rules authorizing and governing the attendance of county correctional officers at approved peace officer training schools, including the Ohio peace officer training academy, to receive training to qualify them to carry firearms while on duty under section 109.771 of the Revised Code, and the certification of the county correctional officers upon their satisfactory completion of training programs providing that training. 2156
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Sec. 109.79. (A) The Ohio peace officer training 2166

commission shall establish and conduct a training school for law 2167
enforcement officers of any political subdivision of the state 2168
or of the state public defender's office. The school shall be 2169
known as the Ohio peace officer training academy. No bailiff or 2170
deputy bailiff of a court of record of this state and no 2171
criminal investigator employed by the state public defender 2172
shall be permitted to attend the academy for training unless the 2173
employing court of the bailiff or deputy bailiff or the state 2174
public defender, whichever is applicable, has authorized the 2175
bailiff, deputy bailiff, or investigator to attend the academy. 2176

The Ohio peace officer training commission shall develop 2177
the training program, which shall include courses in both the 2178
civil and criminal functions of law enforcement officers, a 2179
course in crisis intervention with six or more hours of 2180
training, training in the handling of missing children and child 2181
abuse and neglect cases, and training on companion animal 2182
encounters and companion animal behavior, and shall establish 2183
rules governing qualifications for admission to the academy. The 2184
commission may require competitive examinations to determine 2185
fitness of prospective trainees, so long as the examinations or 2186
other criteria for admission to the academy are consistent with 2187
the provisions of Chapter 124. of the Revised Code. 2188

The Ohio peace officer training commission shall determine 2189
tuition costs sufficient in the aggregate to pay the costs of 2190
operating the academy. Tuition paid by a political subdivision 2191
of the state or by the state public defender's office shall be 2192
deposited into the state treasury to the credit of the peace 2193
officer training academy fee fund, which is hereby established. 2194
The attorney general shall use money in the fund to pay costs 2195
associated with operation of the academy. The costs of acquiring 2196
and equipping the academy shall be paid from appropriations made 2197

by the general assembly to the Ohio peace officer training 2198
commission for that purpose, from gifts or grants received for 2199
that purpose, or from fees for goods related to the academy. 2200

The Ohio peace officer training commission shall create a 2201
gaming-related curriculum for gaming agents. The Ohio peace 2202
officer training commission shall use money distributed to the 2203
Ohio peace officer training academy from the Ohio law 2204
enforcement training fund to first support the academy's 2205
training programs for gaming agents and gaming-related 2206
curriculum. The Ohio peace officer training commission may 2207
utilize existing training programs in other states that 2208
specialize in training gaming agents. 2209

The law enforcement officers, during the period of their 2210
training, shall receive compensation as determined by the 2211
political subdivision that sponsors them or, if the officer is a 2212
criminal investigator employed by the state public defender, as 2213
determined by the state public defender. The political 2214
subdivision may pay the tuition costs of the law enforcement 2215
officers they sponsor and the state public defender may pay the 2216
tuition costs of criminal investigators of that office who 2217
attend the academy. 2218

If trainee vacancies exist, the academy may train and 2219
issue certificates of satisfactory completion to peace officers 2220
who are employed by a campus police department pursuant to 2221
section 1713.50 of the Revised Code, by a qualified nonprofit 2222
corporation police department pursuant to section 1702.80 of the 2223
Revised Code, or by a railroad company, who are amusement park 2224
police officers appointed and commissioned by a judge of the 2225
appropriate municipal court or county court pursuant to section 2226
4973.17 of the Revised Code, or who are bank, savings and loan 2227

association, savings bank, credit union, or association of 2228
banks, savings and loan associations, savings banks, or credit 2229
unions, or hospital police officers appointed and commissioned 2230
by the secretary of state pursuant to sections 4973.17 to 2231
4973.22 of the Revised Code, provided that no such officer shall 2232
be trained at the academy unless the officer meets the 2233
qualifications established for admission to the academy and the 2234
qualified nonprofit corporation police department; bank, savings 2235
and loan association, savings bank, credit union, or association 2236
of banks, savings and loan associations, savings banks, or 2237
credit unions; railroad company; hospital; or amusement park or 2238
the private college or university that established the campus 2239
police department prepays the entire cost of the training. A 2240
qualified nonprofit corporation police department; bank, savings 2241
and loan association, savings bank, credit union, or association 2242
of banks, savings and loan associations, savings banks, or 2243
credit unions; railroad company; hospital; or amusement park or 2244
a private college or university that has established a campus 2245
police department is not entitled to reimbursement from the 2246
state for any amount paid for the cost of training the bank, 2247
savings and loan association, savings bank, credit union, or 2248
association of banks, savings and loan associations, savings 2249
banks, or credit unions peace officers; the railroad company's 2250
peace officers; or the peace officers of the qualified nonprofit 2251
corporation police department, campus police department, 2252
hospital, or amusement park. 2253

The academy shall permit investigators employed by the 2254
state medical board to take selected courses that the board 2255
determines are consistent with its responsibilities for initial 2256
and continuing training of investigators as required under 2257
sections 4730.26 and 4731.05 of the Revised Code. The board 2258

shall pay the entire cost of training that investigators receive 2259
at the academy. 2260

The academy shall permit tactical medical professionals to 2261
attend training courses at the academy that are designed to 2262
qualify the professionals to carry firearms while on duty under 2263
section 109.771 of the Revised Code and that provide training 2264
comparable to training mandated under the rules required by 2265
division (A) of section 109.748 of the Revised Code. The 2266
executive director of the Ohio peace officer training commission 2267
may certify tactical medical professionals who satisfactorily 2268
complete the training courses. The law enforcement agency served 2269
by a tactical medical professional who attends the academy may 2270
pay the tuition costs of the professional. 2271

The academy shall permit county correctional officers to 2272
attend training courses at the academy that are designed to 2273
qualify the county correctional officers to carry firearms while 2274
on duty under section 109.772 of the Revised Code and that 2275
provide training mandated under the rules required by section 2276
109.773 of the Revised Code. The executive director of the Ohio 2277
peace officer training commission may certify county 2278
correctional officers who satisfactorily complete the training 2279
courses. The county jail, county workhouse, minimum security 2280
jail, joint city and county workhouse, municipal-county 2281
correctional center, multicounty-municipal correctional center, 2282
municipal-county jail or workhouse, or multicounty-municipal 2283
jail or workhouse served by the county correctional officer who 2284
attends the academy may pay the tuition costs of the county 2285
correctional officer. 2286

(B) As used in this section: 2287

(1) "Law enforcement officers" include any undercover drug 2288

agent, any bailiff or deputy bailiff of a court of record, and 2289
any criminal investigator who is employed by the state public 2290
defender. 2291

(2) "Undercover drug agent" means any person who: 2292

(a) Is employed by a county, township, or municipal 2293
corporation for the purposes set forth in division (B) (2) (b) of 2294
this section but who is not an employee of a county sheriff's 2295
department, of a township constable, or of the police department 2296
of a municipal corporation or township; 2297

(b) In the course of the person's employment by a county, 2298
township, or municipal corporation, investigates and gathers 2299
information pertaining to persons who are suspected of violating 2300
Chapter 2925. or 3719. of the Revised Code, and generally does 2301
not wear a uniform in the performance of the person's duties. 2302

(3) "Crisis intervention training" has the same meaning as 2303
in section 109.71 of the Revised Code. 2304

(4) "Missing children" has the same meaning as in section 2305
2901.30 of the Revised Code. 2306

(5) "Companion animal" has the same meaning as in section 2307
959.131 of the Revised Code. 2308

Sec. 109.801. (A) (1) Each year, any of the following 2309
persons who are authorized to carry firearms in the course of 2310
their official duties shall complete successfully a firearms 2311
requalification program approved by the executive director of 2312
the Ohio peace officer training commission in accordance with 2313
rules adopted by the attorney general pursuant to section 2314
109.743 of the Revised Code: any peace officer, sheriff, chief 2315
of police of an organized police department of a municipal 2316
corporation or township, chief of police of a township police 2317

district or joint police district police force, superintendent 2318
of the state highway patrol, state highway patrol trooper, or 2319
chief of police of a university or college police department; 2320
any parole or probation officer who carries a firearm in the 2321
course of official duties; any ~~corrections~~ county correctional 2322
~~officer of a multicounty correctional center, or of a municipal-~~ 2323
~~county or multicounty municipal correctional center, established~~ 2324
~~under section 307.93 of the Revised Code who carries a firearm~~ 2325
~~in the course of official duties;~~ the house of representatives 2326
sergeant at arms if the house of representatives sergeant at 2327
arms has arrest authority pursuant to division (E) (1) of section 2328
101.311 of the Revised Code; any assistant house of 2329
representatives sergeant at arms; the senate sergeant at arms; 2330
any assistant senate sergeant at arms; any tactical medical 2331
professional; or any employee of the department of youth 2332
services who is designated pursuant to division (A) (2) of 2333
section 5139.53 of the Revised Code as being authorized to carry 2334
a firearm while on duty as described in that division. 2335

(2) No person listed in division (A) (1) of this section 2336
shall carry a firearm during the course of official duties if 2337
the person does not comply with division (A) (1) of this section. 2338

(B) The hours that a sheriff spends attending a firearms 2339
requalification program required by division (A) of this section 2340
are in addition to the sixteen hours of continuing education 2341
that are required by division (E) of section 311.01 of the 2342
Revised Code. 2343

(C) As used in this section, "firearm" has the same 2344
meaning as in section 2923.11 of the Revised Code. 2345

Sec. 149.43. (A) As used in this section: 2346

(1) "Public record" means records kept by any public	2347
office, including, but not limited to, state, county, city,	2348
village, township, and school district units, and records	2349
pertaining to the delivery of educational services by an	2350
alternative school in this state kept by the nonprofit or for-	2351
profit entity operating the alternative school pursuant to	2352
section 3313.533 of the Revised Code. "Public record" does not	2353
mean any of the following:	2354
(a) Medical records;	2355
(b) Records pertaining to probation and parole	2356
proceedings, to proceedings related to the imposition of	2357
community control sanctions and post-release control sanctions,	2358
or to proceedings related to determinations under section	2359
2967.271 of the Revised Code regarding the release or maintained	2360
incarceration of an offender to whom that section applies;	2361
(c) Records pertaining to actions under section 2151.85	2362
and division (C) of section 2919.121 of the Revised Code and to	2363
appeals of actions arising under those sections;	2364
(d) Records pertaining to adoption proceedings, including	2365
the contents of an adoption file maintained by the department of	2366
health under sections 3705.12 to 3705.124 of the Revised Code;	2367
(e) Information in a record contained in the putative	2368
father registry established by section 3107.062 of the Revised	2369
Code, regardless of whether the information is held by the	2370
department of job and family services or, pursuant to section	2371
3111.69 of the Revised Code, the office of child support in the	2372
department or a child support enforcement agency;	2373
(f) Records specified in division (A) of section 3107.52	2374
of the Revised Code;	2375

(g) Trial preparation records;	2376
(h) Confidential law enforcement investigatory records;	2377
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	2378 2379
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	2380 2381
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	2382 2383 2384 2385
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	2386 2387 2388 2389
(m) Intellectual property records;	2390
(n) Donor profile records;	2391
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	2392 2393
(p) Designated public service worker residential and familial information;	2394 2395
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	2396 2397 2398 2399 2400
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	2401 2402

(s) In the case of a child fatality review board acting 2403
under sections 307.621 to 307.629 of the Revised Code or a 2404
review conducted pursuant to guidelines established by the 2405
director of health under section 3701.70 of the Revised Code, 2406
records provided to the board or director, statements made by 2407
board members during meetings of the board or by persons 2408
participating in the director's review, and all work products of 2409
the board or director, and in the case of a child fatality 2410
review board, child fatality review data submitted by the board 2411
to the department of health or a national child death review 2412
database, other than the report prepared pursuant to division 2413
(A) of section 307.626 of the Revised Code; 2414

(t) Records provided to and statements made by the 2415
executive director of a public children services agency or a 2416
prosecuting attorney acting pursuant to section 5153.171 of the 2417
Revised Code other than the information released under that 2418
section; 2419

(u) Test materials, examinations, or evaluation tools used 2420
in an examination for licensure as a nursing home administrator 2421
that the board of executives of long-term services and supports 2422
administers under section 4751.15 of the Revised Code or 2423
contracts under that section with a private or government entity 2424
to administer; 2425

(v) Records the release of which is prohibited by state or 2426
federal law; 2427

(w) Proprietary information of or relating to any person 2428
that is submitted to or compiled by the Ohio venture capital 2429
authority created under section 150.01 of the Revised Code; 2430

(x) Financial statements and data any person submits for 2431

any purpose to the Ohio housing finance agency or the 2432
controlling board in connection with applying for, receiving, or 2433
accounting for financial assistance from the agency, and 2434
information that identifies any individual who benefits directly 2435
or indirectly from financial assistance from the agency; 2436

(y) Records listed in section 5101.29 of the Revised Code; 2437

(z) Discharges recorded with a county recorder under 2438
section 317.24 of the Revised Code, as specified in division (B) 2439
(2) of that section; 2440

(aa) Usage information including names and addresses of 2441
specific residential and commercial customers of a municipally 2442
owned or operated public utility; 2443

(bb) Records described in division (C) of section 187.04 2444
of the Revised Code that are not designated to be made available 2445
to the public as provided in that division; 2446

(cc) Information and records that are made confidential, 2447
privileged, and not subject to disclosure under divisions (B) 2448
and (C) of section 2949.221 of the Revised Code; 2449

(dd) Personal information, as defined in section 149.45 of 2450
the Revised Code; 2451

(ee) The confidential name, address, and other personally 2452
identifiable information of a program participant in the address 2453
confidentiality program established under sections 111.41 to 2454
111.47 of the Revised Code, including the contents of any 2455
application for absent voter's ballots, absent voter's ballot 2456
identification envelope statement of voter, or provisional 2457
ballot affirmation completed by a program participant who has a 2458
confidential voter registration record; records or portions of 2459
records pertaining to that program that identify the number of 2460

program participants that reside within a precinct, ward, 2461
township, municipal corporation, county, or any other geographic 2462
area smaller than the state; and any real property 2463
confidentiality notice filed under section 111.431 of the 2464
Revised Code and the information described in division (C) of 2465
that section. As used in this division, "confidential address" 2466
and "program participant" have the meaning defined in section 2467
111.41 of the Revised Code. 2468

(ff) Orders for active military service of an individual 2469
serving or with previous service in the armed forces of the 2470
United States, including a reserve component, or the Ohio 2471
organized militia, except that, such order becomes a public 2472
record on the day that is fifteen years after the published date 2473
or effective date of the call to order; 2474

(gg) The name, address, contact information, or other 2475
personal information of an individual who is less than eighteen 2476
years of age that is included in any record related to a traffic 2477
accident involving a school vehicle in which the individual was 2478
an occupant at the time of the accident; 2479

(hh) Protected health information, as defined in 45 C.F.R. 2480
160.103, that is in a claim for payment for a health care 2481
product, service, or procedure, as well as any other health 2482
claims data in another document that reveals the identity of an 2483
individual who is the subject of the data or could be used to 2484
reveal that individual's identity; 2485

(ii) Any depiction by photograph, film, videotape, or 2486
printed or digital image under either of the following 2487
circumstances: 2488

(i) The depiction is that of a victim of an offense the 2489

release of which would be, to a reasonable person of ordinary 2490
sensibilities, an offensive and objectionable intrusion into the 2491
victim's expectation of bodily privacy and integrity. 2492

(ii) The depiction captures or depicts the victim of a 2493
sexually oriented offense, as defined in section 2950.01 of the 2494
Revised Code, at the actual occurrence of that offense. 2495

(jj) Restricted portions of a body-worn camera or 2496
dashboard camera recording; 2497

(kk) In the case of a fetal-infant mortality review board 2498
acting under sections 3707.70 to 3707.77 of the Revised Code, 2499
records, documents, reports, or other information presented to 2500
the board or a person abstracting such materials on the board's 2501
behalf, statements made by review board members during board 2502
meetings, all work products of the board, and data submitted by 2503
the board to the department of health or a national infant death 2504
review database, other than the report prepared pursuant to 2505
section 3707.77 of the Revised Code. 2506

(ll) Records, documents, reports, or other information 2507
presented to the pregnancy-associated mortality review board 2508
established under section 3738.01 of the Revised Code, 2509
statements made by board members during board meetings, all work 2510
products of the board, and data submitted by the board to the 2511
department of health, other than the biennial reports prepared 2512
under section 3738.08 of the Revised Code; 2513

(mm) Except as otherwise provided in division (A) (1) (oo) 2514
of this section, telephone numbers for a victim, as defined in 2515
section 2930.01 of the Revised Code or a witness to a crime that 2516
are listed on any law enforcement record or report. 2517

(nn) A preneed funeral contract, as defined in section 2518

4717.01 of the Revised Code, and contract terms and personally 2519
identifying information of a preneed funeral contract, that is 2520
contained in a report submitted by or for a funeral home to the 2521
board of embalmers and funeral directors under division (C) of 2522
section 4717.13, division (J) of section 4717.31, or section 2523
4717.41 of the Revised Code. 2524

(oo) Telephone numbers for a party to a motor vehicle 2525
accident subject to the requirements of section 5502.11 of the 2526
Revised Code that are listed on any law enforcement record or 2527
report, except that the telephone numbers described in this 2528
division are not excluded from the definition of "public record" 2529
under this division on and after the thirtieth day after the 2530
occurrence of the motor vehicle accident. 2531

(pp) Records pertaining to individuals who complete 2532
training under section 5502.703 of the Revised Code to be 2533
permitted by a school district board of education or governing 2534
body of a community school established under Chapter 3314. of 2535
the Revised Code, a STEM school established under Chapter 3326. 2536
of the Revised Code, or a chartered nonpublic school to convey 2537
deadly weapons or dangerous ordnance into a school safety zone. 2538

A record that is not a public record under division (A) (1) 2539
of this section and that, under law, is permanently retained 2540
becomes a public record on the day that is seventy-five years 2541
after the day on which the record was created, except for any 2542
record protected by the attorney-client privilege, a trial 2543
preparation record as defined in this section, a statement 2544
prohibiting the release of identifying information signed under 2545
section 3107.083 of the Revised Code, a denial of release form 2546
filed pursuant to section 3107.46 of the Revised Code, or any 2547
record that is exempt from release or disclosure under section 2548

149.433 of the Revised Code. If the record is a birth 2549
certificate and a biological parent's name redaction request 2550
form has been accepted under section 3107.391 of the Revised 2551
Code, the name of that parent shall be redacted from the birth 2552
certificate before it is released under this paragraph. If any 2553
other section of the Revised Code establishes a time period for 2554
disclosure of a record that conflicts with the time period 2555
specified in this section, the time period in the other section 2556
prevails. 2557

(2) "Confidential law enforcement investigatory record" 2558
means any record that pertains to a law enforcement matter of a 2559
criminal, quasi-criminal, civil, or administrative nature, but 2560
only to the extent that the release of the record would create a 2561
high probability of disclosure of any of the following: 2562

(a) The identity of a suspect who has not been charged 2563
with the offense to which the record pertains, or of an 2564
information source or witness to whom confidentiality has been 2565
reasonably promised; 2566

(b) Information provided by an information source or 2567
witness to whom confidentiality has been reasonably promised, 2568
which information would reasonably tend to disclose the source's 2569
or witness's identity; 2570

(c) Specific confidential investigatory techniques or 2571
procedures or specific investigatory work product; 2572

(d) Information that would endanger the life or physical 2573
safety of law enforcement personnel, a crime victim, a witness, 2574
or a confidential information source. 2575

(3) "Medical record" means any document or combination of 2576
documents, except births, deaths, and the fact of admission to 2577

or discharge from a hospital, that pertains to the medical 2578
history, diagnosis, prognosis, or medical condition of a patient 2579
and that is generated and maintained in the process of medical 2580
treatment. 2581

(4) "Trial preparation record" means any record that 2582
contains information that is specifically compiled in reasonable 2583
anticipation of, or in defense of, a civil or criminal action or 2584
proceeding, including the independent thought processes and 2585
personal trial preparation of an attorney. 2586

(5) "Intellectual property record" means a record, other 2587
than a financial or administrative record, that is produced or 2588
collected by or for faculty or staff of a state institution of 2589
higher learning in the conduct of or as a result of study or 2590
research on an educational, commercial, scientific, artistic, 2591
technical, or scholarly issue, regardless of whether the study 2592
or research was sponsored by the institution alone or in 2593
conjunction with a governmental body or private concern, and 2594
that has not been publicly released, published, or patented. 2595

(6) "Donor profile record" means all records about donors 2596
or potential donors to a public institution of higher education 2597
except the names and reported addresses of the actual donors and 2598
the date, amount, and conditions of the actual donation. 2599

(7) "Designated public service worker" means a peace 2600
officer, parole officer, probation officer, bailiff, prosecuting 2601
attorney, assistant prosecuting attorney, correctional employee, 2602
county or multicounty corrections officer, community-based 2603
correctional facility employee, designated Ohio national guard 2604
member, protective services worker, youth services employee, 2605
firefighter, EMT, medical director or member of a cooperating 2606
physician advisory board of an emergency medical service 2607

organization, state board of pharmacy employee, investigator of 2608
the bureau of criminal identification and investigation, 2609
emergency service telecommunicator, forensic mental health 2610
provider, mental health evaluation provider, regional 2611
psychiatric hospital employee, judge, magistrate, or federal law 2612
enforcement officer. 2613

(8) "Designated public service worker residential and 2614
familial information" means any information that discloses any 2615
of the following about a designated public service worker: 2616

(a) The address of the actual personal residence of a 2617
designated public service worker, except for the following 2618
information: 2619

(i) The address of the actual personal residence of a 2620
prosecuting attorney or judge; and 2621

(ii) The state or political subdivision in which a 2622
designated public service worker resides. 2623

(b) Information compiled from referral to or participation 2624
in an employee assistance program; 2625

(c) The social security number, the residential telephone 2626
number, any bank account, debit card, charge card, or credit 2627
card number, or the emergency telephone number of, or any 2628
medical information pertaining to, a designated public service 2629
worker; 2630

(d) The name of any beneficiary of employment benefits, 2631
including, but not limited to, life insurance benefits, provided 2632
to a designated public service worker by the designated public 2633
service worker's employer; 2634

(e) The identity and amount of any charitable or 2635

employment benefit deduction made by the designated public 2636
service worker's employer from the designated public service 2637
worker's compensation, unless the amount of the deduction is 2638
required by state or federal law; 2639

(f) The name, the residential address, the name of the 2640
employer, the address of the employer, the social security 2641
number, the residential telephone number, any bank account, 2642
debit card, charge card, or credit card number, or the emergency 2643
telephone number of the spouse, a former spouse, or any child of 2644
a designated public service worker; 2645

(g) A photograph of a peace officer who holds a position 2646
or has an assignment that may include undercover or plain 2647
clothes positions or assignments as determined by the peace 2648
officer's appointing authority. 2649

(9) As used in divisions (A) (7) and (15) to (17) of this 2650
section: 2651

"Peace officer" has the meaning defined in section 109.71 2652
of the Revised Code and also includes the superintendent and 2653
troopers of the state highway patrol; it does not include the 2654
sheriff of a county or a supervisory employee who, in the 2655
absence of the sheriff, is authorized to stand in for, exercise 2656
the authority of, and perform the duties of the sheriff. 2657

"Correctional employee" means any employee of the 2658
department of rehabilitation and correction who in the course of 2659
performing the employee's job duties has or has had contact with 2660
inmates and persons under supervision. 2661

"County or multicounty corrections officer" means any 2662
corrections officer employed by any county or multicounty 2663
correctional facility. 2664

"Designated Ohio national guard member" means a member of 2665
the Ohio national guard who is participating in duties related 2666
to remotely piloted aircraft, including, but not limited to, 2667
pilots, sensor operators, and mission intelligence personnel, 2668
duties related to special forces operations, or duties related 2669
to cybersecurity, and is designated by the adjutant general as a 2670
designated public service worker for those purposes. 2671

"Protective services worker" means any employee of a 2672
county agency who is responsible for child protective services, 2673
child support services, or adult protective services. 2674

"Youth services employee" means any employee of the 2675
department of youth services who in the course of performing the 2676
employee's job duties has or has had contact with children 2677
committed to the custody of the department of youth services. 2678

"Firefighter" means any regular, paid or volunteer, member 2679
of a lawfully constituted fire department of a municipal 2680
corporation, township, fire district, or village. 2681

"EMT" means EMTs-basic, EMTs-I, and paramedics that 2682
provide emergency medical services for a public emergency 2683
medical service organization. "Emergency medical service 2684
organization," "EMT-basic," "EMT-I," and "paramedic" have the 2685
meanings defined in section 4765.01 of the Revised Code. 2686

"Investigator of the bureau of criminal identification and 2687
investigation" has the meaning defined in section 2903.11 of the 2688
Revised Code. 2689

"Emergency service telecommunicator" has the meaning 2690
defined in section 4742.01 of the Revised Code. 2691

"Forensic mental health provider" means any employee of a 2692
community mental health service provider or local alcohol, drug 2693

addiction, and mental health services board who, in the course 2694
of the employee's duties, has contact with persons committed to 2695
a local alcohol, drug addiction, and mental health services 2696
board by a court order pursuant to section 2945.38, 2945.39, 2697
2945.40, or 2945.402 of the Revised Code. 2698

"Mental health evaluation provider" means an individual 2699
who, under Chapter 5122. of the Revised Code, examines a 2700
respondent who is alleged to be a mentally ill person subject to 2701
court order, as defined in section 5122.01 of the Revised Code, 2702
and reports to the probate court the respondent's mental 2703
condition. 2704

"Regional psychiatric hospital employee" means any 2705
employee of the department of mental health and addiction 2706
services who, in the course of performing the employee's duties, 2707
has contact with patients committed to the department of mental 2708
health and addiction services by a court order pursuant to 2709
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2710
Code. 2711

"Federal law enforcement officer" has the meaning defined 2712
in section 9.88 of the Revised Code. 2713

(10) "Information pertaining to the recreational 2714
activities of a person under the age of eighteen" means 2715
information that is kept in the ordinary course of business by a 2716
public office, that pertains to the recreational activities of a 2717
person under the age of eighteen years, and that discloses any 2718
of the following: 2719

(a) The address or telephone number of a person under the 2720
age of eighteen or the address or telephone number of that 2721
person's parent, guardian, custodian, or emergency contact 2722

person;	2723
(b) The social security number, birth date, or	2724
photographic image of a person under the age of eighteen;	2725
(c) Any medical record, history, or information pertaining	2726
to a person under the age of eighteen;	2727
(d) Any additional information sought or required about a	2728
person under the age of eighteen for the purpose of allowing	2729
that person to participate in any recreational activity	2730
conducted or sponsored by a public office or to use or obtain	2731
admission privileges to any recreational facility owned or	2732
operated by a public office.	2733
(11) "Community control sanction" has the meaning defined	2734
in section 2929.01 of the Revised Code.	2735
(12) "Post-release control sanction" has the meaning	2736
defined in section 2967.01 of the Revised Code.	2737
(13) "Redaction" means obscuring or deleting any	2738
information that is exempt from the duty to permit public	2739
inspection or copying from an item that otherwise meets the	2740
definition of a "record" in section 149.011 of the Revised Code.	2741
(14) "Designee," "elected official," and "future official"	2742
have the meanings defined in section 109.43 of the Revised Code.	2743
(15) "Body-worn camera" means a visual and audio recording	2744
device worn on the person of a <u>correctional employee or peace</u>	2745
officer while the <u>correctional employee or peace officer</u> is	2746
engaged in the performance of the peace officer's <u>official</u>	2747
duties.	2748
(16) "Dashboard camera" means a visual and audio recording	2749
device mounted on a peace officer's vehicle or vessel that is	2750

used while the peace officer is engaged in the performance of 2751
the peace officer's duties. 2752

(17) "Restricted portions of a body-worn camera or 2753
dashboard camera recording" means any visual or audio portion of 2754
a body-worn camera or dashboard camera recording that shows, 2755
communicates, or discloses any of the following: 2756

(a) The image or identity of a child or information that 2757
could lead to the identification of a child who is a primary 2758
subject of the recording when the department of rehabilitation 2759
and correction or the law enforcement agency knows or has reason 2760
to know the person is a child based on the department's or law 2761
enforcement agency's records or the content of the recording; 2762

(b) The death of a person or a deceased person's body, 2763
unless the death was caused by a correctional employee or peace 2764
officer or, subject to division (H)(1) of this section, the 2765
consent of the decedent's executor or administrator has been 2766
obtained; 2767

(c) The death of a correctional employee, peace officer, 2768
firefighter, paramedic, or other first responder, occurring 2769
while the decedent was engaged in the performance of official 2770
duties, unless, subject to division (H)(1) of this section, the 2771
consent of the decedent's executor or administrator has been 2772
obtained; 2773

(d) Grievous bodily harm, unless the injury was effected 2774
by a correctional employee or peace officer or, subject to 2775
division (H)(1) of this section, the consent of the injured 2776
person or the injured person's guardian has been obtained; 2777

(e) An act of severe violence against a person that 2778
results in serious physical harm to the person, unless the act 2779

and injury was effected by a correctional employee or peace 2780
officer or, subject to division (H) (1) of this section, the 2781
consent of the injured person or the injured person's guardian 2782
has been obtained; 2783

(f) Grievous bodily harm to a correctional employee, peace 2784
officer, firefighter, paramedic, or other first responder, 2785
occurring while the injured person was engaged in the 2786
performance of official duties, unless, subject to division (H) 2787
(1) of this section, the consent of the injured person or the 2788
injured person's guardian has been obtained; 2789

(g) An act of severe violence resulting in serious 2790
physical harm against a correctional employee, peace officer, 2791
firefighter, paramedic, or other first responder, occurring 2792
while the injured person was engaged in the performance of 2793
official duties, unless, subject to division (H) (1) of this 2794
section, the consent of the injured person or the injured 2795
person's guardian has been obtained; 2796

(h) A person's nude body, unless, subject to division (H) 2797
(1) of this section, the person's consent has been obtained; 2798

(i) Protected health information, the identity of a person 2799
in a health care facility who is not the subject of a law 2800
enforcement encounter, or any other information in a health care 2801
facility that could identify a person who is not the subject of 2802
a law enforcement encounter; 2803

(j) Information that could identify the alleged victim of 2804
a sex offense, menacing by stalking, or domestic violence; 2805

(k) Information, that does not constitute a confidential 2806
law enforcement investigatory record, that could identify a 2807
person who provides sensitive or confidential information to a 2808

<u>correctional employee or a</u> law enforcement agency when the	2809
disclosure of the person's identity or the information provided	2810
could reasonably be expected to threaten or endanger the safety	2811
or property of the person or another person;	2812
(l) Personal information of a person who is not arrested,	2813
cited, charged, or issued a written warning by a peace officer;	2814
(m) Proprietary police contingency plans or tactics that	2815
are intended to prevent crime and maintain public order and	2816
safety;	2817
(n) A personal conversation unrelated to work between	2818
peace officers or between a peace officer and an employee of a	2819
law enforcement agency;	2820
(o) A conversation between a peace officer and a member of	2821
the public that does not concern law enforcement activities;	2822
(p) The interior of a residence, unless the interior of a	2823
residence is the location of an adversarial encounter with, or a	2824
use of force by, a peace officer;	2825
(q) Any portion of the interior of a private business that	2826
is not open to the public, unless an adversarial encounter with,	2827
or a use of force by, a peace officer occurs in that location.	2828
As used in division (A) (17) of this section:	2829
"Grievous bodily harm" has the same meaning as in section	2830
5924.120 of the Revised Code.	2831
"Health care facility" has the same meaning as in section	2832
1337.11 of the Revised Code.	2833
"Protected health information" has the same meaning as in	2834
45 C.F.R. 160.103.	2835

"Law enforcement agency" has the same meaning as in 2836
section 2925.61 of the Revised Code. 2837

"Personal information" means any government-issued 2838
identification number, date of birth, address, financial 2839
information, or criminal justice information from the law 2840
enforcement automated data system or similar databases. 2841

"Sex offense" has the same meaning as in section 2907.10 2842
of the Revised Code. 2843

"Firefighter," "paramedic," and "first responder" have the 2844
same meanings as in section 4765.01 of the Revised Code. 2845

(B) (1) Upon request by any person and subject to division 2846
(B) (8) of this section, all public records responsive to the 2847
request shall be promptly prepared and made available for 2848
inspection to the requester at all reasonable times during 2849
regular business hours. Subject to division (B) (8) of this 2850
section, upon request by any person, a public office or person 2851
responsible for public records shall make copies of the 2852
requested public record available to the requester at cost and 2853
within a reasonable period of time. If a public record contains 2854
information that is exempt from the duty to permit public 2855
inspection or to copy the public record, the public office or 2856
the person responsible for the public record shall make 2857
available all of the information within the public record that 2858
is not exempt. When making that public record available for 2859
public inspection or copying that public record, the public 2860
office or the person responsible for the public record shall 2861
notify the requester of any redaction or make the redaction 2862
plainly visible. A redaction shall be deemed a denial of a 2863
request to inspect or copy the redacted information, except if 2864
federal or state law authorizes or requires a public office to 2865

make the redaction. 2866

(2) To facilitate broader access to public records, a 2867
public office or the person responsible for public records shall 2868
organize and maintain public records in a manner that they can 2869
be made available for inspection or copying in accordance with 2870
division (B) of this section. A public office also shall have 2871
available a copy of its current records retention schedule at a 2872
location readily available to the public. If a requester makes 2873
an ambiguous or overly broad request or has difficulty in making 2874
a request for copies or inspection of public records under this 2875
section such that the public office or the person responsible 2876
for the requested public record cannot reasonably identify what 2877
public records are being requested, the public office or the 2878
person responsible for the requested public record may deny the 2879
request but shall provide the requester with an opportunity to 2880
revise the request by informing the requester of the manner in 2881
which records are maintained by the public office and accessed 2882
in the ordinary course of the public office's or person's 2883
duties. 2884

(3) If a request is ultimately denied, in part or in 2885
whole, the public office or the person responsible for the 2886
requested public record shall provide the requester with an 2887
explanation, including legal authority, setting forth why the 2888
request was denied. If the initial request was provided in 2889
writing, the explanation also shall be provided to the requester 2890
in writing. The explanation shall not preclude the public office 2891
or the person responsible for the requested public record from 2892
relying upon additional reasons or legal authority in defending 2893
an action commenced under division (C) of this section. 2894

(4) Unless specifically required or authorized by state or 2895

federal law or in accordance with division (B) of this section, 2896
no public office or person responsible for public records may 2897
limit or condition the availability of public records by 2898
requiring disclosure of the requester's identity or the intended 2899
use of the requested public record. Any requirement that the 2900
requester disclose the requester's identity or the intended use 2901
of the requested public record constitutes a denial of the 2902
request. 2903

(5) A public office or person responsible for public 2904
records may ask a requester to make the request in writing, may 2905
ask for the requester's identity, and may inquire about the 2906
intended use of the information requested, but may do so only 2907
after disclosing to the requester that a written request is not 2908
mandatory, that the requester may decline to reveal the 2909
requester's identity or the intended use, and when a written 2910
request or disclosure of the identity or intended use would 2911
benefit the requester by enhancing the ability of the public 2912
office or person responsible for public records to identify, 2913
locate, or deliver the public records sought by the requester. 2914

(6) If any person requests a copy of a public record in 2915
accordance with division (B) of this section, the public office 2916
or person responsible for the public record may require the 2917
requester to pay in advance the cost involved in providing the 2918
copy of the public record in accordance with the choice made by 2919
the requester under this division. The public office or the 2920
person responsible for the public record shall permit the 2921
requester to choose to have the public record duplicated upon 2922
paper, upon the same medium upon which the public office or 2923
person responsible for the public record keeps it, or upon any 2924
other medium upon which the public office or person responsible 2925
for the public record determines that it reasonably can be 2926

2927 duplicated as an integral part of the normal operations of the
2928 public office or person responsible for the public record. When
2929 the requester makes a choice under this division, the public
2930 office or person responsible for the public record shall provide
2931 a copy of it in accordance with the choice made by the
2932 requester. Nothing in this section requires a public office or
2933 person responsible for the public record to allow the requester
2934 of a copy of the public record to make the copies of the public
2935 record.

2936 (7) (a) Upon a request made in accordance with division (B)
2937 of this section and subject to division (B) (6) of this section,
2938 a public office or person responsible for public records shall
2939 transmit a copy of a public record to any person by United
2940 States mail or by any other means of delivery or transmission
2941 within a reasonable period of time after receiving the request
2942 for the copy. The public office or person responsible for the
2943 public record may require the person making the request to pay
2944 in advance the cost of postage if the copy is transmitted by
2945 United States mail or the cost of delivery if the copy is
2946 transmitted other than by United States mail, and to pay in
2947 advance the costs incurred for other supplies used in the
2948 mailing, delivery, or transmission.

2949 (b) Any public office may adopt a policy and procedures
2950 that it will follow in transmitting, within a reasonable period
2951 of time after receiving a request, copies of public records by
2952 United States mail or by any other means of delivery or
2953 transmission pursuant to division (B) (7) of this section. A
2954 public office that adopts a policy and procedures under division
2955 (B) (7) of this section shall comply with them in performing its
2956 duties under that division.

(c) In any policy and procedures adopted under division 2957
(B) (7) of this section: 2958

(i) A public office may limit the number of records 2959
requested by a person that the office will physically deliver by 2960
United States mail or by another delivery service to ten per 2961
month, unless the person certifies to the office in writing that 2962
the person does not intend to use or forward the requested 2963
records, or the information contained in them, for commercial 2964
purposes; 2965

(ii) A public office that chooses to provide some or all 2966
of its public records on a web site that is fully accessible to 2967
and searchable by members of the public at all times, other than 2968
during acts of God outside the public office's control or 2969
maintenance, and that charges no fee to search, access, 2970
download, or otherwise receive records provided on the web site, 2971
may limit to ten per month the number of records requested by a 2972
person that the office will deliver in a digital format, unless 2973
the requested records are not provided on the web site and 2974
unless the person certifies to the office in writing that the 2975
person does not intend to use or forward the requested records, 2976
or the information contained in them, for commercial purposes. 2977

(iii) For purposes of division (B) (7) of this section, 2978
"commercial" shall be narrowly construed and does not include 2979
reporting or gathering news, reporting or gathering information 2980
to assist citizen oversight or understanding of the operation or 2981
activities of government, or nonprofit educational research. 2982

(8) A public office or person responsible for public 2983
records is not required to permit a person who is incarcerated 2984
pursuant to a criminal conviction or a juvenile adjudication to 2985
inspect or to obtain a copy of any public record concerning a 2986

criminal investigation or prosecution or concerning what would 2987
be a criminal investigation or prosecution if the subject of the 2988
investigation or prosecution were an adult, unless the request 2989
to inspect or to obtain a copy of the record is for the purpose 2990
of acquiring information that is subject to release as a public 2991
record under this section and the judge who imposed the sentence 2992
or made the adjudication with respect to the person, or the 2993
judge's successor in office, finds that the information sought 2994
in the public record is necessary to support what appears to be 2995
a justiciable claim of the person. 2996

(9) (a) Upon written request made and signed by a 2997
journalist, a public office, or person responsible for public 2998
records, having custody of the records of the agency employing a 2999
specified designated public service worker shall disclose to the 3000
journalist the address of the actual personal residence of the 3001
designated public service worker and, if the designated public 3002
service worker's spouse, former spouse, or child is employed by 3003
a public office, the name and address of the employer of the 3004
designated public service worker's spouse, former spouse, or 3005
child. The request shall include the journalist's name and title 3006
and the name and address of the journalist's employer and shall 3007
state that disclosure of the information sought would be in the 3008
public interest. 3009

(b) Division (B) (9) (a) of this section also applies to 3010
journalist requests for: 3011

(i) Customer information maintained by a municipally owned 3012
or operated public utility, other than social security numbers 3013
and any private financial information such as credit reports, 3014
payment methods, credit card numbers, and bank account 3015
information; 3016

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) (gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

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

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A) (1) (ii) of this section to the victim, victim's attorney, or victim's representative.

(C) (1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that 3047
orders the public office or the person responsible for the 3048
public record to comply with division (B) of this section, that 3049
awards court costs and reasonable attorney's fees to the person 3050
that instituted the mandamus action, and, if applicable, that 3051
includes an order fixing statutory damages under division (C) (2) 3052
of this section. The mandamus action may be commenced in the 3053
court of common pleas of the county in which division (B) of 3054
this section allegedly was not complied with, in the supreme 3055
court pursuant to its original jurisdiction under Section 2 of 3056
Article IV, Ohio Constitution, or in the court of appeals for 3057
the appellate district in which division (B) of this section 3058
allegedly was not complied with pursuant to its original 3059
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3060

(2) If a requester transmits a written request by hand 3061
delivery, electronic submission, or certified mail to inspect or 3062
receive copies of any public record in a manner that fairly 3063
describes the public record or class of public records to the 3064
public office or person responsible for the requested public 3065
records, except as otherwise provided in this section, the 3066
requester shall be entitled to recover the amount of statutory 3067
damages set forth in this division if a court determines that 3068
the public office or the person responsible for public records 3069
failed to comply with an obligation in accordance with division 3070
(B) of this section. 3071

The amount of statutory damages shall be fixed at one 3072
hundred dollars for each business day during which the public 3073
office or person responsible for the requested public records 3074
failed to comply with an obligation in accordance with division 3075
(B) of this section, beginning with the day on which the 3076
requester files a mandamus action to recover statutory damages, 3077

up to a maximum of one thousand dollars. The award of statutory 3078
damages shall not be construed as a penalty, but as compensation 3079
for injury arising from lost use of the requested information. 3080
The existence of this injury shall be conclusively presumed. The 3081
award of statutory damages shall be in addition to all other 3082
remedies authorized by this section. 3083

The court may reduce an award of statutory damages or not 3084
award statutory damages if the court determines both of the 3085
following: 3086

(a) That, based on the ordinary application of statutory 3087
law and case law as it existed at the time of the conduct or 3088
threatened conduct of the public office or person responsible 3089
for the requested public records that allegedly constitutes a 3090
failure to comply with an obligation in accordance with division 3091
(B) of this section and that was the basis of the mandamus 3092
action, a well-informed public office or person responsible for 3093
the requested public records reasonably would believe that the 3094
conduct or threatened conduct of the public office or person 3095
responsible for the requested public records did not constitute 3096
a failure to comply with an obligation in accordance with 3097
division (B) of this section; 3098

(b) That a well-informed public office or person 3099
responsible for the requested public records reasonably would 3100
believe that the conduct or threatened conduct of the public 3101
office or person responsible for the requested public records 3102
would serve the public policy that underlies the authority that 3103
is asserted as permitting that conduct or threatened conduct. 3104

(3) In a mandamus action filed under division (C) (1) of 3105
this section, the following apply: 3106

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 3107
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(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 3112
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(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section: 3116
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(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section. 3121
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(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time. 3125
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(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division 3130
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(B) of this section. No discovery may be conducted on the issue 3136
of the alleged bad faith of the public office or person 3137
responsible for the public records. This division shall not be 3138
construed as creating a presumption that the public office or 3139
the person responsible for the public records acted in bad faith 3140
when the office or person voluntarily made the public records 3141
available to the relator for the first time after the relator 3142
commenced the mandamus action, but before the court issued any 3143
order described in this division. 3144

(c) The court shall not award attorney's fees to the 3145
relator if the court determines both of the following: 3146

(i) That, based on the ordinary application of statutory 3147
law and case law as it existed at the time of the conduct or 3148
threatened conduct of the public office or person responsible 3149
for the requested public records that allegedly constitutes a 3150
failure to comply with an obligation in accordance with division 3151
(B) of this section and that was the basis of the mandamus 3152
action, a well-informed public office or person responsible for 3153
the requested public records reasonably would believe that the 3154
conduct or threatened conduct of the public office or person 3155
responsible for the requested public records did not constitute 3156
a failure to comply with an obligation in accordance with 3157
division (B) of this section; 3158

(ii) That a well-informed public office or person 3159
responsible for the requested public records reasonably would 3160
believe that the conduct or threatened conduct of the public 3161
office or person responsible for the requested public records 3162
would serve the public policy that underlies the authority that 3163
is asserted as permitting that conduct or threatened conduct. 3164

(4) All of the following apply to any award of reasonable 3165

attorney's fees awarded under division (C) (3) (b) of this	3166
section:	3167
(a) The fees shall be construed as remedial and not	3168
punitive.	3169
(b) The fees awarded shall not exceed the total of the	3170
reasonable attorney's fees incurred before the public record was	3171
made available to the relator and the fees described in division	3172
(C) (4) (c) of this section.	3173
(c) Reasonable attorney's fees shall include reasonable	3174
fees incurred to produce proof of the reasonableness and amount	3175
of the fees and to otherwise litigate entitlement to the fees.	3176
(d) The court may reduce the amount of fees awarded if the	3177
court determines that, given the factual circumstances involved	3178
with the specific public records request, an alternative means	3179
should have been pursued to more effectively and efficiently	3180
resolve the dispute that was subject to the mandamus action	3181
filed under division (C) (1) of this section.	3182
(5) If the court does not issue a writ of mandamus under	3183
division (C) of this section and the court determines at that	3184
time that the bringing of the mandamus action was frivolous	3185
conduct as defined in division (A) of section 2323.51 of the	3186
Revised Code, the court may award to the public office all court	3187
costs, expenses, and reasonable attorney's fees, as determined	3188
by the court.	3189
(D) Chapter 1347. of the Revised Code does not limit the	3190
provisions of this section.	3191
(E) (1) To ensure that all employees of public offices are	3192
appropriately educated about a public office's obligations under	3193
division (B) of this section, all elected officials or their	3194

appropriate designees shall attend training approved by the 3195
attorney general as provided in section 109.43 of the Revised 3196
Code. A future official may satisfy the requirements of this 3197
division by attending the training before taking office, 3198
provided that the future official may not send a designee in the 3199
future official's place. 3200

(2) All public offices shall adopt a public records policy 3201
in compliance with this section for responding to public records 3202
requests. In adopting a public records policy under this 3203
division, a public office may obtain guidance from the model 3204
public records policy developed and provided to the public 3205
office by the attorney general under section 109.43 of the 3206
Revised Code. Except as otherwise provided in this section, the 3207
policy may not limit the number of public records that the 3208
public office will make available to a single person, may not 3209
limit the number of public records that it will make available 3210
during a fixed period of time, and may not establish a fixed 3211
period of time before it will respond to a request for 3212
inspection or copying of public records, unless that period is 3213
less than eight hours. 3214

The public office shall distribute the public records 3215
policy adopted by the public office under this division to the 3216
employee of the public office who is the records custodian or 3217
records manager or otherwise has custody of the records of that 3218
office. The public office shall require that employee to 3219
acknowledge receipt of the copy of the public records policy. 3220
The public office shall create a poster that describes its 3221
public records policy and shall post the poster in a conspicuous 3222
place in the public office and in all locations where the public 3223
office has branch offices. The public office may post its public 3224
records policy on the internet web site of the public office if 3225

the public office maintains an internet web site. A public 3226
office that has established a manual or handbook of its general 3227
policies and procedures for all employees of the public office 3228
shall include the public records policy of the public office in 3229
the manual or handbook. 3230

(F) (1) The bureau of motor vehicles may adopt rules 3231
pursuant to Chapter 119. of the Revised Code to reasonably limit 3232
the number of bulk commercial special extraction requests made 3233
by a person for the same records or for updated records during a 3234
calendar year. The rules may include provisions for charges to 3235
be made for bulk commercial special extraction requests for the 3236
actual cost of the bureau, plus special extraction costs, plus 3237
ten per cent. The bureau may charge for expenses for redacting 3238
information, the release of which is prohibited by law. 3239

(2) As used in division (F) (1) of this section: 3240

(a) "Actual cost" means the cost of depleted supplies, 3241
records storage media costs, actual mailing and alternative 3242
delivery costs, or other transmitting costs, and any direct 3243
equipment operating and maintenance costs, including actual 3244
costs paid to private contractors for copying services. 3245

(b) "Bulk commercial special extraction request" means a 3246
request for copies of a record for information in a format other 3247
than the format already available, or information that cannot be 3248
extracted without examination of all items in a records series, 3249
class of records, or database by a person who intends to use or 3250
forward the copies for surveys, marketing, solicitation, or 3251
resale for commercial purposes. "Bulk commercial special 3252
extraction request" does not include a request by a person who 3253
gives assurance to the bureau that the person making the request 3254
does not intend to use or forward the requested copies for 3255

surveys, marketing, solicitation, or resale for commercial 3256
purposes. 3257

(c) "Commercial" means profit-seeking production, buying, 3258
or selling of any good, service, or other product. 3259

(d) "Special extraction costs" means the cost of the time 3260
spent by the lowest paid employee competent to perform the task, 3261
the actual amount paid to outside private contractors employed 3262
by the bureau, or the actual cost incurred to create computer 3263
programs to make the special extraction. "Special extraction 3264
costs" include any charges paid to a public agency for computer 3265
or records services. 3266

(3) For purposes of divisions (F) (1) and (2) of this 3267
section, "surveys, marketing, solicitation, or resale for 3268
commercial purposes" shall be narrowly construed and does not 3269
include reporting or gathering news, reporting or gathering 3270
information to assist citizen oversight or understanding of the 3271
operation or activities of government, or nonprofit educational 3272
research. 3273

(G) A request by a defendant, counsel of a defendant, or 3274
any agent of a defendant in a criminal action that public 3275
records related to that action be made available under this 3276
section shall be considered a demand for discovery pursuant to 3277
the Criminal Rules, except to the extent that the Criminal Rules 3278
plainly indicate a contrary intent. The defendant, counsel of 3279
the defendant, or agent of the defendant making a request under 3280
this division shall serve a copy of the request on the 3281
prosecuting attorney, director of law, or other chief legal 3282
officer responsible for prosecuting the action. 3283

(H) (1) Any portion of a body-worn camera or dashboard 3284

camera recording described in divisions (A) (17) (b) to (h) of 3285
this section may be released by consent of the subject of the 3286
recording or a representative of that person, as specified in 3287
those divisions, only if either of the following applies: 3288

(a) The recording will not be used in connection with any 3289
probable or pending criminal proceedings; 3290

(b) The recording has been used in connection with a 3291
criminal proceeding that was dismissed or for which a judgment 3292
has been entered pursuant to Rule 32 of the Rules of Criminal 3293
Procedure, and will not be used again in connection with any 3294
probable or pending criminal proceedings. 3295

(2) If a public office denies a request to release a 3296
restricted portion of a body-worn camera or dashboard camera 3297
recording, as defined in division (A) (17) of this section, any 3298
person may file a mandamus action pursuant to this section or a 3299
complaint with the clerk of the court of claims pursuant to 3300
section 2743.75 of the Revised Code, requesting the court to 3301
order the release of all or portions of the recording. If the 3302
court considering the request determines that the filing 3303
articulates by clear and convincing evidence that the public 3304
interest in the recording substantially outweighs privacy 3305
interests and other interests asserted to deny release, the 3306
court shall order the public office to release the recording. 3307

Sec. 307.93. ~~(A) (1)~~ (A) The boards of county commissioners 3308
of two or more adjacent counties may contract for the joint 3309
establishment of a multicounty correctional center, and the 3310
board of county commissioners of a county or the boards of two 3311
or more counties may contract with any municipal corporation or 3312
municipal corporations located in that county or those counties 3313
for the joint establishment of a municipal-county or 3314

multicounty-municipal correctional center. The center shall 3315
augment county and, where applicable, municipal jail programs 3316
and facilities by providing custody and rehabilitative programs 3317
for those persons under the charge of the sheriff of any of the 3318
contracting counties or of the officer or officers of the 3319
contracting municipal corporation or municipal corporations 3320
having charge of persons incarcerated in the municipal jail,
workhouse, or other correctional facility who, in the opinion of 3322
the sentencing court, need programs of custody and 3323
rehabilitation not available at the county or municipal jail and 3324
by providing custody and rehabilitative programs in accordance 3325
with division (C) of this section, if applicable. The contract 3326
may include, but need not be limited to, provisions regarding 3327
the acquisition, construction, maintenance, repair, termination 3328
of operations, and administration of the center. The contract 3329
shall prescribe the manner of funding of, and debt assumption 3330
for, the center and the standards and procedures to be followed 3331
in the operation of the center. Except as provided in division 3332
(G) of this section, the contracting counties and municipal 3333
corporations shall form a corrections commission to oversee the 3334
administration of the center. Members of the commission shall 3335
consist of the sheriff of each participating county, a member of 3336
the board of county commissioners of each participating county,
the chief of police of each participating municipal corporation, 3338
and the mayor or city manager of each participating municipal 3339
corporation. Any of the foregoing officers may appoint a 3340
designee to serve in the officer's place on the corrections 3341
commission. 3342

The standards and procedures prescribed under this 3343
division shall be formulated and agreed to by the commission and 3344
may be amended at any time during the life of the contract by 3345

agreement of a majority of the voting members of the commission 3346
or by other means set forth in the contract between the 3347
contracting counties and municipal corporations. The standards 3348
and procedures formulated by the commission and amendments to 3349
them shall include, but need not be limited to, designation of 3350
the person in charge of the center, designation of a fiscal 3351
agent, the categories of employees to be employed at the center, 3352
the appointing authority of the center, and the standards of 3353
treatment and security to be maintained at the center. The 3354
person in charge of, and all persons employed to work at, the 3355
center shall have all the powers of police officers that are 3356
necessary for the proper performance of the duties ~~and work-~~ 3357
~~responsibilities of relating to their positions at the center,~~ 3358
~~provided that the corrections officers of the center may carry~~ 3359
~~firearms in the performance of those duties and responsibilities~~ 3360
~~only in accordance with division (A) (2) of this section.~~ 3361

~~(2) The person in charge of a multicounty correctional-~~ 3362
~~center, or of a municipal county or multicounty municipal-~~ 3363
~~correctional center, may grant permission to a corrections-~~ 3364
~~officer of the center to carry firearms when required in the~~ 3365
~~discharge of official duties if the corrections officer has~~ 3366
~~successfully completed a basic firearm training program that is~~ 3367
~~approved by the executive director of the Ohio peace officer-~~ 3368
~~training commission. A corrections officer who has been granted~~ 3369
~~permission to carry firearms in the discharge of official duties~~ 3370
~~annually shall successfully complete a firearms requalification-~~ 3371
~~program in accordance with section 109.801 of the Revised Code.~~ 3372
~~A corrections officer may carry firearms under authority of this~~ 3373
~~division only while the officer is acting within the scope of-~~ 3374
~~the officer's official duties.~~ 3375

(B) (1) Upon the establishment of a corrections commission 3376

under division (A) of this section, the judges specified in this 3377
division shall form a judicial advisory board for the purpose of 3378
making recommendations to the corrections commission on issues 3379
of bed allocation, expansion of the center that the corrections 3380
commission oversees, and other issues concerning the 3381
administration of sentences or any other matter determined to be 3382
appropriate by the board. The judges who shall form the judicial 3383
advisory board for a corrections commission are the 3384
administrative judge of the general division of the court of 3385
common pleas of each county participating in the corrections 3386
center, the presiding judge of the municipal court of each 3387
municipal corporation participating in the corrections center, 3388
and the presiding judge of each county court of each county 3389
participating in the corrections center. If the number of the 3390
foregoing members of the board is even, the county auditor or 3391
the county auditor of the most populous county if the board 3392
serves more than one county shall also be a member of the board. 3393
Any of the foregoing judges may appoint a designee to serve in 3394
the judge's place on the judicial advisory board, provided that 3395
the designee shall be a judge of the same court as the judge who 3396
makes the appointment. The judicial advisory board for a 3397
corrections commission shall meet with the corrections 3398
commission at least once each year. 3399

(2) Each board of county commissioners that enters a 3400
contract under division (A) of this section may appoint a 3401
building commission pursuant to section 153.21 of the Revised 3402
Code. If any commissions are appointed, they shall function 3403
jointly in the construction of a multicounty or multicounty- 3404
municipal correctional center with all the powers and duties 3405
authorized by law. 3406

(C) Prior to the acceptance for custody and rehabilitation 3407

into a center established under this section of any persons who 3408
are designated by the department of rehabilitation and 3409
correction, who plead guilty to or are convicted of a felony of 3410
the fourth or fifth degree, and who satisfy the other 3411
requirements listed in section 5120.161 of the Revised Code, the 3412
corrections commission of a center established under this 3413
section shall enter into an agreement with the department of 3414
rehabilitation and correction under section 5120.161 of the 3415
Revised Code for the custody and rehabilitation in the center of 3416
persons who are designated by the department, who plead guilty 3417
to or are convicted of a felony of the fourth or fifth degree, 3418
and who satisfy the other requirements listed in that section, 3419
in exchange for a per diem fee per person. Persons incarcerated 3420
in the center pursuant to an agreement entered into under this 3421
division shall be subject to supervision and control in the 3422
manner described in section 5120.161 of the Revised Code. This 3423
division does not affect the authority of a court to directly 3424
sentence a person who is convicted of or pleads guilty to a 3425
felony to the center in accordance with section 2929.16 of the 3426
Revised Code. 3427

(D) Pursuant to section 2929.37 of the Revised Code, each 3428
board of county commissioners and the legislative authority of 3429
each municipal corporation that enters into a contract under 3430
division (A) of this section may require a person who was 3431
convicted of an offense, who is under the charge of the sheriff 3432
of their county or of the officer or officers of the contracting 3433
municipal corporation or municipal corporations having charge of 3434
persons incarcerated in the municipal jail, workhouse, or other 3435
correctional facility, and who is confined in the multicounty, 3436
municipal-county, or multicounty-municipal correctional center 3437
as provided in that division, to reimburse the applicable county 3438

or municipal corporation for its expenses incurred by reason of 3439
the person's confinement in the center. 3440

(E) Notwithstanding any contrary provision in this section 3441
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 3442
corrections commission of a center may establish a policy that 3443
complies with section 2929.38 of the Revised Code and that 3444
requires any person who is not indigent and who is confined in 3445
the multicounty, municipal-county, or multicounty-municipal 3446
correctional center to pay a reception fee, a fee for medical 3447
treatment or service requested by and provided to that person, 3448
or the fee for a random drug test assessed under division (E) of 3449
section 341.26 of the Revised Code. 3450

(F) (1) The corrections commission of a center established 3451
under this section may establish a commissary for the center. 3452
The commissary may be established either in-house or by another 3453
arrangement. If a commissary is established, all persons 3454
incarcerated in the center shall receive commissary privileges. 3455
A person's purchases from the commissary shall be deducted from 3456
the person's account record in the center's business office. The 3457
commissary shall provide for the distribution to indigent 3458
persons incarcerated in the center of necessary hygiene articles 3459
and writing materials. 3460

(2) If a commissary is established, the corrections 3461
commission of a center established under this section shall 3462
establish a commissary fund for the center. The management of 3463
funds in the commissary fund shall be strictly controlled in 3464
accordance with procedures adopted by the auditor of state. 3465
Commissary fund revenue over and above operating costs and 3466
reserve shall be considered profits. All profits from the 3467
commissary fund shall be used to purchase supplies and equipment 3468

for the benefit of persons incarcerated in the center and to pay 3469
salary and benefits for employees of the center, or for any 3470
other persons, who work in or are employed for the sole purpose 3471
of providing service to the commissary. The corrections 3472
commission shall adopt rules and regulations for the operation 3473
of any commissary fund it establishes. 3474

(G) In lieu of forming a corrections commission to 3475
administer a multicounty correctional center or a municipal- 3476
county or multicounty-municipal correctional center, the boards 3477
of county commissioners and the legislative authorities of the 3478
municipal corporations contracting to establish the center may 3479
also agree to contract for the private operation and management 3480
of the center as provided in section 9.06 of the Revised Code, 3481
but only if the center houses only misdemeanor inmates. In 3482
order to enter into a contract under section 9.06 of the Revised 3483
Code, all the boards and legislative authorities establishing 3484
the center shall approve and be parties to the contract. 3485

(H) If a person who is convicted of or pleads guilty to an 3486
offense is sentenced to a term in a multicounty correctional 3487
center or a municipal-county or multicounty-municipal 3488
correctional center or is incarcerated in the center in the 3489
manner described in division (C) of this section, or if a person 3490
who is arrested for an offense, and who has been denied bail or 3491
has had bail set and has not been released on bail is confined 3492
in a multicounty correctional center or a municipal-county or 3493
multicounty-municipal correctional center pending trial, at the 3494
time of reception and at other times the officer, officers, or 3495
other person in charge of the operation of the center determines 3496
to be appropriate, the officer, officers, or other person in 3497
charge of the operation of the center may cause the convicted or 3498
accused offender to be examined and tested for tuberculosis, HIV 3499

infection, hepatitis, including but not limited to hepatitis A, 3500
B, and C, and other contagious diseases. The officer, officers, 3501
or other person in charge of the operation of the center may 3502
cause a convicted or accused offender in the center who refuses 3503
to be tested or treated for tuberculosis, HIV infection, 3504
hepatitis, including but not limited to hepatitis A, B, and C, 3505
or another contagious disease to be tested and treated 3506
involuntarily. 3507

(I) As used in this section, "multicounty-municipal" means 3508
more than one county and a municipal corporation, or more than 3509
one municipal corporation and a county, or more than one 3510
municipal corporation and more than one county. 3511

Sec. 307.932. (A) As used in this section: 3512

(1) "Division of parole and community services" means the 3513
division of parole and community services of the department of 3514
rehabilitation and correction. 3515

(2) "Eligible offender" means, in relation to a particular 3516
community alternative sentencing center or district community 3517
alternative sentencing center established and operated under 3518
this section, an offender who has been convicted of or pleaded 3519
guilty to a qualifying felony offense or a qualifying 3520
misdemeanor offense, for whom no provision of the Revised Code 3521
or ordinance of a municipal corporation other than section 3522
4511.19 of the Revised Code, both sections 4510.14 and 4511.19 3523
of the Revised Code, or an ordinance or ordinances of a 3524
municipal corporation that provide the penalties for a municipal 3525
OVI offense or for both a municipal OVI ordinance and a 3526
municipal DUS ordinance of the municipal corporation requires 3527
the imposition of a mandatory jail term for that qualifying 3528
misdemeanor offense, and who is eligible to be sentenced 3529

directly to that center and admitted to it under rules adopted 3530
under division (G) of this section by the board of county 3531
commissioners, affiliated group of boards of county 3532
commissioners, or municipal corporation that established and 3533
operates that center. "Eligible offender" also means a person 3534
who has been convicted of or pleaded guilty to a qualifying 3535
felony offense. 3536

(3) "Municipal OVI offense" has the same meaning as in 3537
section 4511.181 of the Revised Code. 3538

(4) "OVI term of confinement" means a term of confinement 3539
imposed for a violation of section 4511.19 of the Revised Code 3540
or for a municipal OVI offense, including any mandatory jail 3541
term or mandatory term of local incarceration imposed for that 3542
violation or offense. "OVI term of confinement" does not include 3543
any prison term imposed on an offender for a qualifying felony 3544
offense. 3545

(5) "Community residential sanction" means a community 3546
residential sanction imposed under section 2929.26 of the 3547
Revised Code for a misdemeanor violation of a section of the 3548
Revised Code or a term of confinement imposed for a misdemeanor 3549
violation of a municipal ordinance that is not a jail term. 3550

(6) "Qualifying misdemeanor offense" means a violation of 3551
any section of the Revised Code that is a misdemeanor or a 3552
violation of any ordinance of a municipal corporation located in 3553
the county that is a misdemeanor. 3554

(7) "Municipal DUS offense" means a violation of a 3555
municipal ordinance that is substantially equivalent to section 3556
4510.14 of the Revised Code. 3557

(8) "Qualifying felony offense" means a violation of 3558

section 4511.19 of the Revised Code that is a felony of the 3559
fourth degree or a municipal OVI offense that is substantially 3560
equivalent to a fourth degree felony violation of section 3561
4511.19 of the Revised Code. 3562

(B) (1) The board of county commissioners of any county, in 3563
consultation with the sheriff of the county, may establish a 3564
community alternative sentencing center that, upon 3565
implementation by the county or being subcontracted to or 3566
operated by a nonprofit organization, shall be used for the 3567
confinement of eligible offenders sentenced directly to the 3568
center by a court located in any county pursuant to a community 3569
residential sanction of not more than ninety days or pursuant to 3570
an OVI term of confinement of not more than ~~ninety-one hundred~~ 3571
twenty days, and for the purpose of closely monitoring those 3572
eligible offenders' adjustment to community supervision. A board 3573
that establishes a center pursuant to this division shall do so 3574
by resolution. 3575

(2) The boards of county commissioners of two or more 3576
adjoining or neighboring counties, in consultation with the 3577
sheriffs of each of those counties, may affiliate and establish 3578
by resolution adopted by each of them a district community 3579
alternative sentencing center that, upon implementation by the 3580
counties or being subcontracted to or operated by a nonprofit 3581
organization, shall be used for the confinement of eligible 3582
offenders sentenced directly to the center by a court located in 3583
any county pursuant to a community residential sanction of not 3584
more than ninety days or pursuant to an OVI term of confinement 3585
of not more than ~~ninety-one hundred twenty~~ days, and for the 3586
purpose of closely monitoring those eligible offenders' 3587
adjustment to community supervision. Each board that affiliates 3588
with one or more other boards to establish a center pursuant to 3589

this division shall do so by resolution. 3590

(3) A municipal corporation may establish a community 3591
alternative sentencing center that, upon implementation by the 3592
municipal corporation or being subcontracted to or operated by a 3593
nonprofit organization, shall be used for the confinement of 3594
eligible offenders sentenced directly to the center by a court 3595
located in any county pursuant to a community residential 3596
sanction of not more than ninety days or pursuant to an OVI term 3597
of confinement of not more than ~~ninety-one hundred twenty~~ days, 3598
and for the purpose of closely monitoring those eligible 3599
offenders' adjustment to community supervision. A municipal 3600
corporation that establishes a center pursuant to this division 3601
shall do so by resolution. 3602

(C) Each resolution establishing a community alternative 3603
sentencing center or a district community alternative sentencing 3604
center under division (B) of this section shall include 3605
provisions for operation of the center and for criteria to 3606
define which offenders are eligible to be sentenced directly to 3607
the center and admitted to it. At a minimum, the criteria that 3608
define which offenders are eligible to be sentenced directly to 3609
the center and admitted to it shall provide that an offender is 3610
eligible to be sentenced directly to the center and admitted to 3611
it if the offender has been convicted of or pleaded guilty to 3612
either a qualifying felony offense or a qualifying misdemeanor 3613
offense and is sentenced directly to the center for the 3614
~~qualifying misdemeanor~~ offense pursuant to a community 3615
residential sanction of not more than ninety days or pursuant to 3616
an OVI term of confinement of not more than ~~ninety-one hundred~~ 3617
twenty days by a court that is located in any county. 3618

(D) If a community alternative sentencing center or a 3619

district community alternative sentencing center that is 3620
established under division (B) of this section contemplates the 3621
use of an existing facility, or a part of an existing facility, 3622
as the center, nothing in this section limits, restricts, or 3623
precludes the use of the facility, the part of the facility, or 3624
any other part of the facility for any purpose other than as a 3625
community alternative sentencing center or district community 3626
alternative sentencing center. 3627

(E) If a board of county commissioners, an affiliated 3628
group of boards of county commissioners, or municipal 3629
corporation establishes and operates or subcontracts with a 3630
nonprofit organization for the operation of a community 3631
alternative sentencing center or district community alternative 3632
sentencing center under this division, except as otherwise 3633
provided in this division, the center is not a minimum security 3634
jail under section 341.14, section 753.21, or any other 3635
provision of the Revised Code, is not a jail or alternative 3636
residential facility as defined in section 2929.01 of the 3637
Revised Code, is not required to satisfy or comply with minimum 3638
standards for minimum security jails or other jails that are 3639
promulgated under division (A) of section 5120.10 of the Revised 3640
Code, is not a local detention facility as defined in section 3641
2929.36 of the Revised Code, and is not a residential unit as 3642
defined in section 2950.01 of the Revised Code. The center is a 3643
detention facility as defined in sections 2921.01 and 2923.124 3644
of the Revised Code, and an eligible offender confined in the 3645
center is under detention as defined in section 2921.01 of the 3646
Revised Code. Regarding persons sentenced directly to the center 3647
under an OVI term of confinement or under both an OVI term of 3648
confinement and confinement for a violation of section 4510.14 3649
of the Revised Code or a municipal DUS offense, the center shall 3650

be considered a ~~"jail" or "jail,"~~ "local correctional facility," 3651
or "alternative residential facility" for purposes of division 3652
(G) of section 2929.13 of the Revised Code or of any provision 3653
in section 4510.14 or 4511.19 of the Revised Code or in an 3654
ordinance of a municipal corporation that requires a mandatory 3655
jail term or mandatory term of local incarceration for the 3656
violation of section 4511.19 of the Revised Code, the violation 3657
of both sections 4510.14 and 4511.19 of the Revised Code, the 3658
municipal OVI offense, or the municipal OVI offense and the 3659
municipal DUS offense, and a direct sentence of a person to the 3660
center under an OVI term of confinement or under both an OVI 3661
term of confinement and confinement for a violation of section 3662
4510.14 of the Revised Code or a municipal DUS offense shall be 3663
considered to be a sentence to a ~~"jail" or "jail,"~~ "local 3664
correctional facility," or "alternative residential facility" 3665
for purposes of any such provision in section 2929.13, 4510.14, 3666
or 4511.19 of the Revised Code or in an ordinance of a municipal 3667
corporation. 3668

(F) (1) If the board of county commissioners of a county 3669
that is being served by a community alternative sentencing 3670
center established pursuant to this section determines that it 3671
no longer wants to be served by the center, the board may 3672
dissolve the center by adopting a resolution evidencing the 3673
determination to dissolve the center. 3674

(2) If the boards of county commissioners of all of the 3675
counties served by any district community alternative sentencing 3676
center established pursuant to this section determine that they 3677
no longer want to be served by the center, the boards may 3678
dissolve the center by adopting in each county a resolution 3679
evidencing the determination to dissolve the center. 3680

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

(4) If a municipal corporation that is being served by a community alternative sentencing center established pursuant to this section determines that it no longer wants to be served by the center, the municipal corporation may dissolve the center by adopting a resolution evidencing the determination to dissolve the center.

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

(H) If a board of county commissioners operates or subcontracts with a nonprofit organization for the operation of a community alternative sentencing center, an affiliated group

of boards of county commissioners operates or subcontracts with 3711
a nonprofit organization for the operation of a district 3712
community alternative sentencing center, or a municipal 3713
corporation operates or subcontracts with a nonprofit 3714
organization for the operation of a community alternative 3715
sentencing center under this section, all of the following 3716
apply: 3717

(1) With the approval of the operator of the center, a 3718
court located within any county may directly sentence eligible 3719
offenders to a community alternative sentencing center or 3720
district community alternative sentencing center pursuant to a 3721
community residential sanction of not more than ninety days or 3722
pursuant to an OVI term of confinement, a combination of an OVI 3723
term of confinement and confinement for a violation of section 3724
4510.14 of the Revised Code, or confinement for a municipal DUS 3725
offense of not more than ~~ninety~~ one hundred twenty days. 3726

(2) Each eligible offender who is sentenced to the center 3727
as described in division (H) (1) of this section and admitted to 3728
it shall be offered during the eligible offender's confinement 3729
at the center educational and vocational services and reentry 3730
planning and may be offered any other treatment and 3731
rehabilitative services that are available and that the court 3732
that sentenced the particular eligible offender to the center 3733
and the administrator of the center determine are appropriate 3734
based upon the offense for which the eligible offender was 3735
sentenced to the community residential sanction and the length 3736
of the sanction. 3737

(3) Before accepting an eligible offender sentenced to the 3738
center by a court, the board, the affiliated group of boards, or 3739
the municipal corporation shall enter into an agreement with a 3740

political subdivision that operates that court that addresses 3741
the cost and payment of medical treatment or services received 3742
by eligible offenders sentenced by that court while they are 3743
confined in the center. The agreement may provide for the 3744
payment of the costs by the particular eligible offender who 3745
receives the treatment or services, as described in division (I) 3746
of this section. 3747

(4) If an eligible offender a court sentences to the 3748
center is admitted to the center, all of the following apply: 3749

(a) The admission shall be under the terms and conditions 3750
established by the court and the administrator of the center, 3751
and the court and the administrator of the center shall provide 3752
for the confinement of the eligible offender and supervise the 3753
eligible offender as provided in divisions (H) (4) (b) to (f) of 3754
this section. 3755

(b) The eligible offender shall be confined in the center 3756
during any period of time that the eligible offender is not 3757
actually working at the eligible offender's approved work 3758
release described in division (H) (4) (c) of this section, engaged 3759
in community service activities described in division (H) (4) (d) 3760
of this section, engaged in authorized vocational training or 3761
another authorized educational program, engaged in another 3762
program designated by the administrator of the center, or 3763
engaged in other activities approved by the court and the 3764
administrator of the center. 3765

(c) If the court and the administrator of the center 3766
determine that work release is appropriate based upon the 3767
offense for which the eligible offender was sentenced to the 3768
community residential sanction or OVI term of confinement and 3769
the length of the sanction or term, the eligible offender may be 3770

offered work release from confinement at the center and be 3771
released from confinement while engaged in the work release. 3772

(d) An eligible offender may not participate in community 3773
service without the court's approval. If the administrator of 3774
the center determines that community service is appropriate and 3775
if the eligible offender will be confined for more than ten days 3776
at the center, the eligible offender may be required to 3777
participate in community service activities approved by the 3778
court and by the political subdivision served by the court. 3779
Community service activities that may be required under this 3780
division may take place in facilities of the political 3781
subdivision that operates the court, in the community, or in 3782
both such locales. The eligible offender shall be released from 3783
confinement while engaged in the community service activities. 3784
Community service activities required under this division shall 3785
be supervised by the court or an official designated by the 3786
board of county commissioners or affiliated group of boards of 3787
county commissioners that established and is operating the 3788
center. Community service activities required under this 3789
division shall not exceed in duration the period for which the 3790
eligible offender will be confined at the center under the 3791
community residential sanction or the OVI term of confinement. 3792

(e) The confinement of the eligible offender in the center 3793
shall be considered for purposes of this division and division 3794
(H) (4) (f) of this section as including any period of time 3795
described in division (H) (4) (b) of this section when the 3796
eligible offender may be outside of the center and shall 3797
continue until the expiration of the community residential 3798
sanction, the OVI term of confinement, or the combination of the 3799
OVI term of confinement and the confinement for the violation of 3800
section 4510.14 of the Revised Code or the municipal DUS 3801

ordinance that the eligible offender is serving upon admission 3802
to the center. 3803

(f) After the admission and until the expiration of the 3804
community residential sanction or OVI term of confinement that 3805
the eligible offender is serving upon admission to the center, 3806
the eligible offender shall be considered for purposes of any 3807
provision in Title XXIX of the Revised Code to be serving the 3808
community residential sanction or OVI term of confinement. 3809

(5) The administrator of the center, or the 3810
administrator's designee, shall post a sign as described in 3811
section 2923.1212 of the Revised Code in a conspicuous location 3812
at the center. 3813

(I) The board of county commissioners that establishes a 3814
community alternative sentencing center under this section, the 3815
affiliated group of boards of county commissioners that 3816
establishes a district community alternative sentencing center 3817
under this section, or the municipal corporation that 3818
establishes a community alternative sentencing center under this 3819
section, may require an eligible offender who is sentenced 3820
directly to the center and admitted to it to pay to the county 3821
served by the board, the counties served by the affiliated group 3822
of boards, the municipal corporation, or the entity operating 3823
the center the reasonable expenses incurred by the county, 3824
counties, municipal corporation, or entity, whichever is 3825
applicable, in supervising or confining the eligible offender 3826
after being sentenced to the center and admitted. Inability to 3827
pay those reasonable expenses shall not be grounds for refusing 3828
to admit an otherwise eligible offender to the center. 3829

(J) (1) If an eligible offender who is directly sentenced 3830
to a community alternative sentencing center or district 3831

community alternative sentencing center and admitted to the 3832
center successfully completes the service of the community 3833
residential sanction in the center, the administrator of the 3834
center shall notify the court that imposed the sentence, and the 3835
court shall enter into the journal that the eligible offender 3836
successfully completed the service of the sanction. 3837

(2) If an eligible offender who is directly sentenced to a 3838
community alternative sentencing center or district community 3839
alternative sentencing center and admitted to the center 3840
violates any rule established under this section by the board of 3841
county commissioners or the affiliated group of boards of county 3842
commissioners that establishes the center, violates any 3843
condition of the community residential sanction, the OVI term of 3844
confinement, or the combination of the OVI term of confinement 3845
and the confinement for the violation of section 4510.14 of the 3846
Revised Code or the municipal OVI ordinance imposed by the 3847
sentencing court, or otherwise does not successfully complete 3848
the service of the community residential sanction or OVI term of 3849
confinement in the center, the administrator of the center shall 3850
report the violation or failure to successfully complete the 3851
sanction or term directly to the court or to the probation 3852
department or probation officer with general control and 3853
supervision over the eligible offender. A failure to 3854
successfully complete the service of the community residential 3855
sanction, the OVI term of confinement, or the combination of the 3856
OVI term of confinement and the confinement for the violation of 3857
section 4510.14 of the Revised Code or the municipal OVI 3858
ordinance in the center shall be considered a violation of a 3859
condition of the community residential sanction or the OVI term 3860
of confinement. If the administrator reports the violation to 3861
the probation department or probation officer, the department or 3862

officer shall report the violation to the court. Upon its receipt under this division of a report of a violation or failure to complete the sanction by a person sentenced to the center under a community residential sanction, the court may proceed as specified in division (C) (2) of section 2929.25 of the Revised Code based on the violation or as provided by ordinance of the municipal corporation based on the violation, whichever is applicable. Upon its receipt under this division of a report of a violation or failure to complete the term by a person sentenced to the center under an OVI term of confinement, the court shall determine the place at which the offender is to serve the remainder of the term of confinement. The eligible offender shall receive credit towards completing the eligible offender's sentence for the time spent in the center after admission to it.

Sec. 313.10. (A) (1) Except as otherwise provided in this section, the records of the coroner who has jurisdiction over the case, including, but not limited to, the detailed descriptions of the observations written during the progress of an autopsy and the conclusions drawn from those observations filed in the office of the coroner under division (A) of section 313.13 of the Revised Code, made personally by the coroner or by anyone acting under the coroner's direction or supervision, are public records. Those records, or transcripts or photostatic copies of them, certified by the coroner shall be received as evidence in any criminal or civil action or proceeding in a court in this state, as to the facts contained in those records. The coroner of the county where the death was pronounced shall be responsible for the release of all public records relating to that death.

(2) Except as otherwise provided in division (D) or (E) of

this section, the following records in a coroner's office are	3894
not public records:	3895
(a) Preliminary autopsy and investigative notes and	3896
findings made by the coroner or by anyone acting under the	3897
coroner's direction or supervision;	3898
(b) Photographs of a decedent made by the coroner or by	3899
anyone acting under the coroner's direction or supervision;	3900
(c) Suicide notes;	3901
(d) Medical and psychiatric records provided to the	3902
coroner, a deputy coroner, or a representative of the coroner or	3903
a deputy coroner under section 313.091 of the Revised Code;	3904
(e) Records of a deceased individual that are confidential	3905
law enforcement investigatory records as defined in section	3906
149.43 of the Revised Code;	3907
(f) Laboratory reports generated from the analysis of	3908
physical evidence by the coroner's laboratory that is	3909
discoverable under Criminal Rule 16.	3910
(3) In the coroner's discretion, photographs of a decedent	3911
may be used for medical, legal, or educational purposes.	3912
(B) All records in the coroner's office that are public	3913
records are open to inspection by the public, and any person may	3914
receive a copy of any such record or part of it upon demand in	3915
writing, accompanied by payment of a record retrieval and	3916
copying fee, at the rate of twenty-five cents per page or a	3917
minimum fee of one dollar.	3918
(C) (1) The coroner shall provide a copy of the full and	3919
complete records of the coroner with respect to a decedent to a	3920
person who makes a written request as the next of kin of the	3921

decedent. The following persons may make a request pursuant to 3922
this division as the next of kin of a decedent: 3923

(a) The surviving spouse of the decedent; 3924

(b) If there is no surviving spouse, or if the surviving 3925
spouse has died without having made a request pursuant to this 3926
division, any child of the decedent over eighteen years of age, 3927
with each child over eighteen years of age having an independent 3928
right to make a request pursuant to this division; 3929

(c) If there is no surviving spouse or child over eighteen 3930
years of age, or if the surviving spouse and all children over 3931
eighteen years of age have died without having made a request 3932
pursuant to this division, the parents of the decedent, with 3933
each parent having an independent right to make a request 3934
pursuant to this division; 3935

(d) If there is no surviving spouse, child over eighteen 3936
years of age, or parents of the decedent, or if all have died 3937
without having made a request pursuant to this division, the 3938
brothers and sisters of the decedent, whether of the whole or 3939
the half blood, with each having an independent right to make a 3940
request pursuant to this division. 3941

(2) If there is no surviving person who may make a written 3942
request as next of kin for a copy of the full and complete 3943
records of the coroner pursuant to division (C) (1) of this 3944
section, or if all next of kin of the decedent have died without 3945
having made a request pursuant to that division, the coroner 3946
shall provide a copy of the full and complete records of the 3947
coroner with respect to a decedent to the representative of the 3948
estate of the decedent who is the subject of the records upon 3949
written request made by the representative. 3950

(D) A journalist may submit to the coroner a written request to view ~~preliminary autopsy and investigative notes and findings,~~ suicide notes, ~~or~~ photographs of the decedent made by the coroner or by anyone acting under the coroner's discretion or supervision, or preliminary autopsy and investigative notes and findings but not records of a deceased individual that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code. The request shall include the journalist's name and title and the name and address of the journalist's employer and state that the granting of the request would be in the best interest of the public. If a journalist submits a written request to the coroner to view the records described in this division, the coroner shall grant the journalist's request. The journalist shall not copy the preliminary autopsy and investigative notes and findings, suicide notes, or photographs of the decedent.

(E) (1) An insurer may submit to the coroner a written request to obtain a copy of the full and complete records of the coroner with respect to a deceased person. The request shall include the name of the deceased person, the type of policy to which the written request relates, and the name and address of the insurer.

(2) If an insurer submits a written request to the coroner to obtain a copy of records pursuant to division (E) (1) of this section, the coroner shall grant that request.

(3) Upon the granting of a written request to obtain a copy of records by the coroner, the insurer may utilize the records for the following purposes:

(a) To investigate any first party claim or third party claim asserted under a policy of insurance issued by the insurer

that arises from the death of the deceased person; 3981

(b) To determine coverage for any first party claim or 3982
third party claim asserted under a policy of insurance issued by 3983
the insurer that arises from the death of the deceased person; 3984

(c) To determine the insurer's liability for any first 3985
party claim or third party claim asserted under a policy of 3986
insurance issued by the insurer that arises from the death of 3987
the deceased person. 3988

(4) Prior to the delivery of records that are the subject 3989
of a request made pursuant to division (E) (1) of this section, 3990
the coroner may require the insurer who submitted the written 3991
request for the records to provide a payment to the coroner of a 3992
record retrieval and copying fee at the rate of twenty-five 3993
cents per page or a minimum fee of one dollar. 3994

(5) Any records produced by the coroner in response to a 3995
written request under division (E) (1) of this section shall 3996
remain in the care, custody, and control of the insurer and its 3997
employees or representatives at all times. The insurer may not 3998
release or disclose the records to any other person unless any 3999
of the following apply: 4000

(a) The release of the records is reasonably necessary to 4001
further a purpose described in division (E) (3) of this section. 4002

(b) A court of competent jurisdiction orders the insurer 4003
to produce the records. 4004

(c) The insurer is required to produce the records in 4005
response to a civil or criminal subpoena. 4006

(d) The insurer is responding to a request for the records 4007
from a law enforcement agency, the department of insurance or a 4008

department of insurance from another state, or another 4009
governmental authority. 4010

(F) The coroner may contact the decedent's next of kin to 4011
inform the next of kin that a journalist or an insurer has 4012
submitted a written request pursuant to division (D) or (E) of 4013
this section and whether the coroner has granted the 4014
journalist's or the insurer's request. 4015

(G) As used in this section: 4016

(1) "Full and complete records of the coroner" includes, 4017
but is not limited to, the following: 4018

(a) The detailed descriptions of the observations written 4019
by the coroner or by anyone acting under the coroner's direction 4020
or supervision during the progress of an autopsy and the 4021
conclusions drawn from those observations that are filed in the 4022
office of the coroner under division (A) of section 313.13 of 4023
the Revised Code; 4024

(b) Preliminary autopsy and investigative notes and 4025
findings made by the coroner or by anyone acting under the 4026
coroner's direction or supervision; 4027

(c) Photographs of a decedent made by the coroner or by 4028
anyone acting under the coroner's direction or supervision; 4029

(d) Suicide notes; 4030

(e) Medical and psychiatric records provided to the 4031
coroner, a deputy coroner, or a representative of the coroner or 4032
a deputy coroner under section 313.091 of the Revised Code; 4033

(f) Records of a deceased individual that are confidential 4034
law enforcement investigatory records as defined in section 4035
149.43 of the Revised Code; 4036

(g) Laboratory reports generated from the analysis of 4037
physical evidence by the coroner's laboratory that is 4038
discoverable under Criminal Rule 16. 4039

(2) "Insurer" has the same meaning as in section 3901.07 4040
of the Revised Code. 4041

(3) "Journalist" has the same meaning as in section 149.43 4042
of the Revised Code. 4043

Sec. 341.42. (A) As used in this section: 4044

(1) "County correctional officer" has the same meaning as 4045
in section 341.41 of the Revised Code. 4046

(2) "Computer," "computer network," "computer system," 4047
"computer services," "telecommunications service," and 4048
"information service" have the same meanings as in section 4049
2913.01 of the Revised Code. 4050

(3) "County correctional facility" means a county jail, 4051
county workhouse, minimum security jail, joint city and county 4052
workhouse, municipal-county correctional center, multicounty- 4053
municipal correctional center, municipal-county jail or 4054
workhouse, or multicounty-municipal jail or workhouse. 4055

(B) No county correctional officer shall provide a 4056
prisoner access to or permit a prisoner to have access to the 4057
internet through the use of a computer, computer network, 4058
computer system, computer services, telecommunications service, 4059
or information service unless both of the following apply: 4060

(1) The prisoner is ~~participating in an approved~~ 4061
~~educational program with direct supervision that requires the~~ 4062
~~use of the internet for training or research purposes~~accessing 4063
the internet solely for a use or purpose approved by the 4064

managing officer of that prisoner's county correctional facility 4065
or by the managing officer's designee. 4066

(2) The provision of and access to the internet is in 4067
accordance with rules promulgated by the department of 4068
rehabilitation and correction pursuant to section 5120.62 of the 4069
Revised Code. 4070

(C) (1) No prisoner in a county correctional facility under 4071
the control of a county shall access the internet through the 4072
use of a computer, computer network, computer system, computer 4073
services, telecommunications service, or information service 4074
unless both of the following apply: 4075

(a) The prisoner is ~~participating in an approved~~ 4076
~~educational program with direct supervision that requires the~~ 4077
~~use of the internet for training or research purposes~~accessing 4078
the internet solely for a use or purpose approved by the 4079
managing officer of that prisoner's county correctional facility 4080
or by the managing officer's designee. 4081

(b) The provision of and access to the internet is in 4082
accordance with rules promulgated by the department of 4083
rehabilitation and correction pursuant to section 5120.62 of the 4084
Revised Code. 4085

(2) Whoever violates division (C) (1) of this section is 4086
guilty of improper internet access, a misdemeanor of the first 4087
degree. 4088

Sec. 753.32. (A) As used in this section: 4089

(1) "Municipal correctional officer" has the same meaning 4090
as in section 753.31 of the Revised Code. 4091

(2) "Computer," "computer network," "computer system," 4092

"computer services," "telecommunications service," and 4093
"information service" have the same meanings as in section 4094
2913.01 of the Revised Code. 4095

(3) "Municipal correctional facility" means a municipal 4096
jail, municipal workhouse, minimum security jail, joint city and 4097
county workhouse, municipal-county correctional center, 4098
multicounty-municipal correctional center, municipal-county jail 4099
or workhouse, or multicounty-municipal jail or workhouse. 4100

(B) No municipal correctional officer shall provide a 4101
prisoner access to or permit a prisoner to have access to the 4102
internet through the use of a computer, computer network, 4103
computer system, computer services, telecommunications service, 4104
or information service unless both of the following apply: 4105

(1) The prisoner is ~~participating in an approved~~ 4106
~~educational program with direct supervision that requires the~~ 4107
~~use of the internet for training or research purposes~~accessing 4108
the internet solely for a use or purpose approved by the 4109
managing officer of that prisoner's municipal correctional 4110
facility or by the managing officer's designee. 4111

(2) The provision of and access to the internet is in 4112
accordance with rules promulgated by the department of 4113
rehabilitation and correction pursuant to section 5120.62 of the 4114
Revised Code. 4115

(C) (1) No prisoner in a municipal correctional facility 4116
under the control of a municipal corporation shall access the 4117
internet through the use of a computer, computer network, 4118
computer system, computer services, telecommunications service, 4119
or information service unless both of the following apply: 4120

(a) The prisoner is ~~participating in an approved~~ 4121

~~educational program with direct supervision that requires the~~ 4122
~~use of the internet for training or research purposes~~ 4123
accessing 4124
the internet solely for a use or purpose approved by the 4125
managing officer of that prisoner's municipal correctional 4126
facility or by the managing officer's designee.

(b) The provision of and access to the internet is in 4127
accordance with rules promulgated by the department of 4128
rehabilitation and correction pursuant to section 5120.62 of the 4129
Revised Code. 4130

(2) Whoever violates division (C) (1) of this section is 4131
guilty of improper internet access, a misdemeanor of the first 4132
degree. 4133

Sec. 1547.11. (A) No person shall operate or be in 4134
physical control of any vessel underway or shall manipulate any 4135
water skis, aquaplane, or similar device on the waters in this 4136
state if, at the time of the operation, control, or 4137
manipulation, any of the following applies: 4138

(1) The person is under the influence of alcohol, a drug 4139
of abuse, or a combination of them. 4140

(2) The person has a concentration of eight-hundredths of 4141
one per cent or more by weight of alcohol per unit volume in the 4142
person's whole blood. 4143

(3) The person has a concentration of ninety-six- 4144
thousandths of one per cent or more by weight per unit volume of 4145
alcohol in the person's blood serum or plasma. 4146

(4) The person has a concentration of eleven-hundredths of 4147
one gram or more by weight of alcohol per one hundred 4148
milliliters of the person's urine. 4149

(5) The person has a concentration of eight-hundredths of 4150
one gram or more by weight of alcohol per two hundred ten liters 4151
of the person's breath. 4152

(6) Except as provided in division (H) of this section, 4153
the person has a concentration of any of the following 4154
controlled substances or metabolites of a controlled substance 4155
in the person's whole blood, blood serum or plasma, or urine 4156
that equals or exceeds any of the following: 4157

(a) The person has a concentration of amphetamine in the 4158
person's urine of at least five hundred nanograms of amphetamine 4159
per milliliter of the person's urine or has a concentration of 4160
amphetamine in the person's whole blood or blood serum or plasma 4161
of at least one hundred nanograms of amphetamine per milliliter 4162
of the person's whole blood or blood serum or plasma. 4163

(b) The person has a concentration of cocaine in the 4164
person's urine of at least one hundred fifty nanograms of 4165
cocaine per milliliter of the person's urine or has a 4166
concentration of cocaine in the person's whole blood or blood 4167
serum or plasma of at least fifty nanograms of cocaine per 4168
milliliter of the person's whole blood or blood serum or plasma. 4169

(c) The person has a concentration of cocaine metabolite 4170
in the person's urine of at least one hundred fifty nanograms of 4171
cocaine metabolite per milliliter of the person's urine or has a 4172
concentration of cocaine metabolite in the person's whole blood 4173
or blood serum or plasma of at least fifty nanograms of cocaine 4174
metabolite per milliliter of the person's whole blood or blood 4175
serum or plasma. 4176

(d) The person has a concentration of heroin in the 4177
person's urine of at least two thousand nanograms of heroin per 4178

milliliter of the person's urine or has a concentration of 4179
heroin in the person's whole blood or blood serum or plasma of 4180
at least fifty nanograms of heroin per milliliter of the 4181
person's whole blood or blood serum or plasma. 4182

(e) The person has a concentration of heroin metabolite 4183
(6-monoacetyl morphine) in the person's urine of at least ten 4184
nanograms of heroin metabolite (6-monoacetyl morphine) per 4185
milliliter of the person's urine or has a concentration of 4186
heroin metabolite (6-monoacetyl morphine) in the person's whole 4187
blood or blood serum or plasma of at least ten nanograms of 4188
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4189
person's whole blood or blood serum or plasma. 4190

(f) The person has a concentration of L.S.D. in the 4191
person's urine of at least twenty-five nanograms of L.S.D. per 4192
milliliter of the person's urine or has a concentration of 4193
L.S.D. in the person's whole blood or blood serum or plasma of 4194
at least ten nanograms of L.S.D. per milliliter of the person's 4195
whole blood or blood serum or plasma. 4196

(g) The person has a concentration of marihuana in the 4197
person's urine of at least ten nanograms of marihuana per 4198
milliliter of the person's urine or has a concentration of 4199
marihuana in the person's whole blood or blood serum or plasma 4200
of at least two nanograms of marihuana per milliliter of the 4201
person's whole blood or blood serum or plasma. 4202

(h) The state board of pharmacy has adopted a rule 4203
pursuant to section 4729.041 of the Revised Code that specifies 4204
the amount of salvia divinorum and the amount of salvinorin A 4205
that constitute concentrations of salvia divinorum and 4206
salvinorin A in a person's urine, in a person's whole blood, or 4207
in a person's blood serum or plasma at or above which the person 4208

is impaired for purposes of operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(i) Either of the following applies:

(i) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(ii) As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(j) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of

methamphetamine per milliliter of the person's whole blood or 4239
blood serum or plasma. 4240

(k) The person has a concentration of phencyclidine in the 4241
person's urine of at least twenty-five nanograms of 4242
phencyclidine per milliliter of the person's urine or has a 4243
concentration of phencyclidine in the person's whole blood or 4244
blood serum or plasma of at least ten nanograms of phencyclidine 4245
per milliliter of the person's whole blood or blood serum or 4246
plasma. 4247

(B) No person under twenty-one years of age shall operate 4248
or be in physical control of any vessel underway or shall 4249
manipulate any water skis, aquaplane, or similar device on the 4250
waters in this state if, at the time of the operation, control, 4251
or manipulation, any of the following applies: 4252

(1) The person has a concentration of at least two- 4253
hundredths of one per cent, but less than eight-hundredths of 4254
one per cent by weight per unit volume of alcohol in the 4255
person's whole blood. 4256

(2) The person has a concentration of at least three- 4257
hundredths of one per cent but less than ninety-six-thousandths 4258
of one per cent by weight per unit volume of alcohol in the 4259
person's blood serum or plasma. 4260

(3) The person has a concentration of at least twenty- 4261
eight one-thousandths of one gram, but less than eleven- 4262
hundredths of one gram by weight of alcohol per one hundred 4263
milliliters of the person's urine. 4264

(4) The person has a concentration of at least two- 4265
hundredths of one gram, but less than eight-hundredths of one 4266
gram by weight of alcohol per two hundred ten liters of the 4267

person's breath. 4268

(C) In any proceeding arising out of one incident, a 4269
person may be charged with a violation of division (A) (1) and a 4270
violation of division (B) (1), (2), (3), or (4) of this section, 4271
but the person shall not be convicted of more than one violation 4272
of those divisions. 4273

(D) (1) (a) In any criminal prosecution or juvenile court 4274
proceeding for a violation of division (A) or (B) of this 4275
section or for an equivalent offense that is watercraft-related, 4276
the result of any test of any blood or urine withdrawn and 4277
analyzed at any health care provider, as defined in section 4278
2317.02 of the Revised Code, may be admitted with expert 4279
testimony to be considered with any other relevant and competent 4280
evidence in determining the guilt or innocence of the defendant. 4281

(b) In any criminal prosecution or juvenile court 4282
proceeding for a violation of division (A) or (B) of this 4283
section or for an equivalent offense that is watercraft-related, 4284
the court may admit evidence on the concentration of alcohol, 4285
drugs of abuse, controlled substances, metabolites of a 4286
controlled substance, or a combination of them in the 4287
defendant's or child's whole blood, blood serum or plasma, 4288
urine, or breath at the time of the alleged violation as shown 4289
by chemical analysis of the substance withdrawn, or specimen 4290
taken within three hours of the time of the alleged violation. 4291
The three-hour time limit specified in this division regarding 4292
the admission of evidence does not extend or affect the two-hour 4293
time limit specified in division (C) of section 1547.111 of the 4294
Revised Code as the maximum period of time during which a person 4295
may consent to a chemical test or tests as described in that 4296
section. The court may admit evidence on the concentration of 4297

alcohol, drugs of abuse, or a combination of them as described 4298
in this division when a person submits to a blood, breath, 4299
urine, or other bodily substance test at the request of a law 4300
enforcement officer under section 1547.111 of the Revised Code 4301
or a blood or urine sample is obtained pursuant to a search 4302
warrant. Only a physician, a registered nurse, an emergency 4303
medical technician-intermediate, an emergency medical 4304
technician-paramedic, or a qualified technician, chemist, or 4305
phlebotomist shall withdraw blood for the purpose of determining 4306
the alcohol, drug, controlled substance, metabolite of a 4307
controlled substance, or combination content of the whole blood, 4308
blood serum, or blood plasma. This limitation does not apply to 4309
the taking of breath or urine specimens. A person authorized to 4310
withdraw blood under this division may refuse to withdraw blood 4311
under this division if, in that person's opinion, the physical 4312
welfare of the defendant or child would be endangered by 4313
withdrawing blood. 4314

The whole blood, blood serum or plasma, urine, or breath 4315
withdrawn under division (D) (1) (b) of this section shall be 4316
analyzed in accordance with methods approved by the director of 4317
health by an individual possessing a valid permit issued by the 4318
director pursuant to section 3701.143 of the Revised Code. 4319

(2) In a criminal prosecution or juvenile court proceeding 4320
for a violation of division (A) of this section or for an 4321
equivalent offense that is watercraft-related, if there was at 4322
the time the bodily substance was taken a concentration of less 4323
than the applicable concentration of alcohol specified for a 4324
violation of division (A) (2), (3), (4), or (5) of this section 4325
or less than the applicable concentration of a listed controlled 4326
substance or a listed metabolite of a controlled substance 4327
specified for a violation of division (A) (6) of this section, 4328

that fact may be considered with other competent evidence in 4329
determining the guilt or innocence of the defendant or in making 4330
an adjudication for the child. This division does not limit or 4331
affect a criminal prosecution or juvenile court proceeding for a 4332
violation of division (B) of this section or for a violation of 4333
a prohibition that is substantially equivalent to that division. 4334

(3) Upon the request of the person who was tested, the 4335
results of the chemical test shall be made available to the 4336
person or the person's attorney immediately upon completion of 4337
the test analysis. 4338

If the chemical test was administered pursuant to division 4339
(D) (1) (b) of this section, the person tested may have a 4340
physician, a registered nurse, or a qualified technician, 4341
chemist, or phlebotomist of the person's own choosing administer 4342
a chemical test or tests in addition to any administered at the 4343
direction of a law enforcement officer, and shall be so advised. 4344
The failure or inability to obtain an additional test by a 4345
person shall not preclude the admission of evidence relating to 4346
the test or tests taken at the direction of a law enforcement 4347
officer. 4348

(E) (1) In any criminal prosecution or juvenile court 4349
proceeding for a violation of division (A) or (B) of this 4350
section, of a municipal ordinance relating to operating or being 4351
in physical control of any vessel underway or to manipulating 4352
any water skis, aquaplane, or similar device on the waters of 4353
this state while under the influence of alcohol, a drug of 4354
abuse, or a combination of them, or of a municipal ordinance 4355
relating to operating or being in physical control of any vessel 4356
underway or to manipulating any water skis, aquaplane, or 4357
similar device on the waters of this state with a prohibited 4358

concentration of alcohol, a controlled substance, or a 4359
metabolite of a controlled substance in the whole blood, blood 4360
serum or plasma, breath, or urine, if a law enforcement officer 4361
has administered a field sobriety test to the operator or person 4362
found to be in physical control of the vessel underway involved 4363
in the violation or the person manipulating the water skis, 4364
aquaplane, or similar device involved in the violation and if it 4365
is shown by clear and convincing evidence that the officer 4366
administered the test in substantial compliance with the testing 4367
standards for reliable, credible, and generally accepted field 4368
sobriety tests for vehicles that were in effect at the time the 4369
tests were administered, including, but not limited to, any 4370
testing standards then in effect that have been set by the 4371
national highway traffic safety administration, that by their 4372
nature are not clearly inapplicable regarding the operation or 4373
physical control of vessels underway or the manipulation of 4374
water skis, aquaplanes, or similar devices, all of the following 4375
apply: 4376

(a) The officer may testify concerning the results of the 4377
field sobriety test so administered. 4378

(b) The prosecution may introduce the results of the field 4379
sobriety test so administered as evidence in any proceedings in 4380
the criminal prosecution or juvenile court proceeding. 4381

(c) If testimony is presented or evidence is introduced 4382
under division (E) (1) (a) or (b) of this section and if the 4383
testimony or evidence is admissible under the Rules of Evidence, 4384
the court shall admit the testimony or evidence, and the trier 4385
of fact shall give it whatever weight the trier of fact 4386
considers to be appropriate. 4387

(2) Division (E) (1) of this section does not limit or 4388

preclude a court, in its determination of whether the arrest of 4389
a person was supported by probable cause or its determination of 4390
any other matter in a criminal prosecution or juvenile court 4391
proceeding of a type described in that division, from 4392
considering evidence or testimony that is not otherwise 4393
disallowed by division (E) (1) of this section. 4394

(F) (1) Subject to division (F) (3) of this section, in any 4395
criminal prosecution or juvenile court proceeding for a 4396
violation of division (A) or (B) of this section or for an 4397
equivalent offense that is substantially equivalent to either of 4398
those divisions, the court shall admit as prima-facie evidence a 4399
laboratory report from any laboratory personnel issued a permit 4400
by the department of health authorizing an analysis as described 4401
in this division that contains an analysis of the whole blood, 4402
blood serum or plasma, breath, urine, or other bodily substance 4403
tested and that contains all of the information specified in 4404
this division. The laboratory report shall contain all of the 4405
following: 4406

(a) The signature, under oath, of any person who performed 4407
the analysis; 4408

(b) Any findings as to the identity and quantity of 4409
alcohol, a drug of abuse, a controlled substance, a metabolite 4410
of a controlled substance, or a combination of them that was 4411
found; 4412

(c) A copy of a notarized statement by the laboratory 4413
director or a designee of the director that contains the name of 4414
each certified analyst or test performer involved with the 4415
report, the analyst's or test performer's employment 4416
relationship with the laboratory that issued the report, and a 4417
notation that performing an analysis of the type involved is 4418

part of the analyst's or test performer's regular duties; 4419

(d) An outline of the analyst's or test performer's 4420
education, training, and experience in performing the type of 4421
analysis involved and a certification that the laboratory 4422
satisfies appropriate quality control standards in general and, 4423
in this particular analysis, under rules of the department of 4424
health. 4425

(2) Notwithstanding any other provision of law regarding 4426
the admission of evidence, a report of the type described in 4427
division (F)(1) of this section is not admissible against the 4428
defendant or child to whom it pertains in any proceeding, other 4429
than a preliminary hearing or a grand jury proceeding, unless 4430
the prosecutor has served a copy of the report on the 4431
defendant's or child's attorney or, if the defendant or child 4432
has no attorney, on the defendant or child. 4433

(3) A report of the type described in division (F)(1) of 4434
this section shall not be prima-facie evidence of the contents, 4435
identity, or amount of any substance if, within seven days after 4436
the defendant or child to whom the report pertains or the 4437
defendant's or child's attorney receives a copy of the report, 4438
the defendant or child or the defendant's or child's attorney 4439
demands the testimony of the person who signed the report. The 4440
judge in the case may extend the seven-day time limit in the 4441
interest of justice. 4442

(G) Except as otherwise provided in this division, any 4443
physician, registered nurse, emergency medical technician- 4444
intermediate, emergency medical technician-paramedic, or 4445
qualified technician, chemist, or phlebotomist who withdraws 4446
blood from a person pursuant to this section or section 1547.111 4447
of the Revised Code, and a hospital, first-aid station, or 4448

clinic at which blood is withdrawn from a person pursuant to 4449
this section or section 1547.111 of the Revised Code, is immune 4450
from criminal and civil liability based upon a claim of assault 4451
and battery or any other claim that is not a claim of 4452
malpractice, for any act performed in withdrawing blood from the 4453
person. The immunity provided in this division also extends to 4454
an emergency medical service organization that employs an 4455
emergency medical technician-intermediate~~7~~or an emergency 4456
medical technician-paramedic who withdraws blood under this 4457
section. The immunity provided in this division is not available 4458
to a person who withdraws blood if the person engages in willful 4459
or wanton misconduct. 4460

(H) Division (A) (6) of this section does not apply to a 4461
person who operates or is in physical control of a vessel 4462
underway or manipulates any water skis, aquaplane, or similar 4463
device while the person has a concentration of a listed 4464
controlled substance or a listed metabolite of a controlled 4465
substance in the person's whole blood, blood serum or plasma, or 4466
urine that equals or exceeds the amount specified in that 4467
division, if both of the following apply: 4468

(1) The person obtained the controlled substance pursuant 4469
to a prescription issued by a licensed health professional 4470
authorized to prescribe drugs. 4471

(2) The person injected, ingested, or inhaled the 4472
controlled substance in accordance with the health 4473
professional's directions. 4474

(I) As used in this section and section 1547.111 of the 4475
Revised Code: 4476

(1) "Equivalent offense" has the same meaning as in 4477

section 4511.181 of the Revised Code. 4478

(2) "National highway traffic safety administration" has 4479
the same meaning as in section 4511.19 of the Revised Code. 4480

(3) "Operate" means that a vessel is being used on the 4481
waters in this state when the vessel is not securely affixed to 4482
a dock or to shore or to any permanent structure to which the 4483
vessel has the right to affix or that a vessel is not anchored 4484
in a designated anchorage area or boat camping area that is 4485
established by the United States coast guard, this state, or a 4486
political subdivision and in which the vessel has the right to 4487
anchor. 4488

(4) "Controlled substance" and "marihuana" have the same 4489
meanings as in section 3719.01 of the Revised Code. 4490

(5) "Cocaine" and "L.S.D." have the same meanings as in 4491
section 2925.01 of the Revised Code. 4492

(6) "Equivalent offense that is watercraft-related" means 4493
an equivalent offense that is one of the following: 4494

(a) A violation of division (A) ~~or (B)~~ of this section; 4495

(b) A violation of a municipal ordinance prohibiting a 4496
person from operating or being in physical control of any vessel 4497
underway or from manipulating any water skis, aquaplane, or 4498
similar device on the waters of this state while under the 4499
influence of alcohol, a drug of abuse, or a combination of them 4500
or prohibiting a person from operating or being in physical 4501
control of any vessel underway or from manipulating any water 4502
skis, aquaplane, or similar device on the waters of this state 4503
with a prohibited concentration of alcohol, a controlled 4504
substance, or a metabolite of a controlled substance in the 4505
whole blood, blood serum or plasma, breath, or urine; 4506

(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) ~~or (B)~~ of this section;

(d) A violation of a former law of this state that was substantially equivalent to division (A) ~~or (B)~~ of this section.

(7) "Emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

Sec. 1547.111. (A) (1) (a) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters in this state shall be deemed to have given consent to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance.

(b) The test or tests under division (A) (1) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered.

(2) Any person who is dead or unconscious or who otherwise 4536
is in a condition rendering the person incapable of refusal 4537
shall be deemed to have consented as provided in division (A) (1) 4538
of this section, and the test or tests may be administered, 4539
subject to sections 313.12 to 313.16 of the Revised Code. 4540

(B) (1) If a law enforcement officer arrests a person for 4541
operating or being in physical control of a vessel or 4542
manipulating any water skis, aquaplane, or similar device in 4543
violation of section 1547.11 of the Revised Code or a 4544
substantially equivalent municipal ordinance and if the person 4545
previously has been convicted of or pleaded guilty to two or 4546
more violations of division (A) of section 1547.11 of the 4547
Revised Code or other equivalent offenses, the law enforcement 4548
officer shall request the person to submit, and the person shall 4549
submit, to a chemical test or tests of the person's whole blood, 4550
blood serum or plasma, breath, or urine for the purpose of 4551
determining the alcohol, drug of abuse, controlled substance, 4552
metabolite of a controlled substance, or combination content of 4553
the person's whole blood, blood serum or plasma, breath, or 4554
urine. A law enforcement officer who makes a request pursuant to 4555
this division that a person submit to a chemical test or tests 4556
is not required to advise the person of the consequences of 4557
refusing to submit to the test or tests and is not required to 4558
give the person the form described in division (C) of this 4559
section, but the officer shall advise the person at the time of 4560
the arrest that if the person refuses to take a chemical test 4561
the officer may employ whatever reasonable means are necessary 4562
to ensure that the person submits to a chemical test of the 4563
person's whole blood or blood serum or plasma. The officer shall 4564
also advise the person at the time of the arrest that the person 4565
may have an independent chemical test taken at the person's own 4566

expense. The advice shall be in written form prescribed by the 4567
chief of the division of parks and watercraft and shall be read 4568
to the person. The form shall contain a statement that the form 4569
was shown to the person under arrest and read to the person by 4570
the arresting officer. The reading of the form shall be 4571
witnessed by one or more persons, and the witnesses shall 4572
certify to this fact by signing the form. Divisions (A) (1) (b) 4573
and (A) (2) of this section apply to the administration of a 4574
chemical test or tests pursuant to this division. 4575

(2) If a person refuses to submit to a chemical test upon 4576
a request made pursuant to division (B) (1) of this section, the 4577
law enforcement officer who made the request may employ whatever 4578
reasonable means are necessary to ensure that the person submits 4579
to a chemical test of the person's whole blood or blood serum or 4580
plasma. A law enforcement officer who acts pursuant to this 4581
division to ensure that a person submits to a chemical test of 4582
the person's whole blood or blood serum or plasma is immune from 4583
criminal and civil liability based upon a claim for assault and 4584
battery or any other claim for the acts, unless the officer so 4585
acted with malicious purpose, in bad faith, or in a wanton or 4586
reckless manner. 4587

(C) Except as provided in division (B) of this section, 4588
any person under arrest for violating section 1547.11 of the 4589
Revised Code or a substantially equivalent municipal ordinance 4590
shall be advised of the consequences of refusing to submit to a 4591
chemical test or tests designated as provided in division (A) of 4592
this section. The advice shall be in a written form prescribed 4593
by the chief of the division of parks and watercraft and shall 4594
be read to the person. The form shall contain a statement that 4595
the form was shown to the person under arrest and read to the 4596
person by the arresting officer. The reading of the form shall 4597

be witnessed by one or more persons, and the witnesses shall 4598
certify to this fact by signing the form. The person must submit 4599
to the chemical test or tests, subsequent to the request of the 4600
arresting officer, within two hours of the time of the alleged 4601
violation, and if the person does not submit to the test or 4602
tests within that two-hour time limit, the failure to submit 4603
automatically constitutes a refusal to submit to the test or 4604
tests. 4605

(D) Except as provided in division (B) of this section, if 4606
a law enforcement officer asks a person under arrest for 4607
violating section 1547.11 of the Revised Code or a substantially 4608
equivalent municipal ordinance to submit to a chemical test or 4609
tests as provided in division (A) of this section, if the 4610
arresting officer advises the person of the consequences of the 4611
person's refusal as provided in division (C) of this section, 4612
and if the person refuses to submit, no chemical test shall be 4613
given. Upon receipt of a sworn statement of the officer that the 4614
arresting law enforcement officer had reasonable grounds to 4615
believe the arrested person violated section 1547.11 of the 4616
Revised Code or a substantially equivalent municipal ordinance 4617
and that the person refused to submit to the chemical test upon 4618
the request of the officer, and upon receipt of the form as 4619
provided in division (C) of this section certifying that the 4620
arrested person was advised of the consequences of the refusal, 4621
the chief of the division of parks and watercraft shall inform 4622
the person by written notice that the person is prohibited from 4623
operating or being in physical control of a vessel, from 4624
manipulating any water skis, aquaplane, or similar device, and 4625
from registering any watercraft in accordance with section 4626
1547.54 of the Revised Code, for one year following the date of 4627
the alleged violation. The suspension of these operation, 4628

physical control, manipulation, and registration privileges 4629
shall continue for the entire one-year period, subject to review 4630
as provided in this section. 4631

If the person under arrest is the owner of the vessel 4632
involved in the alleged violation, the law enforcement officer 4633
who arrested the person shall seize the watercraft registration 4634
certificate and tags from the vessel involved in the violation 4635
and forward them to the chief. The chief shall retain the 4636
impounded registration certificate and tags and shall impound 4637
all other registration certificates and tags issued to the 4638
person in accordance with sections 1547.54 and 1547.57 of the 4639
Revised Code, for a period of one year following the date of the 4640
alleged violation, subject to review as provided in this 4641
section. 4642

If the arrested person fails to surrender the registration 4643
certificate because it is not on the person of the arrested 4644
person or in the watercraft, the law enforcement officer who 4645
made the arrest shall order the person to surrender it within 4646
twenty-four hours to the law enforcement officer or the law 4647
enforcement agency that employs the law enforcement officer. If 4648
the person fails to do so, the law enforcement officer shall 4649
notify the chief of that fact in the statement the officer 4650
submits to the chief under this division. 4651

(E) Upon suspending a person's operation, physical 4652
control, manipulation, and registration privileges in accordance 4653
with division (D) of this section, the chief shall notify the 4654
person in writing, at the person's last known address, and 4655
inform the person that the person may petition for a hearing in 4656
accordance with division (F) of this section. If a person whose 4657
operation, physical control, manipulation, and registration 4658

privileges have been suspended petitions for a hearing or 4659
appeals any adverse decision, the suspension shall begin at the 4660
termination of any hearing or appeal unless the hearing or 4661
appeal results in a decision favorable to the person. 4662

(F) Any person who has been notified by the chief that the 4663
person is prohibited from operating or being in physical control 4664
of a vessel or manipulating any water skis, aquaplane, or 4665
similar device and from registering any watercraft in accordance 4666
with section 1547.54 of the Revised Code, or who has had the 4667
registration certificate and tags of the person's watercraft 4668
impounded pursuant to division (D) of this section, within 4669
twenty days of the notification or impoundment, may file a 4670
petition in the municipal court or the county court, or if the 4671
person is a minor in juvenile court, with jurisdiction over the 4672
place at which the arrest occurred, agreeing to pay the cost of 4673
the proceedings and alleging error in the action taken by the 4674
chief under division (D) of this section or alleging one or more 4675
of the matters within the scope of the hearing as provided in 4676
this section, or both. The petitioner shall notify the chief of 4677
the filing of the petition and send the chief a copy of the 4678
petition. 4679

The scope of the hearing is limited to the issues of 4680
whether the law enforcement officer had reasonable grounds to 4681
believe the petitioner was operating or in physical control of a 4682
vessel or manipulating any water skis, aquaplane, or similar 4683
device in violation of section 1547.11 of the Revised Code or a 4684
substantially equivalent municipal ordinance, whether the 4685
petitioner was placed under arrest, whether the petitioner 4686
refused to submit to the chemical test upon request of the 4687
officer, and whether the petitioner was advised of the 4688
consequences of the petitioner's refusal. 4689

(G) (1) The chief shall furnish the court a copy of the affidavit as provided in division (C) of this section and any other relevant information requested by the court.

(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the chief as provided in division (D) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the chief or the person whose operation, physical control, manipulation, and registration privileges have been suspended.

In the proceedings, the chief shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the chief. If the petition is filed in the municipal court, the chief shall be represented as provided in section 1901.34 of the Revised Code.

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (D) of this section. If the court finds that the person has shown error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing

as provided in division (F) of this section, or both, the cost 4720
of the proceedings shall be paid out of the county treasury of 4721
the county in which the proceedings were held, the chief shall 4722
reinstate the operation, physical control, manipulation, and 4723
registration privileges of the person without charge, and the 4724
chief shall return the registration certificate and tags, if 4725
impounded, without charge. 4726

(4) The court shall give information in writing of any 4727
action taken under this section to the chief. 4728

(H) At the end of any period of suspension or impoundment 4729
imposed under this section, and upon request of the person whose 4730
operation, physical control, use, and registration privileges 4731
were suspended or whose registration certificate and tags were 4732
impounded, the chief shall reinstate the person's operation, 4733
physical control, manipulation, and registration privileges by 4734
written notice and return the certificate and tags. 4735

(I) No person who has received written notice from the 4736
chief that the person is prohibited from operating or being in 4737
physical control of a vessel, from manipulating any water skis, 4738
aquaplane, or similar device, and from registering a watercraft, 4739
or who has had the registration certificate and tags of the 4740
person's watercraft impounded, in accordance with division (D) 4741
of this section, shall operate or be in physical control of a 4742
vessel or manipulate any water skis, aquaplane, or similar 4743
device for a period of one year following the date of the 4744
person's alleged violation of section 1547.11 of the Revised 4745
Code or the substantially equivalent municipal ordinance. 4746

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 4747
Revised Code is guilty of a felony of the fourth degree. 4748

(B) Whoever violates division (F) of section 1547.08, 4749
section 1547.10, division (I) of section 1547.111, section 4750
1547.13, or section 1547.66 of the Revised Code is guilty of a 4751
misdemeanor of the first degree. 4752

(C) Whoever violates a provision of this chapter or a 4753
rule, for which no penalty is otherwise provided, is guilty of a 4754
minor misdemeanor. 4755

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 4756
of the Revised Code without causing injury to persons or damage 4757
to property is guilty of a misdemeanor of the fourth degree. 4758

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 4759
of the Revised Code causing injury to persons or damage to 4760
property is guilty of a misdemeanor of the third degree. 4761

(F) Whoever violates division (N) of section 1547.54, 4762
division (G) of section 1547.30, or section 1547.131, 1547.25, 4763
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 4764
of the Revised Code or a rule is guilty of a misdemeanor of the 4765
fourth degree. 4766

(G) Whoever violates section 1547.11 of the Revised Code 4767
is guilty of a misdemeanor of the first degree and shall be 4768
punished as provided in division (G) (1), (2), or (3) of this 4769
section. 4770

(1) Except as otherwise provided in division (G) (2) or (3) 4771
of this section, the court shall sentence the offender to a jail 4772
term of three consecutive days and may sentence the offender 4773
pursuant to section 2929.24 of the Revised Code to a longer jail 4774
term. In addition, the court shall impose upon the offender a 4775
fine of not less than one hundred fifty nor more than one 4776
thousand dollars. 4777

The court may suspend the execution of the mandatory jail 4778
term of three consecutive days that it is required to impose by 4779
division (G) (1) of this section if the court, in lieu of the 4780
suspended jail term, places the offender under a community 4781
control sanction pursuant to section 2929.25 of the Revised Code 4782
and requires the offender to attend, for three consecutive days, 4783
a drivers' intervention program that is certified pursuant to 4784
section 5119.38 of the Revised Code. The court also may suspend 4785
the execution of any part of the mandatory jail term of three 4786
consecutive days that it is required to impose by division (G) 4787
(1) of this section if the court places the offender under a 4788
community control sanction pursuant to section 2929.25 of the 4789
Revised Code for part of the three consecutive days; requires 4790
the offender to attend, for that part of the three consecutive 4791
days, a drivers' intervention program that is certified pursuant 4792
to section 5119.38 of the Revised Code; and sentences the 4793
offender to a jail term equal to the remainder of the three 4794
consecutive days that the offender does not spend attending the 4795
drivers' intervention program. The court may require the 4796
offender, as a condition of community control, to attend and 4797
satisfactorily complete any treatment or education programs, in 4798
addition to the required attendance at a drivers' intervention 4799
program, that the operators of the drivers' intervention program 4800
determine that the offender should attend and to report 4801
periodically to the court on the offender's progress in the 4802
programs. The court also may impose any other conditions of 4803
community control on the offender that it considers necessary. 4804

(2) If, within ten years of the offense, the offender has 4805
been convicted of or pleaded guilty to one violation of division 4806
(A) of section 1547.11 of the Revised Code or one other 4807
equivalent offense, the court shall sentence the offender to a 4808

jail term of ten consecutive days and may sentence the offender 4809
pursuant to section 2929.24 of the Revised Code to a longer jail 4810
term. In addition, the court shall impose upon the offender a 4811
fine of not less than one hundred fifty nor more than one 4812
thousand dollars. 4813

In addition to any other sentence that it imposes upon the 4814
offender, the court may require the offender to attend a 4815
drivers' intervention program that is certified pursuant to 4816
section 5119.38 of the Revised Code. 4817

(3) If, within ten years of the offense, the offender has 4818
been convicted of or pleaded guilty to more than one violation 4819
or offense identified in division (G)(2) of this section, the 4820
court shall sentence the offender to a jail term of thirty 4821
consecutive days and may sentence the offender to a longer jail 4822
term of not more than one year. In addition, the court shall 4823
impose upon the offender a fine of not less than one hundred 4824
fifty nor more than one thousand dollars. 4825

In addition to any other sentence that it imposes upon the 4826
offender, the court may require the offender to attend a 4827
drivers' intervention program that is certified pursuant to 4828
section 5119.38 of the Revised Code. 4829

(4) Upon a showing that serving a jail term would 4830
seriously affect the ability of an offender sentenced pursuant 4831
to division (G)(1), (2), or (3) of this section to continue the 4832
offender's employment, the court may authorize that the offender 4833
be granted work release after the offender has served the 4834
mandatory jail term of three, ten, or thirty consecutive days 4835
that the court is required by division (G)(1), (2), or (3) of 4836
this section to impose. No court shall authorize work release 4837
during the mandatory jail term of three, ten, or thirty 4838

consecutive days that the court is required by division (G) (1), 4839
(2), or (3) of this section to impose. The duration of the work 4840
release shall not exceed the time necessary each day for the 4841
offender to commute to and from the place of employment and the 4842
place in which the jail term is served and the time actually 4843
spent under employment. 4844

(5) Notwithstanding any section of the Revised Code that 4845
authorizes the suspension of the imposition or execution of a 4846
sentence or the placement of an offender in any treatment 4847
program in lieu of being imprisoned or serving a jail term, no 4848
court shall suspend the mandatory jail term of ten or thirty 4849
consecutive days required to be imposed by division (G) (2) or 4850
(3) of this section or place an offender who is sentenced 4851
pursuant to division (G) (2) or (3) of this section in any 4852
treatment program in lieu of being imprisoned or serving a jail 4853
term until after the offender has served the mandatory jail term 4854
of ten or thirty consecutive days required to be imposed 4855
pursuant to division (G) (2) or (3) of this section. 4856
Notwithstanding any section of the Revised Code that authorizes 4857
the suspension of the imposition or execution of a sentence or 4858
the placement of an offender in any treatment program in lieu of 4859
being imprisoned or serving a jail term, no court, except as 4860
specifically authorized by division (G) (1) of this section, 4861
shall suspend the mandatory jail term of three consecutive days 4862
required to be imposed by division (G) (1) of this section or 4863
place an offender who is sentenced pursuant to division (G) (1) 4864
of this section in any treatment program in lieu of imprisonment 4865
until after the offender has served the mandatory jail term of 4866
three consecutive days required to be imposed pursuant to 4867
division (G) (1) of this section. 4868

(6) As used in division (G) of this section: 4869

(a) "Equivalent offense" has the same meaning as in 4870
section 4511.181 of the Revised Code. 4871

(b) "Jail term" and "mandatory jail term" have the same 4872
meanings as in section 2929.01 of the Revised Code. 4873

(H) Whoever violates section 1547.304 of the Revised Code 4874
is guilty of a misdemeanor of the fourth degree and also shall 4875
be assessed any costs incurred by the state or a county, 4876
township, municipal corporation, or other political subdivision 4877
in disposing of an abandoned junk vessel or outboard motor, less 4878
any money accruing to the state, county, township, municipal 4879
corporation, or other political subdivision from that disposal. 4880

(I) Whoever violates division (B) or (C) of section 4881
1547.49 of the Revised Code is guilty of a minor misdemeanor. 4882

(J) Whoever violates section 1547.31 of the Revised Code 4883
is guilty of a misdemeanor of the fourth degree on a first 4884
offense. On each subsequent offense, the person is guilty of a 4885
misdemeanor of the third degree. 4886

(K) Whoever violates section 1547.05 or 1547.051 of the 4887
Revised Code is guilty of a misdemeanor of the fourth degree if 4888
the violation is not related to a collision, injury to a person, 4889
or damage to property and a misdemeanor of the third degree if 4890
the violation is related to a collision, injury to a person, or 4891
damage to property. 4892

(L) The sentencing court, in addition to the penalty 4893
provided under this section for a violation of this chapter or a 4894
rule that involves a powercraft powered by more than ten 4895
horsepower and that, in the opinion of the court, involves a 4896
threat to the safety of persons or property, shall order the 4897
offender to complete successfully a boating course approved by 4898

the national association of state boating law administrators 4899
before the offender is allowed to operate a powercraft powered 4900
by more than ten horsepower on the waters in this state. 4901
Violation of a court order entered under this division is 4902
punishable as contempt under Chapter 2705. of the Revised Code. 4903

Sec. 2151.23. (A) The juvenile court has exclusive 4904
original jurisdiction under the Revised Code as follows: 4905

(1) Concerning any child who on or about the date 4906
specified in the complaint, indictment, or information is 4907
alleged to have violated section 2151.87 of the Revised Code or 4908
an order issued under that section or to be a juvenile traffic 4909
offender or a delinquent, unruly, abused, neglected, or 4910
dependent child and, based on and in relation to the allegation 4911
pertaining to the child, concerning the parent, guardian, or 4912
other person having care of a child who is alleged to be an 4913
unruly child for being an habitual truant or who is alleged to 4914
be a delinquent child for violating a court order regarding the 4915
child's prior adjudication as an unruly child for being an 4916
habitual truant; 4917

(2) Subject to divisions (G), (I), (K), and (V) of section 4918
2301.03 of the Revised Code, to determine the custody of any 4919
child not a ward of another court of this state; 4920

(3) To hear and determine any application for a writ of 4921
habeas corpus involving the custody of a child; 4922

(4) To exercise the powers and jurisdiction given the 4923
probate division of the court of common pleas in Chapter 5122. 4924
of the Revised Code, if the court has probable cause to believe 4925
that a child otherwise within the jurisdiction of the court is a 4926
mentally ill person subject to court order, as defined in 4927

section 5122.01 of the Revised Code;	4928
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	4929 4930
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	4931 4932 4933 4934 4935 4936 4937 4938 4939 4940 4941
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	4942 4943
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	4944 4945 4946 4947
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	4948 4949 4950 4951
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	4952 4953
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request	4954 4955 4956

is not ancillary to an action for divorce, dissolution of 4957
marriage, annulment, or legal separation, a criminal or civil 4958
action involving an allegation of domestic violence, or an 4959
action for support brought under Chapter 3115. of the Revised 4960
Code; 4961

(12) Concerning an action commenced under section 121.38 4962
of the Revised Code; 4963

(13) To hear and determine violations of section 3321.38 4964
of the Revised Code; 4965

(14) To exercise jurisdiction and authority over the 4966
parent, guardian, or other person having care of a child alleged 4967
to be a delinquent child, unruly child, or juvenile traffic 4968
offender, based on and in relation to the allegation pertaining 4969
to the child; 4970

(15) To conduct the hearings, and to make the 4971
determinations, adjudications, and orders authorized or required 4972
under sections 2152.82 to 2152.86 and Chapter 2950. of the 4973
Revised Code regarding a child who has been adjudicated a 4974
delinquent child and to refer the duties conferred upon the 4975
juvenile court judge under sections 2152.82 to 2152.86 and 4976
Chapter 2950. of the Revised Code to magistrates appointed by 4977
the juvenile court judge in accordance with Juvenile Rule 40; 4978

(16) To hear and determine a petition for a protection 4979
order against a child under section 2151.34 or 3113.31 of the 4980
Revised Code and to enforce a protection order issued or a 4981
consent agreement approved under either section against a child 4982
until a date certain but not later than the date the child 4983
attains nineteen years of age; 4984

(17) Concerning emancipated young adults under sections 4985

2151.45 to 2151.455 of the Revised Code;	4986
(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.	4987 4988 4989
(B) Except as provided in divisions (G), (I), and (P) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	4990 4991 4992
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	4993 4994 4995 4996
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	4997 4998 4999
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	5000 5001
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	5002 5003 5004
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	5005 5006
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	5007 5008
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	5009 5010 5011
(8) To enforce an order for the return of a child made	5012

under the Hague Convention on the Civil Aspects of International 5013
Child Abduction pursuant to section 3127.32 of the Revised Code; 5014

(9) To grant any relief normally available under the laws 5015
of this state to enforce a child custody determination made by a 5016
court of another state and registered in accordance with section 5017
3127.35 of the Revised Code. 5018

(C) The juvenile court, except as to juvenile courts that 5019
are a separate division of the court of common pleas or a 5020
separate and independent juvenile court, has jurisdiction to 5021
hear, determine, and make a record of any action for divorce or 5022
legal separation that involves the custody or care of children 5023
and that is filed in the court of common pleas and certified by 5024
the court of common pleas with all the papers filed in the 5025
action to the juvenile court for trial, provided that no 5026
certification of that nature shall be made to any juvenile court 5027
unless the consent of the juvenile judge first is obtained. 5028
After a certification of that nature is made and consent is 5029
obtained, the juvenile court shall proceed as if the action 5030
originally had been begun in that court, except as to awards for 5031
spousal support or support due and unpaid at the time of 5032
certification, over which the juvenile court has no 5033
jurisdiction. 5034

(D) The juvenile court, except as provided in division (I) 5035
of section 2301.03 of the Revised Code, has jurisdiction to hear 5036
and determine all matters as to custody and support of children 5037
duly certified by the court of common pleas to the juvenile 5038
court after a divorce decree has been granted, including 5039
jurisdiction to modify the judgment and decree of the court of 5040
common pleas as the same relate to the custody and support of 5041
children. 5042

(E) The juvenile court, except as provided in division (I) 5043
of section 2301.03 of the Revised Code, has jurisdiction to hear 5044
and determine the case of any child certified to the court by 5045
any court of competent jurisdiction if the child comes within 5046
the jurisdiction of the juvenile court as defined by this 5047
section. 5048

(F) (1) The juvenile court shall exercise its jurisdiction 5049
in child custody matters in accordance with sections 3109.04 and 5050
3127.01 to 3127.53 of the Revised Code and, as applicable, 5051
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 5052
Revised Code. 5053

(2) The juvenile court shall exercise its jurisdiction in 5054
child support matters in accordance with section 3109.05 of the 5055
Revised Code. 5056

(G) Any juvenile court that makes or modifies an order for 5057
child support shall comply with Chapters 3119., 3121., 3123., 5058
and 3125. of the Revised Code. If any person required to pay 5059
child support under an order made by a juvenile court on or 5060
after April 15, 1985, or modified on or after December 1, 1986, 5061
is found in contempt of court for failure to make support 5062
payments under the order, the court that makes the finding, in 5063
addition to any other penalty or remedy imposed, shall assess 5064
all court costs arising out of the contempt proceeding against 5065
the person and require the person to pay any reasonable 5066
attorney's fees of any adverse party, as determined by the 5067
court, that arose in relation to the act of contempt. 5068

(H) If a child who is charged with an act that would be an 5069
offense if committed by an adult was fourteen years of age or 5070
older and under eighteen years of age at the time of the alleged 5071
act and if the case is transferred for criminal prosecution 5072

pursuant to section 2152.12 of the Revised Code, except as 5073
provided in section 2152.121 of the Revised Code, the juvenile 5074
court does not have jurisdiction to hear or determine the case 5075
subsequent to the transfer. The court to which the case is 5076
transferred for criminal prosecution pursuant to that section 5077
has jurisdiction subsequent to the transfer to hear and 5078
determine the case in the same manner as if the case originally 5079
had been commenced in that court, subject to section 2152.121 of 5080
the Revised Code, including, but not limited to, jurisdiction to 5081
accept a plea of guilty or another plea authorized by Criminal 5082
Rule 11 or another section of the Revised Code and jurisdiction 5083
to accept a verdict and to enter a judgment of conviction 5084
pursuant to the Rules of Criminal Procedure against the child 5085
for the commission of the offense that was the basis of the 5086
transfer of the case for criminal prosecution, whether the 5087
conviction is for the same degree or a lesser degree of the 5088
offense charged, for the commission of a lesser-included 5089
offense, or for the commission of another offense that is 5090
different from the offense charged. Section 2152.022 of the 5091
Revised Code applies with respect to the transfer of a case for 5092
criminal prosecution as described in this division and the 5093
determination of jurisdiction after the transfer and, as 5094
described in division (B) of that section, the juvenile court 5095
retains jurisdiction over charges included in the complaint 5096
containing the allegation that is the basis of the transfer that 5097
are not transferred. 5098

(I) If a person under eighteen years of age allegedly 5099
commits an act that would be a felony if committed by an adult 5100
and if the person is not taken into custody or apprehended for 5101
that act until after the person attains twenty-one years of age, 5102
the juvenile court does not have jurisdiction to hear or 5103

determine any portion of the case charging the person with 5104
committing that act. In those circumstances, divisions (A) and 5105
(B) of section 2152.12 of the Revised Code do not apply 5106
regarding the act, and the case charging the person with 5107
committing the act shall be a criminal prosecution commenced and 5108
heard in the appropriate court having jurisdiction of the 5109
offense as if the person had been eighteen years of age or older 5110
when the person committed the act. All proceedings pertaining to 5111
the act shall be within the jurisdiction of the court having 5112
jurisdiction of the offense, and that court has all the 5113
authority and duties in the case that it has in other criminal 5114
cases in that court. 5115

(J) In exercising its exclusive original jurisdiction 5116
under division (A) (16) of this section with respect to any 5117
proceedings brought under section 2151.34 or 3113.31 of the 5118
Revised Code in which the respondent is a child, the juvenile 5119
court retains all dispositional powers consistent with existing 5120
rules of juvenile procedure and may also exercise its discretion 5121
to adjudicate proceedings as provided in sections 2151.34 and 5122
3113.31 of the Revised Code, including the issuance of 5123
protection orders or the approval of consent agreements under 5124
those sections. 5125

Sec. 2151.358. (A) The juvenile court shall expunge all 5126
records sealed under section 2151.356 of the Revised Code five 5127
years after the court issues a sealing order or upon the twenty- 5128
third birthday of the person who is the subject of the sealing 5129
order, whichever date is earlier. 5130

(B) Notwithstanding division (A) of this section, upon 5131
application by the person who has had a record sealed under 5132
section 2151.356 of the Revised Code, the juvenile court may 5133

expunge a record sealed under section 2151.356 of the Revised 5134
Code. In making the determination whether to expunge records, 5135
all of the following apply: 5136

(1) The court may require a person filing an application 5137
for expungement to submit any relevant documentation to support 5138
the application. 5139

(2) The court may cause an investigation to be made to 5140
determine if the person who is the subject of the proceedings 5141
has been rehabilitated to a satisfactory degree. 5142

(3) The court shall promptly notify the prosecuting 5143
attorney of any proceedings to expunge records. 5144

(4) (a) The prosecuting attorney may file a response with 5145
the court within thirty days of receiving notice of the 5146
expungement proceedings. 5147

(b) If the prosecuting attorney does not file a response 5148
with the court or if the prosecuting attorney files a response 5149
but indicates that the prosecuting attorney does not object to 5150
the expungement of the records, the court may order the records 5151
of the person that are under consideration to be expunged 5152
without conducting a hearing on the application. If the court 5153
decides in its discretion to conduct a hearing on the 5154
application, the court shall conduct the hearing within thirty 5155
days after making that decision and shall give notice, by 5156
regular mail, of the date, time, and location of the hearing to 5157
the prosecuting attorney and to the person who is the subject of 5158
the records under consideration. 5159

(c) If the prosecuting attorney files a response with the 5160
court that indicates that the prosecuting attorney objects to 5161
the expungement of the records, the court shall conduct a 5162

hearing on the application within thirty days after the court 5163
receives the response. The court shall give notice, by regular 5164
mail, of the date, time, and location of the hearing to the 5165
prosecuting attorney and to the person who is the subject of the 5166
records under consideration. 5167

(5) After conducting a hearing in accordance with division 5168
(B) (4) of this section or after due consideration when a hearing 5169
is not conducted, the court may order the records of the person 5170
that are the subject of the application to be expunged if it 5171
finds that the person has been rehabilitated to a satisfactory 5172
degree. In determining whether the person has been rehabilitated 5173
to a satisfactory degree, the court may consider all of the 5174
following: 5175

(a) The age of the person; 5176

(b) The nature of the case; 5177

(c) The cessation or continuation of delinquent, unruly, 5178
or criminal behavior; 5179

(d) The education and employment history of the person; 5180

(e) Any other circumstances that may relate to the 5181
rehabilitation of the person who is the subject of the records 5182
under consideration. 5183

(C) If the juvenile court is notified by any party in a 5184
civil action that a civil action has been filed based on a case 5185
the records for which are the subject of a sealing order, the 5186
juvenile court shall not expunge a record sealed under section 5187
2151.356 of the Revised Code until the civil action has been 5188
resolved and is not subject to further appellate review, at 5189
which time the records shall be expunged pursuant to division 5190
(A) of this section. 5191

(D) (1) A juvenile court that issues a protection order or 5192
approves a consent agreement under section 2151.34 or 3113.31 of 5193
the Revised Code shall automatically seal all of the records of 5194
the proceeding in which the order was issued or agreement 5195
approved on the date the person against whom the protection 5196
order was issued or the consent agreement approved attains the 5197
age of nineteen years if the court determines that the person 5198
has complied with all of the terms of the protection order or 5199
consent agreement. 5200

(2) In a proceeding under section 2151.34 of the Revised 5201
Code, if the juvenile court does not issue any protection order 5202
under division (E) of that section, the court shall 5203
automatically seal all of the records in that proceeding. In a 5204
proceeding under section 3113.31 of the Revised Code, if the 5205
juvenile court does not issue any protection order or approve 5206
any consent agreement under division (E) of that section, the 5207
court shall automatically seal all of the records in that 5208
proceeding. 5209

(3) (a) If a juvenile court that issues a protection order 5210
or approves a consent agreement under section 2151.34 or 3113.31 5211
of the Revised Code determines that the person against whom the 5212
protection order was issued or the consent agreement approved 5213
has not complied with all of the terms of the protection order 5214
or consent agreement, the court shall consider sealing all of 5215
the records of the proceeding in which the order was issued or 5216
agreement approved upon the court's own motion or upon the 5217
application of a person. The court may make the motion or the 5218
person who is the subject of the records under consideration may 5219
apply for an order sealing the records of the proceeding at any 5220
time after two years after the expiration of the protection 5221
order or consent agreement. 5222

(b) In making a determination whether to seal records 5223
pursuant to division (D) (3) of this section, all of the 5224
following apply: 5225

(i) The court may require a person filing an application 5226
under division (D) (3) of this section to submit any relevant 5227
documentation to support the application. 5228

(ii) The court shall promptly notify the victim or the 5229
victim's attorney of any proceedings to seal records initiated 5230
pursuant to division (D) (3) of this section. 5231

(iii) The victim or the victim's attorney may file a 5232
response with the court within thirty days of receiving notice 5233
of the sealing proceedings. 5234

If the victim or the victim's attorney does not file a 5235
response with the court or if the victim or the victim's 5236
attorney files a response but indicates that the victim or the 5237
victim's attorney does not object to the sealing of the records, 5238
the court may order the records of the person that are under 5239
consideration to be sealed without conducting a hearing on the 5240
motion or application. If the court decides in its discretion to 5241
conduct a hearing on the motion or application, the court shall 5242
conduct the hearing within thirty days after making that 5243
decision and shall give notice, by regular mail, of the date, 5244
time, and location of the hearing to the victim or the victim's 5245
attorney and to the person who is the subject of the records 5246
under consideration. 5247

If the victim or the victim's attorney files a response 5248
with the court that indicates that the victim or the victim's 5249
attorney objects to the sealing of the records, the court shall 5250
conduct a hearing on the motion or application within thirty 5251

days after the court receives the response. The court shall give 5252
notice, by regular mail, of the date, time, and location of the 5253
hearing to the victim or the victim's attorney and to the person 5254
who is the subject of the records under consideration. 5255

(iv) After conducting a hearing in accordance with 5256
division (D) (3) (b) (iii) of this section or after due 5257
consideration when a hearing is not conducted, the court may 5258
order the records of the person that are the subject of the 5259
motion or application to be sealed. 5260

(4) Inspection of the records sealed pursuant to division 5261
(D) (1), (2), or (3) of this section may be made only by the 5262
following persons or for the following purposes: 5263

(a) By a law enforcement officer or prosecutor, or the 5264
assistants of either, to determine whether the nature and 5265
character of the offense with which a person is to be charged 5266
would be affected by virtue of the person's previously having 5267
been convicted of a crime; 5268

(b) By the parole or probation officer of the person who 5269
is the subject of the records, for the exclusive use of the 5270
officer in supervising the person while on parole or under a 5271
community control sanction or a post-release control sanction, 5272
and in making inquiries and written reports as requested by the 5273
court or adult parole authority; 5274

(c) Upon application by the person who is the subject of 5275
the records, by the persons named in the application; 5276

(d) By a law enforcement officer who was involved in the 5277
case, for use in the officer's defense of a civil action arising 5278
out of the officer's involvement in that case; 5279

(e) By a prosecuting attorney or the prosecuting 5280

attorney's assistants, to determine a defendant's eligibility to 5281
enter a pre-trial diversion program established pursuant to 5282
section 2935.36 of the Revised Code; 5283

(f) By any law enforcement agency or any authorized 5284
employee of a law enforcement agency or by the department of 5285
rehabilitation and correction as part of a background 5286
investigation of a person who applies for employment with the 5287
agency as a law enforcement officer or with the department as a 5288
corrections officer; 5289

(g) By any law enforcement agency or any authorized 5290
employee of a law enforcement agency, for the purposes set forth 5291
in, and in the manner provided in, division (I) of section 5292
~~2953.321~~2953.34 of the Revised Code; 5293

(h) By the bureau of criminal identification and 5294
investigation or any authorized employee of the bureau for the 5295
purpose of providing information to a board or person pursuant 5296
to division (F) or (G) of section 109.57 of the Revised Code; 5297

(i) By the bureau of criminal identification and 5298
investigation or any authorized employee of the bureau for the 5299
purpose of performing a criminal history records check on a 5300
person to whom a certificate as prescribed in section 109.77 of 5301
the Revised Code is to be awarded; 5302

(j) By the bureau of criminal identification and 5303
investigation or any authorized employee of the bureau for the 5304
purpose of conducting a criminal records check of an individual 5305
pursuant to division (B) of section 109.572 of the Revised Code 5306
that was requested pursuant to any of the sections identified in 5307
division (B) (1) of that section; 5308

(k) By the bureau of criminal identification and 5309

investigation, an authorized employee of the bureau, a sheriff, 5310
or an authorized employee of a sheriff in connection with a 5311
criminal records check described in section 311.41 of the 5312
Revised Code; 5313

(l) By the attorney general or an authorized employee of 5314
the attorney general or a court for purposes of determining a 5315
person's classification pursuant to Chapter 2950. of the Revised 5316
Code. 5317

When the nature and character of the offense with which a 5318
person is to be charged would be affected by the information, it 5319
may be used for the purpose of charging the person with an 5320
offense. 5321

(E) In addition to the methods of expungement provided for 5322
in divisions (A) and (B) of this section, a person who has been 5323
adjudicated a delinquent child for having committed an act that 5324
would be a violation of section 2907.24, 2907.241, or 2907.25 of 5325
the Revised Code if the child were an adult may apply to the 5326
adjudicating court for the expungement of the record of 5327
adjudication if the person's participation in the act was a 5328
result of the person having been a victim of human trafficking. 5329
The application shall be made in the same manner as an 5330
application for expungement under section ~~2953.38~~2953.36 of the 5331
Revised Code, and all of the provisions of that section shall 5332
apply to the expungement procedure. 5333

(F) After the records have been expunged under this 5334
section, the person who is the subject of the expunged records 5335
properly may, and the court shall, reply that no record exists 5336
with respect to the person upon any inquiry in the matter. 5337

Sec. 2152.02. As used in this chapter: 5338

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

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

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

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

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

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

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in

that case, unless a serious youthful offender dispositional 5368
sentence is imposed on the child for that offense under division 5369
(B) (2) or (3) of section 2152.121 of the Revised Code and the 5370
adult portion of that sentence is not invoked pursuant to 5371
section 2152.14 of the Revised Code, and any person who is 5372
adjudicated a delinquent child for the commission of an act, who 5373
has a serious youthful offender dispositional sentence imposed 5374
for the act pursuant to section 2152.13 of the Revised Code, and 5375
whose adult portion of the dispositional sentence is invoked 5376
pursuant to section 2152.14 of the Revised Code, shall be deemed 5377
after the conviction, plea, or invocation not to be a child in 5378
any case in which a complaint is filed against the person. 5379

(6) The juvenile court has jurisdiction over a person who 5380
is adjudicated a delinquent child or juvenile traffic offender 5381
prior to attaining eighteen years of age until the person 5382
attains twenty-one years of age, and, for purposes of that 5383
jurisdiction related to that adjudication, except as otherwise 5384
provided in this division, a person who is so adjudicated a 5385
delinquent child or juvenile traffic offender shall be deemed a 5386
"child" until the person attains twenty-one years of age. If a 5387
person is so adjudicated a delinquent child or juvenile traffic 5388
offender and the court makes a disposition of the person under 5389
this chapter, at any time after the person attains twenty-one 5390
years of age, the places at which the person may be held under 5391
that disposition are not limited to places authorized under this 5392
chapter solely for confinement of children, and the person may 5393
be confined under that disposition, in accordance with division 5394
(F) (2) of section 2152.26 of the Revised Code, in places other 5395
than those authorized under this chapter solely for confinement 5396
of children. 5397

(7) The juvenile court has jurisdiction over any person 5398

whose case is transferred for criminal prosecution solely for 5399
the purpose of detaining the person as authorized in division 5400
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 5401
person is convicted of or pleads guilty to a felony in the adult 5402
court. 5403

(8) Any person who, while eighteen years of age, violates 5404
division (A) (1) or (2) of section 2919.27 of the Revised Code by 5405
violating a protection order issued or consent agreement 5406
approved under section 2151.34 or 3113.31 of the Revised Code 5407
shall be considered a child for the purposes of that violation 5408
of section 2919.27 of the Revised Code. 5409

(D) "Community corrections facility," "public safety 5410
beds," "release authority," and "supervised release" have the 5411
same meanings as in section 5139.01 of the Revised Code. 5412

(E) "Delinquent child" includes any of the following: 5413

(1) Any child, except a juvenile traffic offender, who 5414
violates any law of this state or the United States, or any 5415
ordinance of a political subdivision of the state, that would be 5416
an offense if committed by an adult; 5417

(2) Any child who violates any lawful order of the court 5418
made under this chapter, including a child who violates a court 5419
order regarding the child's prior adjudication as an unruly 5420
child for being an habitual truant; 5421

(3) Any child who violates any lawful order of the court 5422
made under Chapter 2151. of the Revised Code other than an order 5423
issued under section 2151.87 of the Revised Code; 5424

(4) Any child who violates division (C) of section 5425
2907.39, division (A) of section 2923.211, or division (C) (1) or 5426
(D) of section 2925.55 of the Revised Code. 5427

(F) "Discretionary serious youthful offender" means a 5428
person who is eligible for a discretionary SYO and who is not 5429
transferred to adult court under a mandatory or discretionary 5430
transfer. 5431

(G) "Discretionary SYO" means a case in which the juvenile 5432
court, in the juvenile court's discretion, may impose a serious 5433
youthful offender disposition under section 2152.13 of the 5434
Revised Code. 5435

(H) "Discretionary transfer" means that the juvenile court 5436
has discretion to transfer a case for criminal prosecution under 5437
division (B) of section 2152.12 of the Revised Code. 5438

(I) "Drug abuse offense," "felony drug abuse offense," and 5439
"minor drug possession offense" have the same meanings as in 5440
section 2925.01 of the Revised Code. 5441

(J) "Electronic monitoring" and "electronic monitoring 5442
device" have the same meanings as in section 2929.01 of the 5443
Revised Code. 5444

(K) "Economic loss" means any economic detriment suffered 5445
by a victim of a delinquent act or juvenile traffic offense as a 5446
direct and proximate result of the delinquent act or juvenile 5447
traffic offense and includes any loss of income due to lost time 5448
at work because of any injury caused to the victim and any 5449
property loss, medical cost, or funeral expense incurred as a 5450
result of the delinquent act or juvenile traffic offense. 5451
"Economic loss" does not include non-economic loss or any 5452
punitive or exemplary damages. 5453

(L) "Firearm" has the same meaning as in section 2923.11 5454
of the Revised Code. 5455

(M) "Intellectual disability" has the same meaning as in 5456

section 5123.01 of the Revised Code. 5457

(N) "Juvenile traffic offender" means any child who 5458
violates any traffic law, traffic ordinance, or traffic 5459
regulation of this state, the United States, or any political 5460
subdivision of this state, other than a resolution, ordinance, 5461
or regulation of a political subdivision of this state the 5462
violation of which is required to be handled by a parking 5463
violations bureau or a joint parking violations bureau pursuant 5464
to Chapter 4521. of the Revised Code. 5465

(O) A "legitimate excuse for absence from the public 5466
school the child is supposed to attend" has the same meaning as 5467
in section 2151.011 of the Revised Code. 5468

(P) "Mandatory serious youthful offender" means a person 5469
who is eligible for a mandatory SYO and who is not transferred 5470
to adult court under a mandatory or discretionary transfer and 5471
also includes, for purposes of imposition of a mandatory serious 5472
youthful dispositional sentence under section 2152.13 of the 5473
Revised Code, a person upon whom a juvenile court is required to 5474
impose such a sentence under division (B) (3) of section 2152.121 5475
of the Revised Code. 5476

(Q) "Mandatory SYO" means a case in which the juvenile 5477
court is required to impose a mandatory serious youthful 5478
offender disposition under section 2152.13 of the Revised Code. 5479

(R) "Mandatory transfer" means that a case is required to 5480
be transferred for criminal prosecution under division (A) of 5481
section 2152.12 of the Revised Code. 5482

(S) "Mental illness" has the same meaning as in section 5483
5122.01 of the Revised Code. 5484

(T) "Monitored time" and "repeat violent offender" have 5485

the same meanings as in section 2929.01 of the Revised Code.	5486
(U) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	5487 5488
(V) "Public record" has the same meaning as in section 149.43 of the Revised Code.	5489 5490
(W) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B) (3) of section 2152.121 of the Revised Code.	5491 5492 5493 5494 5495 5496 5497 5498
(X) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code.	5499 5500 5501 5502 5503 5504 5505
(Y) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code.	5506 5507 5508 5509 5510 5511
(Z) "Transfer" means, <u>except with respect to a transfer from a criminal court to a juvenile court under section 2152.03 or 2152.121 of the Revised Code,</u> the transfer for criminal	5512 5513 5514

prosecution of a case ~~involving the alleged commission by that~~ 5515
includes a charge alleging that a child ~~of~~ is a delinquent child 5516
for committing an act that would be an offense if committed by 5517
an adult from the juvenile court to the appropriate court that 5518
has jurisdiction of the offense. 5519

(AA) "Category one offense" means any of the following: 5520

(1) A violation of section 2903.01 or 2903.02 of the 5521
Revised Code; 5522

(2) A violation of section 2923.02 of the Revised Code 5523
involving an attempt to commit aggravated murder or murder. 5524

(BB) "Category two offense" means any of the following: 5525

(1) A violation of section 2903.03, 2905.01, 2907.02, 5526
2909.02, 2911.01, or 2911.11 of the Revised Code; 5527

(2) A violation of section 2903.04 of the Revised Code 5528
that is a felony of the first degree; 5529

(3) A violation of section 2907.12 of the Revised Code as 5530
it existed prior to September 3, 1996. 5531

(CC) "Non-economic loss" means nonpecuniary harm suffered 5532
by a victim of a delinquent act or juvenile traffic offense as a 5533
result of or related to the delinquent act or juvenile traffic 5534
offense, including, but not limited to, pain and suffering; loss 5535
of society, consortium, companionship, care, assistance, 5536
attention, protection, advice, guidance, counsel, instruction, 5537
training, or education; mental anguish; and any other intangible 5538
loss. 5539

Sec. 2152.022. (A) If a complaint has been filed in 5540
juvenile court alleging that a child is a delinquent child for 5541
committing an act that would be a felony if committed by an 5542

adult and if the juvenile court under section 2152.10 and 5543
division (A) (1) or (B) of section 2152.12 of the Revised Code is 5544
required to transfer the "case" or is authorized to transfer the 5545
"case" and decides to do so, as used in all provisions of the 5546
Revised Code that apply with respect to the transfer, "case" 5547
means all charges that are included in the complaint containing 5548
the allegation that is the basis of the transfer under division 5549
(A) (1) or (B) of section 2152.12 of the Revised Code and for 5550
which the court found probable cause to believe that the child 5551
committed the act charged. 5552

(B) If a complaint has been filed in juvenile court 5553
alleging that a child is a delinquent child for committing an 5554
act that would be a felony if committed by an adult, if the 5555
juvenile court, as described in division (A) of this section, is 5556
required to transfer the case or is authorized to transfer the 5557
case and decides to do so, and if the complaint containing the 5558
allegation that is the basis of the transfer under division (A) 5559
(1) or (B) of section 2152.12 of the Revised Code includes one 5560
or more other counts alleging that the child committed an act 5561
that would be an offense if committed by an adult, both of the 5562
following apply: 5563

(1) Each count included in the complaint with respect to 5564
which the court found probable cause to believe that the child 5565
committed the act charged shall be transferred and the court to 5566
which the case is transferred has jurisdiction over all of the 5567
counts so transferred as provided in division (H) of section 5568
2151.23 of the Revised Code. 5569

(2) Each count included in the complaint that is not 5570
transferred as described in division (B) (1) of this section 5571
shall remain within the jurisdiction of the juvenile court, to 5572

be handled by that court in an appropriate manner. 5573

Sec. 2152.10. (A) A child who is alleged to be a 5574
delinquent child is eligible for mandatory transfer and the 5575
child's case shall be transferred as provided in section 2152.12 5576
of the Revised Code in any of the following circumstances: 5577

(1) The child is charged with a category one offense and 5578
either of the following apply: 5579

(a) The child was sixteen years of age or older at the 5580
time of the act charged. 5581

(b) The child was fourteen or fifteen years of age at the 5582
time of the act charged and previously was adjudicated a 5583
delinquent child for committing an act that is a category one or 5584
category two offense and was committed to the legal custody of 5585
the department of youth services upon the basis of that 5586
adjudication. 5587

(2) The child is charged with a category two offense, 5588
other than a violation of section 2905.01 of the Revised Code, 5589
the child was sixteen years of age or older at the time of the 5590
commission of the act charged, and either or both of the 5591
following apply: 5592

(a) The child previously was adjudicated a delinquent 5593
child for committing an act that is a category one or a category 5594
two offense and was committed to the legal custody of the 5595
department of youth services on the basis of that adjudication. 5596

(b) The child is alleged to have had a firearm on or about 5597
the child's person or under the child's control while committing 5598
the act charged and to have displayed the firearm, brandished 5599
the firearm, indicated possession of the firearm, or used the 5600
firearm to facilitate the commission of the act charged. 5601

(3) Division (A) (2) of section 2152.12 of the Revised Code applies. 5602
5603

(B) Unless the child is subject to mandatory transfer, if 5604
a child is fourteen years of age or older at the time of the act 5605
charged and if the child is charged with an act that would be a 5606
felony if committed by an adult, the child is eligible for 5607
discretionary transfer, and for transfer of the child's case, to 5608
the appropriate court for criminal prosecution. In determining 5609
whether to transfer the child for criminal prosecution, the 5610
juvenile court shall follow the procedures in section 2152.12 of 5611
the Revised Code. If the court does not transfer the child and 5612
if the court adjudicates the child to be a delinquent child for 5613
the act charged, the court shall issue an order of disposition 5614
in accordance with section 2152.11 of the Revised Code. 5615

Sec. 2152.11. (A) A child who is adjudicated a delinquent 5616
child for committing an act that would be a felony if committed 5617
by an adult is eligible for a particular type of disposition 5618
under this section if the ~~child~~ child's case was not transferred 5619
under section 2152.12 of the Revised Code. If the complaint, 5620
indictment, or information charging the act includes one or more 5621
of the following factors, the act is considered to be enhanced, 5622
and the child is eligible for a more restrictive disposition 5623
under this section; 5624

(1) The act charged against the child would be an offense 5625
of violence if committed by an adult. 5626

(2) During the commission of the act charged, the child 5627
used a firearm, displayed a firearm, brandished a firearm, or 5628
indicated that the child possessed a firearm and actually 5629
possessed a firearm. 5630

(3) The child previously was admitted to a department of youth services facility for the commission of an act that would have been aggravated murder, murder, a felony of the first or second degree if committed by an adult, or an act that would have been a felony of the third degree and an offense of violence if committed by an adult.

(B) If a child is adjudicated a delinquent child for committing an act that would be aggravated murder or murder if committed by an adult, the child is eligible for whichever of the following is appropriate:

(1) Mandatory SYO, if the act allegedly was committed when the child was fourteen or fifteen years of age;

(2) Discretionary SYO, if the act was committed when the child was ten, eleven, twelve, or thirteen years of age;

(3) Traditional juvenile, if divisions (B)(1) and (2) of this section do not apply.

(C) If a child is adjudicated a delinquent child for committing an act that would be attempted aggravated murder or attempted murder if committed by an adult, the child is eligible for whichever of the following is appropriate:

(1) Mandatory SYO, if the act allegedly was committed when the child was fourteen or fifteen years of age;

(2) Discretionary SYO, if the act was committed when the child was ten, eleven, twelve, or thirteen years of age;

(3) Traditional juvenile, if divisions (C)(1) and (2) of this section do not apply.

(D) If a child is adjudicated a delinquent child for committing an act that would be a felony of the first degree if

committed by an adult, the child is eligible for whichever of 5659
the following is appropriate: 5660

(1) Mandatory SYO, if the act allegedly was committed when 5661
the child was sixteen or seventeen years of age, and the act is 5662
enhanced by the factors described in division (A) (1) and either 5663
division (A) (2) or (3) of this section; 5664

(2) Discretionary SYO, if any of the following applies: 5665

(a) The act was committed when the child was sixteen or 5666
seventeen years of age, and division (D) (1) of this section does 5667
not apply. 5668

(b) The act was committed when the child was fourteen or 5669
fifteen years of age. 5670

(c) The act was committed when the child was twelve or 5671
thirteen years of age, and the act is enhanced by any factor 5672
described in division (A) (1), (2), or (3) of this section. 5673

(d) The act was committed when the child was ten or eleven 5674
years of age, and the act is enhanced by the factors described 5675
in division (A) (1) and either division (A) (2) or (3) of this 5676
section. 5677

(3) Traditional juvenile, if divisions (D) (1) and (2) of 5678
this section do not apply. 5679

(E) If a child is adjudicated a delinquent child for 5680
committing an act that would be a felony of the second degree if 5681
committed by an adult, the child is eligible for whichever of 5682
the following is appropriate: 5683

(1) Discretionary SYO, if the act was committed when the 5684
child was fourteen, fifteen, sixteen, or seventeen years of age; 5685

(2) Discretionary SYO, if the act was committed when the 5686
child was twelve or thirteen years of age, and the act is 5687
enhanced by any factor described in division (A) (1), (2), or (3) 5688
of this section; 5689

(3) Traditional juvenile, if divisions (E) (1) and (2) of 5690
this section do not apply. 5691

(F) If a child is adjudicated a delinquent child for 5692
committing an act that would be a felony of the third degree if 5693
committed by an adult, the child is eligible for whichever of 5694
the following is appropriate: 5695

(1) Discretionary SYO, if the act was committed when the 5696
child was sixteen or seventeen years of age; 5697

(2) Discretionary SYO, if the act was committed when the 5698
child was fourteen or fifteen years of age, and the act is 5699
enhanced by any factor described in division (A) (1), (2), or (3) 5700
of this section; 5701

(3) Traditional juvenile, if divisions (F) (1) and (2) of 5702
this section do not apply. 5703

(G) If a child is adjudicated a delinquent child for 5704
committing an act that would be a felony of the fourth or fifth 5705
degree if committed by an adult, the child is eligible for 5706
whichever of the following dispositions is appropriate: 5707

(1) Discretionary SYO, if the act was committed when the 5708
child was sixteen or seventeen years of age, and the act is 5709
enhanced by any factor described in division (A) (1), (2), or (3) 5710
of this section; 5711

(2) Traditional juvenile, if division (G) (1) of this 5712
section does not apply. 5713

(H) The following table describes the dispositions that a juvenile court may impose on a delinquent child: 5714
5715

5716

	1	2	3	4	5
A	OFFENSE CATEGORY	AGE	AGE	AGE	AGE
B	(Enhancement factors)	16 & 17	14 & 15	12 & 13	10 & 11
C	Murder/aggravated murder	N/A	MSYO, TJ	DSYO, TJ	DSYO, TJ
D	Attempted murder/attempted aggravated murder	N/A	MSYO, TJ	DSYO, TJ	DSYO, TJ
E	F1 (Enhanced by offense of violence factor and either disposition firearm factor or previous DYS admission factor)	MSYO, TJ	DSYO, TJ	DSYO, TJ	DSYO, TJ
F	F1 (Enhanced by any single or other combination of enhancement factors)	DSYO, TJ	DSYO, TJ	DSYO, TJ	TJ
G	F1 (Not enhanced)	DSYO, TJ	DSYO, TJ	TJ	TJ
H	F2 (Enhanced by any enhancement factor)	DSYO, TJ	DSYO, TJ	DSYO, TJ	TJ
I	F2 (Not enhanced)	DSYO, TJ	DSYO, TJ	TJ	TJ

J	F3 (Enhanced by any enhancement factor)	DSYO, TJ	DSYO, TJ	TJ	TJ
K	F3 (Not enhanced)	DSYO, TJ	TJ	TJ	TJ
L	F4 (Enhanced by any enhancement factor)	DSYO, TJ	TJ	TJ	TJ
M	F4 (Not enhanced)	TJ	TJ	TJ	TJ
N	F5 (Enhanced by any enhancement factor)	DSYO, TJ	TJ	TJ	TJ
O	F5 (Not enhanced)	TJ	TJ	TJ	TJ

(I) The table in division (H) of this section is for illustrative purposes only. If the table conflicts with any provision of divisions (A) to (G) of this section, divisions (A) to (G) of this section shall control.

(J) Key for table in division (H) of this section:

(1) "Any enhancement factor" applies when the criteria described in division (A) (1), (2), or (3) of this section apply.

(2) The "disposition firearm factor" applies when the criteria described in division (A) (2) of this section apply.

(3) "DSYO" refers to discretionary serious youthful offender disposition.

(4) "F1" refers to an act that would be a felony of the first degree if committed by an adult.

(5) "F2" refers to an act that would be a felony of the

second degree if committed by an adult.	5731
(6) "F3" refers to an act that would be a felony of the third degree if committed by an adult.	5732 5733
(7) "F4" refers to an act that would be a felony of the fourth degree if committed by an adult.	5734 5735
(8) "F5" refers to an act that would be a felony of the fifth degree if committed by an adult.	5736 5737
(9) "MSYO" refers to mandatory serious youthful offender disposition.	5738 5739
(10) The "offense of violence factor" applies when the criteria described in division (A) (1) of this section apply.	5740 5741
(11) The "previous DYS admission factor" applies when the criteria described in division (A) (3) of this section apply.	5742 5743
(12) "TJ" refers to traditional juvenile.	5744
Sec. 2152.12. (A) (1) (a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that <u>one or more acts that would be an offense if committed by an adult, if any of those acts</u> would be aggravated murder, murder, attempted aggravated murder, or attempted murder if committed by an adult, the juvenile court at a hearing shall transfer the case if either of the following applies:	5745 5746 5747 5748 5749 5750 5751
(i) The child was sixteen or seventeen years of age at the time of the act charged <u>that would be aggravated murder, murder, attempted aggravated murder, or attempted murder</u> and there is probable cause to believe that the child committed the act charged.	5752 5753 5754 5755 5756
(ii) The child was fourteen or fifteen years of age at the	5757

time of the act charged that would be aggravated murder, murder, 5758
attempted aggravated murder, or attempted murder, section 5759
2152.10 of the Revised Code provides that the child is eligible 5760
for mandatory transfer, and there is probable cause to believe 5761
that the child committed the act charged. 5762

(b) After a complaint has been filed alleging that a child 5763
is a delinquent child by reason of committing one or more acts 5764
that would be an offense if committed by an adult, if any of 5765
those acts is a category two offense, the juvenile court at a 5766
hearing shall transfer the case if the child was sixteen or 5767
seventeen years of age at the time of the act charged that is a 5768
category two offense and either of the following applies: 5769

(i) Division (A) (2) (a) of section 2152.10 of the Revised 5770
Code requires the mandatory transfer of the case, and there is 5771
probable cause to believe that the child committed the act 5772
charged that is a category two offense. 5773

(ii) Division (A) (2) (b) of section 2152.10 of the Revised 5774
Code requires the mandatory transfer of the case, and there is 5775
probable cause to believe that the child committed the act 5776
charged that is a category two offense. 5777

(2) The juvenile court also shall transfer a case in the 5778
circumstances described in division (C) (5) of section 2152.02 of 5779
the Revised Code or if either of the following applies: 5780

(a) A complaint is filed against a child who is eligible 5781
for a discretionary transfer under section 2152.10 of the 5782
Revised Code and who previously was convicted of or pleaded 5783
guilty to a felony in a case that was transferred to a criminal 5784
court. 5785

(b) A complaint is filed against a child who is domiciled 5786

in another state alleging that the child is a delinquent child 5787
for committing an act that would be a felony if committed by an 5788
adult, and, if the act charged had been committed in that other 5789
state, the child would be subject to criminal prosecution as an 5790
adult under the law of that other state without the need for a 5791
transfer of jurisdiction from a juvenile, family, or similar 5792
noncriminal court to a criminal court. 5793

(3) If a complaint is filed against a child alleging that 5794
the child is a delinquent child and the case is transferred 5795
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this 5796
section and if the child subsequently is convicted of or pleads 5797
guilty to an offense in that case, the sentence to be imposed or 5798
disposition to be made of the child shall be determined in 5799
accordance with section 2152.121 of the Revised Code. 5800

(B) Except as provided in division (A) of this section, 5801
after a complaint has been filed alleging that a child is a 5802
delinquent child ~~for by reason of committing an act that one or~~ 5803
more acts that would be an offense if committed by an adult and 5804
if any of those acts would be a felony if committed by an adult, 5805
the juvenile court at a hearing may transfer the case if the 5806
court finds all of the following with respect to an act charged 5807
that would be a felony: 5808

(1) The child was fourteen years of age or older at the 5809
time of the act charged. 5810

(2) There is probable cause to believe that the child 5811
committed the act charged. 5812

(3) The child is not amenable to care or rehabilitation 5813
within the juvenile system, and the safety of the community may 5814
require that the child be subject to adult sanctions. In making 5815

its decision under this division, the court shall consider 5816
whether the applicable factors under division (D) of this 5817
section indicating that the case should be transferred outweigh 5818
the applicable factors under division (E) of this section 5819
indicating that the case should not be transferred. The record 5820
shall indicate the specific factors that were applicable and 5821
that the court weighed. 5822

(C) Before considering a transfer under division (B) of 5823
this section, the juvenile court shall order an investigation 5824
into the child's social history, education, family situation, 5825
and any other factor bearing on whether the child is amenable to 5826
juvenile rehabilitation, including a mental examination of the 5827
child by a public or private agency or a person qualified to 5828
make the examination. The investigation shall be completed and a 5829
report on the investigation shall be submitted to the court as 5830
soon as possible but not more than forty-five calendar days 5831
after the court orders the investigation. The court may grant 5832
one or more extensions for a reasonable length of time. The 5833
child may waive the examination required by this division if the 5834
court finds that the waiver is competently and intelligently 5835
made. Refusal to submit to a mental examination by the child 5836
constitutes a waiver of the examination. 5837

(D) In considering whether to transfer a child under 5838
division (B) of this section based on an act charged that would 5839
be a felony if committed by an adult, the juvenile court shall 5840
consider the following relevant factors, and any other relevant 5841
factors, in favor of a transfer under that division: 5842

(1) The victim of the act charged suffered physical or 5843
psychological harm, or serious economic harm, as a result of the 5844
alleged act. 5845

(2) The physical or psychological harm suffered by the 5846
victim due to the alleged act of the child was exacerbated 5847
because of the physical or psychological vulnerability or the 5848
age of the victim. 5849

(3) The child's relationship with the victim facilitated 5850
the act charged. 5851

(4) The child allegedly committed the act charged for hire 5852
or as a part of a gang or other organized criminal activity. 5853

(5) The child had a firearm on or about the child's person 5854
or under the child's control at the time of the act charged, the 5855
act charged is not a violation of section 2923.12 of the Revised 5856
Code, and the child, during the commission of the act charged, 5857
allegedly used or displayed the firearm, brandished the firearm, 5858
or indicated that the child possessed a firearm. 5859

(6) At the time of the act charged, the child was awaiting 5860
adjudication or disposition as a delinquent child, was under a 5861
community control sanction, or was on parole for a prior 5862
delinquent child adjudication or conviction. 5863

(7) The results of any previous juvenile sanctions and 5864
programs indicate that rehabilitation of the child will not 5865
occur in the juvenile system. 5866

(8) The child is emotionally, physically, or 5867
psychologically mature enough for the transfer. 5868

(9) There is not sufficient time to rehabilitate the child 5869
within the juvenile system. 5870

(E) In considering whether to transfer a child under 5871
division (B) of this section based on an act charged that would 5872
be a felony if committed by an adult, the juvenile court shall 5873

consider the following relevant factors, and any other relevant	5874
factors, against a transfer under that division:	5875
(1) The victim induced or facilitated the act charged.	5876
(2) The child acted under provocation in allegedly	5877
committing the act charged.	5878
(3) The child was not the principal actor in the act	5879
charged, or, at the time of the act charged, the child was under	5880
the negative influence or coercion of another person.	5881
(4) The child did not cause physical harm to any person or	5882
property, or have reasonable cause to believe that harm of that	5883
nature would occur, in allegedly committing the act charged.	5884
(5) The child previously has not been adjudicated a	5885
delinquent child.	5886
(6) The child is not emotionally, physically, or	5887
psychologically mature enough for the transfer.	5888
(7) The child has a mental illness or intellectual	5889
disability.	5890
(8) There is sufficient time to rehabilitate the child	5891
within the juvenile system and the level of security available	5892
in the juvenile system provides a reasonable assurance of public	5893
safety.	5894
(F) If one or more complaints are filed alleging that a	5895
child is a delinquent child for committing two or more acts that	5896
would be offenses if committed by an adult, if a motion is made	5897
alleging that division (A) of this section applies and requires	5898
that the case or cases involving one or more of the acts charged	5899
be transferred, and if a motion also is made requesting that the	5900
case or cases involving one or more of the acts charged be	5901

transferred pursuant to division (B) of this section, the 5902
juvenile court, in deciding the motions, shall proceed in the 5903
following manner: 5904

(1) Initially, the court shall decide the motion alleging 5905
that division (A) of this section applies and requires that the 5906
case or cases involving one or more of the acts charged be 5907
transferred. 5908

(2) If the court determines that division (A) of this 5909
section applies and requires that the case or cases involving 5910
one or more of the acts charged be transferred, the court shall 5911
transfer the case or cases in accordance with that division— 5912
~~After the transfer pursuant to division (A) of this section, the~~ 5913
~~court shall decide, in accordance with, and that transfer also~~ 5914
automatically requires the transfer of the case or cases for 5915
which the transfer request was made under division (B) of this 5916
section, ~~whether to grant the motion requesting that the case or~~ 5917
~~cases involving one or more of the acts charged be transferred~~ 5918
~~pursuant to~~ without any action taken or finding made under that 5919
division, provided that as described in section 2152.022 of the 5920
Revised Code no count shall be transferred with the case unless 5921
the court finds probable cause to believe that the child 5922
committed the act charged in the count. Notwithstanding division 5923
(B) of this section, prior to transferring a case pursuant to 5924
division (A) of this section, the court is not required to 5925
consider any factor specified in division (D) or (E) of this 5926
section or to conduct an investigation under division (C) of 5927
this section. 5928

(3) If the court determines that division (A) of this 5929
section does not require that the case or cases involving one or 5930
more of the acts charged be transferred, the court shall decide 5931

in accordance with division (B) of this section whether to grant 5932
the motion requesting that the case or cases involving one or 5933
more of the acts charged be transferred pursuant to that 5934
division. 5935

(4) No report on an investigation conducted pursuant to 5936
division (C) of this section shall include details of the 5937
alleged offense as reported by the child. 5938

(G) The court shall give notice in writing of the time, 5939
place, and purpose of any hearing held pursuant to division (A) 5940
or (B) of this section to the child's parents, guardian, or 5941
other custodian and to the child's counsel at least three days 5942
prior to the hearing. 5943

(H) No person, either before or after reaching eighteen 5944
years of age, shall be prosecuted as an adult for an offense 5945
committed prior to becoming eighteen years of age, unless the 5946
person has been transferred as provided in division (A) or (B) 5947
of this section or unless division (J) of this section applies. 5948
Any prosecution that is had in a criminal court on the mistaken 5949
belief that the person who is the subject of the case was 5950
eighteen years of age or older at the time of the commission of 5951
the offense shall be deemed a nullity, and the person shall not 5952
be considered to have been in jeopardy on the offense. 5953

~~(I)~~ (I) (1) Section 2152.022 of the Revised Code applies 5954
with respect to the transfer of a case made under division (A) 5955
(1) or (B) of this section. Section 2152.022 of the Revised Code 5956
applies with respect to the transfer of a case made under 5957
division (A) (2) of this section in the same manner as if the 5958
transfer was made under division (A) (1) of this section. 5959

(2) Upon the transfer of a case under division (A) or (B) 5960

of this section, the juvenile court shall state the reasons for 5961
the transfer on the record, and shall order the child to enter 5962
into a recognizance with good and sufficient surety for the 5963
child's appearance before the appropriate court for any 5964
disposition that the court is authorized to make for a similar 5965
act committed by an adult. ~~The~~ Except as otherwise provided in 5966
division (B) of section 2152.022 of the Revised Code, all of the 5967
following apply with respect to the transfer: 5968

(a) The transfer abates the jurisdiction of the juvenile 5969
court with respect to the delinquent acts alleged in the 5970
complaint, and, upon in the case; 5971

(b) Upon the transfer, all further proceedings pertaining 5972
to the ~~act~~ acts charged in the complaint in the case shall be 5973
discontinued in the juvenile court, and the; 5974

(c) Upon the transfer, the case then shall be within the 5975
jurisdiction of the court to which it is transferred as 5976
described in division (H) of section 2151.23 of the Revised 5977
Code. 5978

(J) If a person under eighteen years of age allegedly 5979
commits an act that would be a felony if committed by an adult 5980
and if the person is not taken into custody or apprehended for 5981
that act until after the person attains twenty-one years of age, 5982
the juvenile court does not have jurisdiction to hear or 5983
determine that act, any other charge included in the case 5984
charging the person with committing that act, or any portion of 5985
the ~~that~~ case charging the person with committing that act. In 5986
those circumstances, divisions (A) and (B) of this section do 5987
not apply regarding the act, and the case charging that includes 5988
the charge that the person with committing committed the act, 5989
and all other charges in the case, shall be a criminal 5990

prosecution commenced and heard in the appropriate court having 5991
jurisdiction of the offense as if the person had been eighteen 5992
years of age or older when the person committed the act. All 5993
proceedings pertaining to the ~~act~~ acts charged in the case shall 5994
be within the jurisdiction of the court having jurisdiction of 5995
the offense, and that court has all the authority and duties in 5996
the case as it has in other criminal cases in that court. 5997

Sec. 2152.121. (A) If a complaint is filed against a child 5998
alleging that the child is a delinquent child and the case is 5999
transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) 6000
of section 2152.12 of the Revised Code, the juvenile court that 6001
transferred the case shall retain jurisdiction for purposes of 6002
making disposition of the child when required under division (B) 6003
of this section. 6004

(B) If a complaint is filed against a child alleging that 6005
the child is a delinquent child, if the case is transferred 6006
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 6007
2152.12 of the Revised Code, and if the child subsequently is 6008
convicted of or pleads guilty to ~~an offense~~ one or more offenses 6009
in that case, the sentence to be imposed or disposition to be 6010
made of the child with respect to each of the offenses shall be 6011
determined as follows: 6012

(1) The court in which the child is convicted of or pleads 6013
guilty to the ~~offense~~ offenses shall determine whether, had a 6014
complaint been filed in juvenile court alleging that the child 6015
was a delinquent child for committing an act that would be ~~that~~ 6016
~~offense~~ any of the offenses if committed by an adult, division 6017
(A) of section 2152.12 of the Revised Code would have required 6018
mandatory transfer of the case or division (B) of that section 6019
would have allowed discretionary transfer of the case. The court 6020

shall not consider the factor specified in division (B) (3) of 6021
section 2152.12 of the Revised Code in making its determination 6022
under this division. 6023

(2) If the court in which the child is convicted of or 6024
pleads guilty to the ~~offense~~offenses determines under division 6025
(B) (1) of this section that, had a complaint been filed in 6026
juvenile court alleging that the child was a delinquent child 6027
for committing an act that would be ~~that offense~~any of the
offenses if committed by an adult, division (A) of section 6028
2152.12 of the Revised Code would not have required mandatory 6029
transfer of the case, and division (B) of that section would not 6030
have allowed discretionary transfer of the case, the court shall 6031
transfer jurisdiction of the case back to the juvenile court 6032
that initially transferred the case, the court and all other 6033
agencies that have any record of the conviction of the child or 6034
the child's guilty plea shall expunge all of the ~~conviction or~~
convictions and guilty plea pleas and all records of ~~it them~~, 6035
the ~~conviction or convictions and guilty plea pleas~~ shall be 6036
considered and treated for all purposes other than as provided 6037
in this section to have never occurred, the ~~conviction or~~
convictions and guilty plea pleas shall be considered and 6038
treated for all purposes other than as provided in this section 6039
to have been a delinquent child ~~adjudication~~adjudications of 6040
the child, and the juvenile court shall impose one or more 6041
traditional juvenile dispositions ~~upon~~on the child under 6042
sections 2152.19 and 2152.20 of the Revised Code for each of the
offenses. 6043
6044
6045
6046
6047

(3) If the court in which the child is convicted of or 6048
pleads guilty to the ~~offense~~offenses determines under division 6049
(B) (1) of this section that, had a complaint been filed in 6050
juvenile court alleging that the child was a delinquent child 6051

for committing an act that would be ~~that offense~~ any of the 6052
offenses if committed by an adult, division (A) of section 6053
2152.12 of the Revised Code would not have required mandatory 6054
transfer of the case but division (B) of that section would have 6055
allowed discretionary transfer of the case, the court shall 6056
determine the sentence it believes should be imposed ~~upon~~ on the 6057
child under Chapter 2929. of the Revised Code for each of the 6058
offenses, shall impose that sentence ~~upon~~ on the child, and 6059
shall stay that sentence pending completion of the procedures 6060
specified in this division. Upon imposition and staying of the 6061
sentence, the court shall transfer jurisdiction of the case back 6062
to the juvenile court that initially transferred the case and 6063
the juvenile court shall proceed in accordance with this 6064
division. In no case may the child waive a right to a hearing of 6065
the type described in division (B) (3) (b) of this section, 6066
regarding a motion filed as described in that division by the 6067
prosecuting attorney in the case. Upon transfer of jurisdiction 6068
of the case back to the juvenile court, both of the following 6069
apply: 6070

(a) Except as otherwise provided in division (B) (3) (b) of 6071
this section, for each of the offenses, the juvenile court shall 6072
impose a serious youthful offender dispositional sentence ~~upon~~ 6073
on the child under division (D) (1) of section 2152.13 of the 6074
Revised Code. In imposing the adult portion of ~~that the serious~~ 6075
youthful offender dispositional sentence, the juvenile court 6076
shall consider and give preference to the sentence imposed ~~upon~~ 6077
on the child by the court in which the child was convicted of or 6078
pleaded guilty to the offense. Upon imposing a serious youthful 6079
offender dispositional sentence ~~upon~~ or traditional juvenile 6080
disposition on the child as described in this division, the 6081
juvenile court shall notify the court in which the child was 6082

convicted of or pleaded guilty to the offense, the sentence 6083
imposed ~~upon~~on the child by that court shall terminate, the 6084
court and all other agencies that have any record of the 6085
conviction of the child or the child's guilty plea shall expunge 6086
the conviction or guilty plea and all records of it, the 6087
conviction or guilty plea shall be considered and treated for 6088
all purposes other than as provided in this section to have 6089
never occurred, and the conviction or guilty plea shall be 6090
considered and treated for all purposes other than as provided 6091
in this section to have been a delinquent child adjudication of 6092
the child. 6093

(b) Within fourteen days after the filing of the journal 6094
entry regarding the transfer, the prosecuting attorney in the 6095
case may file a motion in the juvenile court that objects to the 6096
imposition of ~~a~~ serious youthful offender dispositional ~~sentence~~ 6097
~~upon~~ sentences on the child for the offenses and requests that 6098
the ~~sentence~~ sentences imposed ~~upon~~on the child by the court in 6099
which the child was convicted of or pleaded guilty to the 6100
~~offense~~ offenses be invoked. Upon the filing of a motion under 6101
this division, the juvenile court shall hold a hearing to 6102
determine whether the child is not amenable to care or 6103
rehabilitation within the juvenile system and whether the safety 6104
of the community may require that the child be subject solely to 6105
adult sanctions. If the juvenile court at the hearing finds that 6106
the child is not amenable to care or rehabilitation within the 6107
juvenile system or that the safety of the community may require 6108
that the child be subject solely to adult sanctions, the court 6109
shall grant the motion. Absent such a finding, the juvenile 6110
court shall deny the motion. In making its decision under this 6111
division, the juvenile court shall consider the factors listed 6112
in division (D) of section 2152.12 of the Revised Code as 6113

factors indicating that the motion should be granted, shall 6114
consider the factors listed in division (E) of that section as 6115
factors indicating that the motion should not be granted, and 6116
shall consider whether the applicable factors listed in division 6117
(D) of that section outweigh the applicable factors listed in 6118
division (E) of that section. 6119

If the juvenile court grants the motion of the prosecuting 6120
attorney under this division, the juvenile court shall transfer 6121
jurisdiction of the case back to the court in which the child 6122
was convicted of or pleaded guilty to the ~~offense~~offenses, and 6123
the ~~sentence~~sentences imposed by that court shall be invoked. 6124
If the juvenile court denies the motion of the prosecuting 6125
attorney under this section, for each of the offenses, the 6126
juvenile court shall impose a serious youthful offender 6127
dispositional sentence ~~upon~~on the child in accordance with 6128
division (B) (3) (a) of this section. 6129

(4) If the court in which the child is convicted of or 6130
pleads guilty to the ~~offense~~offenses determines under division 6131
(B) (1) of this section that, had a complaint been filed in 6132
juvenile court alleging that the child was a delinquent child 6133
for committing an act that would be ~~that offense~~any of the 6134
offenses if committed by an adult, division (A) of section 6135
2152.12 of the Revised Code would have required mandatory 6136
transfer of the case, for each of the offenses, the court shall 6137
impose sentence ~~upon~~on the child under Chapter 2929. of the 6138
Revised Code. 6139

Sec. 2305.118. (A) As used in this section "health care 6140
professional" has the same meaning as in section 2907.13 of the 6141
Revised Code. 6142

(B) Except as provided in division (C) of this section, an 6143

action under section 4731.861 or 4731.864 of the Revised Code 6144
for an assisted reproduction procedure performed without consent 6145
shall be brought within ten years after the procedure was 6146
performed. 6147

(C) (1) An action that would otherwise be barred under 6148
division (B) of this section, may be brought not later than five 6149
years after the latest any of the following occurs: 6150

(a) The discovery of evidence based on deoxyribonucleic 6151
acid analysis sufficient to bring the action against the health 6152
care professional. 6153

(b) The discovery of a recording providing evidence 6154
sufficient to bring the action against the health care 6155
professional. 6156

(c) The health care professional confesses and the 6157
confession is known to the plaintiff. 6158

(2) If a person born as a result of an assisted 6159
reproduction procedure discovers any of the evidence listed in 6160
division (C) (1) of this section before the person reaches the 6161
age of twenty-one, the five-year period does not begin to run 6162
until the person reaches the age of twenty-one. 6163

Sec. 2746.02. A court of record of this state shall tax as 6164
costs or otherwise require the payment of fees for the following 6165
services rendered, as compensation for the following persons, or 6166
as part of the sentence imposed by the court, or any other of 6167
the following fees that are applicable in a particular case: 6168

(A) In a felony case, financial sanctions, as provided in 6169
section 2929.18 of the Revised Code; 6170

(B) In any criminal case, the costs of prosecution, as 6171

provided in section 2947.23 of the Revised Code; 6172

(C) In a misdemeanor case in which the offender is 6173
sentenced to a jail term, the local detention facility is 6174
covered by a policy adopted by the facility's governing 6175
authority requiring reimbursement for the costs of confinement, 6176
and the offender is presented with an itemized bill pursuant to 6177
section 2929.37 of the Revised Code for such costs, the costs of 6178
confinement, as provided in section 2929.24 of the Revised Code; 6179

(D) In a case in which an offender is sentenced for 6180
endangering children in violation of section 2919.22 of the 6181
Revised Code, the costs of the offender's supervised community 6182
service work, as provided in section 2919.22 of the Revised 6183
Code; 6184

(E) In a case in which a defendant is charged with any of 6185
certain sexual assault or prostitution-related offenses and is 6186
found to be suffering from a venereal disease in an infectious 6187
stage, the cost of medical treatment, as provided in section 6188
2907.27 of the Revised Code; 6189

(F) In a case in which a defendant is charged with 6190
harassment with a bodily substance, the cost of medical testing, 6191
as provided in section 2921.38 of the Revised Code; 6192

(G) In a case in which a defendant is charged with 6193
violating a protection order in violation of section 2919.27 of 6194
the Revised Code or of a municipal ordinance that is 6195
substantially similar to that section, the costs of any 6196
evaluation and preceding examination of the defendant, as 6197
provided in section 2919.271 of the Revised Code; 6198

(H) Presentence psychological or psychiatric reports, as 6199
provided in section 2947.06 of the Revised Code; 6200

(I) In a criminal proceeding, the taking of a deposition 6201
of a person who is imprisoned in a detention facility or state 6202
correctional institution within this state or who is in the 6203
custody of the department of youth services, as provided in 6204
section 2945.47 of the Revised Code; 6205

(J) In a case in which a person is convicted of or pleads 6206
guilty to any offense other than a parking violation or in which 6207
a child is found to be a delinquent child or a juvenile traffic 6208
offender for an act that, if committed by an adult, would be an 6209
offense other than a parking violation, additional costs and 6210
bail, if applicable, as provided in sections 2743.70 and 6211
2949.091 of the Revised Code, but subject to waiver as provided 6212
in section 2949.092 of the Revised Code; 6213

(K) In a case in which a person is convicted of or pleads 6214
guilty to a moving violation or in which a child is found to be 6215
a juvenile traffic offender for an act which, if committed by an 6216
adult, would be a moving violation, additional costs and bail, 6217
if applicable, as provided in sections 2949.093 and 2949.094 of 6218
the Revised Code, but subject to waiver as provided in section 6219
2949.092 of the Revised Code; 6220

(L) In a case in which a defendant is convicted of 6221
abandoning a junk vessel or outboard motor without notifying the 6222
appropriate law enforcement officer, the cost incurred by the 6223
state or a political subdivision in disposing of the vessel or 6224
motor, as provided in section 1547.99 of the Revised Code; 6225

(M) The costs of electronic monitoring in the following 6226
cases: 6227

(1) In a misdemeanor case in which the offender is 6228
convicted of any of certain prostitution-related offenses and a 6229

specification under section 2941.1421 of the Revised Code, as 6230
provided in section 2929.24 of the Revised Code; 6231

(2) In a case in which the court issues a criminal 6232
protection order against a minor upon a petition alleging that 6233
the respondent committed any of certain assault, menacing, or 6234
trespass offenses, a sexually oriented offense, or an offense 6235
under a municipal ordinance that is substantially equivalent to 6236
any of those offenses, as provided in section 2151.34 of the 6237
Revised Code; 6238

(3) In a case in which the court issues a protection order 6239
against an adult upon a petition alleging that the respondent 6240
committed menacing by stalking or a sexually oriented offense, 6241
as provided in section 2903.214 of the Revised Code; 6242

(4) In a case in which an offender is convicted of 6243
violating a protection order, as provided in section 2919.27 of 6244
the Revised Code; 6245

(5) In a case in which the offender is convicted of any 6246
sexually oriented offense and is a tier III sex offender/child- 6247
victim offender relative to that offense, as provided in section 6248
2929.13 of the Revised Code. 6249

(N) In a proceeding for post-conviction relief, a 6250
transcript, as provided in section 2953.21 of the Revised Code; 6251

(O) In a proceeding for the sealing or expungement of a 6252
conviction record, the fees provided for in section 2953.32 or 6253
2953.39 of the Revised Code. 6254

Sec. 2901.01. (A) As used in the Revised Code: 6255

(1) "Force" means any violence, compulsion, or constraint 6256
physically exerted by any means upon or against a person or 6257

thing. 6258

(2) "Deadly force" means any force that carries a 6259
substantial risk that it will proximately result in the death of 6260
any person. 6261

(3) "Physical harm to persons" means any injury, illness, 6262
or other physiological impairment, regardless of its gravity or 6263
duration. 6264

(4) "Physical harm to property" means any tangible or 6265
intangible damage to property that, in any degree, results in 6266
loss to its value or interferes with its use or enjoyment. 6267
"Physical harm to property" does not include wear and tear 6268
occasioned by normal use. 6269

(5) "Serious physical harm to persons" means any of the 6270
following: 6271

(a) Any mental illness or condition of such gravity as 6272
would normally require hospitalization or prolonged psychiatric 6273
treatment; 6274

(b) Any physical harm that carries a substantial risk of 6275
death; 6276

(c) Any physical harm that involves some permanent 6277
incapacity, whether partial or total, or that involves some 6278
temporary, substantial incapacity; 6279

(d) Any physical harm that involves some permanent 6280
disfigurement or that involves some temporary, serious 6281
disfigurement; 6282

(e) Any physical harm that involves acute pain of such 6283
duration as to result in substantial suffering or that involves 6284
any degree of prolonged or intractable pain. 6285

(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	6286 6287
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	6288 6289 6290
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	6291 6292 6293
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	6294 6295 6296
(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.	6297 6298 6299 6300
(9) "Offense of violence" means any of the following:	6301
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, <u>2903.18</u> , 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, of division (A) (1) of section 2903.34, of division (A) (1), (2), or (3) of section 2911.12, or of division (B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	6302 6303 6304 6305 6306 6307 6308 6309 6310 6311
(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or	6312 6313 6314

offense listed in division (A) (9) (a) of this section; 6315

(c) An offense, other than a traffic offense, under an 6316
existing or former municipal ordinance or law of this or any 6317
other state or the United States, committed purposely or 6318
knowingly, and involving physical harm to persons or a risk of 6319
serious physical harm to persons; 6320

(d) A conspiracy or attempt to commit, or complicity in 6321
committing, any offense under division (A) (9) (a), (b), or (c) of 6322
this section. 6323

(10) (a) "Property" means any property, real or personal, 6324
tangible or intangible, and any interest or license in that 6325
property. "Property" includes, but is not limited to, cable 6326
television service, other telecommunications service, 6327
telecommunications devices, information service, computers, 6328
data, computer software, financial instruments associated with 6329
computers, other documents associated with computers, or copies 6330
of the documents, whether in machine or human readable form, 6331
trade secrets, trademarks, copyrights, patents, and property 6332
protected by a trademark, copyright, or patent. "Financial 6333
instruments associated with computers" include, but are not 6334
limited to, checks, drafts, warrants, money orders, notes of 6335
indebtedness, certificates of deposit, letters of credit, bills 6336
of credit or debit cards, financial transaction authorization 6337
mechanisms, marketable securities, or any computer system 6338
representations of any of them. 6339

(b) As used in division (A) (10) of this section, "trade 6340
secret" has the same meaning as in section 1333.61 of the 6341
Revised Code, and "telecommunications service" and "information 6342
service" have the same meanings as in section 2913.01 of the 6343
Revised Code. 6344

(c) As used in divisions (A) (10) and (13) of this section, 6345
"cable television service," "computer," "computer software," 6346
"computer system," "computer network," "data," and 6347
"telecommunications device" have the same meanings as in section 6348
2913.01 of the Revised Code. 6349

(11) "Law enforcement officer" means any of the following: 6350

(a) A sheriff, deputy sheriff, constable, police officer 6351
of a township or joint police district, marshal, deputy marshal, 6352
municipal police officer, member of a police force employed by a 6353
metropolitan housing authority under division (D) of section 6354
3735.31 of the Revised Code, or state highway patrol trooper; 6355

(b) An officer, agent, or employee of the state or any of 6356
its agencies, instrumentalities, or political subdivisions, upon 6357
whom, by statute, a duty to conserve the peace or to enforce all 6358
or certain laws is imposed and the authority to arrest violators 6359
is conferred, within the limits of that statutory duty and 6360
authority; 6361

(c) A mayor, in the mayor's capacity as chief conservator 6362
of the peace within the mayor's municipal corporation; 6363

(d) A member of an auxiliary police force organized by 6364
county, township, or municipal law enforcement authorities, 6365
within the scope of the member's appointment or commission; 6366

(e) A person lawfully called pursuant to section 311.07 of 6367
the Revised Code to aid a sheriff in keeping the peace, for the 6368
purposes and during the time when the person is called; 6369

(f) A person appointed by a mayor pursuant to section 6370
~~737.01~~737.10 of the Revised Code as a special patrolling 6371
officer during riot or emergency, for the purposes and during 6372
the time when the person is appointed; 6373

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

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

(i) A veterans' home police officer appointed under
section 5907.02 of the Revised Code;

(j) A member of a police force employed by a regional
transit authority under division (Y) of section 306.35 of the
Revised Code;

(k) A special police officer employed by a port authority
under section 4582.04 or 4582.28 of the Revised Code;

(l) The house of representatives sergeant at arms if the
house of representatives sergeant at arms has arrest authority
pursuant to division (E) (1) of section 101.311 of the Revised
Code and an assistant house of representatives sergeant at arms;

(m) The senate sergeant at arms and an assistant senate
sergeant at arms;

(n) A special police officer employed by a municipal
corporation at a municipal airport, or other municipal air
navigation facility, that has scheduled operations, as defined
in section 119.3 of Title 14 of the Code of Federal Regulations,
14 C.F.R. 119.3, as amended, and that is required to be under a
security program and is governed by aviation security rules of
the transportation security administration of the United States
department of transportation as provided in Parts 1542. and
1544. of Title 49 of the Code of Federal Regulations, as
amended.

(12) "Privilege" means an immunity, license, or right 6403
conferred by law, bestowed by express or implied grant, arising 6404
out of status, position, office, or relationship, or growing out 6405
of necessity. 6406

(13) "Contraband" means any property that is illegal for a 6407
person to acquire or possess under a statute, ordinance, or 6408
rule, or that a trier of fact lawfully determines to be illegal 6409
to possess by reason of the property's involvement in an 6410
offense. "Contraband" includes, but is not limited to, all of 6411
the following: 6412

(a) Any controlled substance, as defined in section 6413
3719.01 of the Revised Code, or any device or paraphernalia; 6414

(b) Any unlawful gambling device or paraphernalia; 6415

(c) Any dangerous ordnance or obscene material. 6416

(14) A person is "not guilty by reason of insanity" 6417
relative to a charge of an offense only if the person proves, in 6418
the manner specified in section 2901.05 of the Revised Code, 6419
that at the time of the commission of the offense, the person 6420
did not know, as a result of a severe mental disease or defect, 6421
the wrongfulness of the person's acts. 6422

(B) (1) (a) Subject to division (B) (2) of this section, as 6423
used in any section contained in Title XXIX of the Revised Code 6424
that sets forth a criminal offense, "person" includes all of the 6425
following: 6426

(i) An individual, corporation, business trust, estate, 6427
trust, partnership, and association; 6428

(ii) An unborn human who is viable. 6429

(b) As used in any section contained in Title XXIX of the 6430

Revised Code that does not set forth a criminal offense, 6431
"person" includes an individual, corporation, business trust, 6432
estate, trust, partnership, and association. 6433

(c) As used in division (B)(1)(a) of this section: 6434

(i) "Unborn human" means an individual organism of the 6435
species *Homo sapiens* from fertilization until live birth. 6436

(ii) "Viable" means the stage of development of a human 6437
fetus at which there is a realistic possibility of maintaining 6438
and nourishing of a life outside the womb with or without 6439
temporary artificial life-sustaining support. 6440

(2) Notwithstanding division (B)(1)(a) of this section, in 6441
no case shall the portion of the definition of the term "person" 6442
that is set forth in division (B)(1)(a)(ii) of this section be 6443
applied or construed in any section contained in Title XXIX of 6444
the Revised Code that sets forth a criminal offense in any of 6445
the following manners: 6446

(a) Except as otherwise provided in division (B)(2)(a) of 6447
this section, in a manner so that the offense prohibits or is 6448
construed as prohibiting any pregnant woman or her physician 6449
from performing an abortion with the consent of the pregnant 6450
woman, with the consent of the pregnant woman implied by law in 6451
a medical emergency, or with the approval of one otherwise 6452
authorized by law to consent to medical treatment on behalf of 6453
the pregnant woman. An abortion that violates the conditions 6454
described in the immediately preceding sentence may be punished 6455
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6456
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 6457
2903.21, or 2903.22 of the Revised Code, as applicable. An 6458
abortion that does not violate the conditions described in the 6459

second immediately preceding sentence, but that does violate 6460
section 2919.12, division (B) of section 2919.13, or section 6461
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 6462
be punished as a violation of section 2919.12, division (B) of 6463
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 6464
2919.18 of the Revised Code, as applicable. Consent is 6465
sufficient under this division if it is of the type otherwise 6466
adequate to permit medical treatment to the pregnant woman, even 6467
if it does not comply with section 2919.12 of the Revised Code. 6468

(b) In a manner so that the offense is applied or is 6469
construed as applying to a woman based on an act or omission of 6470
the woman that occurs while she is or was pregnant and that 6471
results in any of the following: 6472

(i) Her delivery of a stillborn baby; 6473

(ii) Her causing, in any other manner, the death in utero 6474
of a viable, unborn human that she is carrying; 6475

(iii) Her causing the death of her child who is born alive 6476
but who dies from one or more injuries that are sustained while 6477
the child is a viable, unborn human; 6478

(iv) Her causing her child who is born alive to sustain 6479
one or more injuries while the child is a viable, unborn human; 6480

(v) Her causing, threatening to cause, or attempting to 6481
cause, in any other manner, an injury, illness, or other 6482
physiological impairment, regardless of its duration or gravity, 6483
or a mental illness or condition, regardless of its duration or 6484
gravity, to a viable, unborn human that she is carrying. 6485

(C) As used in Title XXIX of the Revised Code: 6486

(1) "School safety zone" consists of a school, school 6487

building, school premises, school activity, and school bus. 6488

(2) "School," "school building," and "school premises" 6489
have the same meanings as in section 2925.01 of the Revised 6490
Code. 6491

(3) "School activity" means any activity held under the 6492
auspices of a board of education of a city, local, exempted 6493
village, joint vocational, or cooperative education school 6494
district; a governing authority of a community school 6495
established under Chapter 3314. of the Revised Code; a governing 6496
board of an educational service center, or the governing body of 6497
a school for which the state board of education prescribes 6498
minimum standards under section 3301.07 of the Revised Code. 6499

(4) "School bus" has the same meaning as in section 6500
4511.01 of the Revised Code. 6501

Sec. 2901.011. The amendments to sections 109.42, 121.22, 6502
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 6503
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 6504
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 6505
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 6506
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 6507
2967.03, 2967.13, ~~2967.19~~, 2967.191, 2967.193, 2967.26, 2967.28, 6508
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and to 6509
former section 2967.19 and the enactment of sections 2901.011, 6510
2929.144, 2967.271, and 5120.038 of the Revised Code by S.B. 201 6511
of the 132nd general assembly constitute the Reagan Tokes Law. 6512

Sec. 2901.13. (A) (1) Except as provided in division (A) 6513
(2), (3), ~~or~~ (4), or (5) of this section or as otherwise 6514
provided in this section, a prosecution shall be barred unless 6515
it is commenced within the following periods after an offense is 6516

committed:	6517
(a) For a felony, six years;	6518
(b) For a misdemeanor other than a minor misdemeanor, two years;	6519 6520
(c) For a minor misdemeanor, six months.	6521
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code <u>or for the prosecution of a conspiracy to commit, attempt to</u> <u>commit, or complicity in committing a violation of section</u> <u>2903.01 or 2903.02 of the Revised Code.</u>	6522 6523 6524 6525 6526
(3) Except as otherwise provided in divisions (B) to (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	6527 6528 6529 6530
(a) A violation of section 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	6531 6532 6533 6534 6535 6536 6537 6538
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section.	6539 6540 6541
(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of section 2907.02 or 2907.03 of the Revised Code or a conspiracy to commit,	6542 6543 6544

attempt to commit, or complicity in committing a violation of 6545
either section shall be barred unless it is commenced within 6546
twenty-five years after the offense is committed. 6547

(5) (a) Except as otherwise provided in divisions (A) (5) (b) 6548
and (E) to (I) of this section, a prosecution of a violation of 6549
section 2907.13 of the Revised Code shall be barred unless it is 6550
commenced within five years after the offense is committed. 6551

(b) Prosecution that would otherwise be barred under 6552
division (A) (5) (a) of this section may be commenced within five 6553
years after the date of the discovery of the offense by either 6554
an aggrieved person or the aggrieved person's legal 6555
representative who is not a party to the offense. 6556

(c) As used in division (B) (5) (b) of this section, 6557
"aggrieved person" includes any of the following individuals 6558
with regard to a violation of section 2907.13 of the Revised 6559
Code: 6560

(i) A patient who was the victim of the violation; 6561

(ii) The spouse or surviving spouse of a patient who was 6562
the victim of the violation; 6563

(iii) Any child born as a result of the violation. 6564

(B) (1) Except as otherwise provided in division (B) (2) of 6565
this section, if the period of limitation provided in division 6566
(A) (1) or (3) of this section has expired, prosecution shall be 6567
commenced for an offense of which an element is fraud or breach 6568
of a fiduciary duty, within one year after discovery of the 6569
offense either by an aggrieved person, or by the aggrieved 6570
person's legal representative who is not a party to the offense. 6571

(2) If the period of limitation provided in division (A) 6572

(1) or (3) of this section has expired, prosecution for a 6573
violation of section 2913.49 of the Revised Code shall be 6574
commenced within five years after discovery of the offense 6575
either by an aggrieved person or the aggrieved person's legal 6576
representative who is not a party to the offense. 6577

(C) (1) If the period of limitation provided in division 6578
(A) (1) or (3) of this section has expired, prosecution shall be 6579
commenced for the following offenses during the following 6580
specified periods of time: 6581

(a) For an offense involving misconduct in office by a 6582
public servant, at any time while the accused remains a public 6583
servant, or within two years thereafter; 6584

(b) For an offense by a person who is not a public servant 6585
but whose offense is directly related to the misconduct in 6586
office of a public servant, at any time while that public 6587
servant remains a public servant, or within two years 6588
thereafter. 6589

(2) As used in this division: 6590

(a) An "offense is directly related to the misconduct in 6591
office of a public servant" includes, but is not limited to, a 6592
violation of section 101.71, 101.91, 121.61 or 2921.13, division 6593
(F) or (H) of section 102.03, division (A) of section 2921.02, 6594
division (A) or (B) of section 2921.43, or division (F) or (G) 6595
of section 3517.13 of the Revised Code, that is directly related 6596
to an offense involving misconduct in office of a public 6597
servant. 6598

(b) "Public servant" has the same meaning as in section 6599
2921.01 of the Revised Code. 6600

(D) (1) If a DNA record made in connection with the 6601

criminal investigation of the commission of a violation of 6602
section 2907.02 or 2907.03 of the Revised Code is determined to 6603
match another DNA record that is of an identifiable person and 6604
if the time of the determination is later than twenty-five years 6605
after the offense is committed, prosecution of that person for a 6606
violation of the section may be commenced within five years 6607
after the determination is complete. 6608

(2) If a DNA record made in connection with the criminal 6609
investigation of the commission of a violation of section 6610
2907.02 or 2907.03 of the Revised Code is determined to match 6611
another DNA record that is of an identifiable person and if the 6612
time of the determination is within twenty-five years after the 6613
offense is committed, prosecution of that person for a violation 6614
of the section may be commenced within the longer of twenty-five 6615
years after the offense is committed or five years after the 6616
determination is complete. 6617

(3) As used in this division, "DNA record" has the same 6618
meaning as in section 109.573 of the Revised Code. 6619

(E) An offense is committed when every element of the 6620
offense occurs. In the case of an offense of which an element is 6621
a continuing course of conduct, the period of limitation does 6622
not begin to run until such course of conduct or the accused's 6623
accountability for it terminates, whichever occurs first. 6624

(F) A prosecution is commenced on the date an indictment 6625
is returned or an information filed, or on the date a lawful 6626
arrest without a warrant is made, or on the date a warrant, 6627
summons, citation, or other process is issued, whichever occurs 6628
first. A prosecution is not commenced by the return of an 6629
indictment or the filing of an information unless reasonable 6630
diligence is exercised to issue and execute process on the same. 6631

A prosecution is not commenced upon issuance of a warrant, 6632
summons, citation, or other process, unless reasonable diligence 6633
is exercised to execute the same. 6634

(G) The period of limitation shall not run during any time 6635
when the corpus delicti remains undiscovered. 6636

(H) The period of limitation shall not run during any time 6637
when the accused purposely avoids prosecution. Proof that the 6638
accused departed this state or concealed the accused's identity 6639
or whereabouts is prima-facie evidence of the accused's purpose 6640
to avoid prosecution. 6641

(I) The period of limitation shall not run during any time 6642
a prosecution against the accused based on the same conduct is 6643
pending in this state, even though the indictment, information, 6644
or process that commenced the prosecution is quashed or the 6645
proceedings on the indictment, information, or process are set 6646
aside or reversed on appeal. 6647

(J) The period of limitation for a violation of any 6648
provision of Title XXIX of the Revised Code that involves a 6649
physical or mental wound, injury, disability, or condition of a 6650
nature that reasonably indicates abuse or neglect of a child 6651
under eighteen years of age or of a child with a developmental 6652
disability or physical impairment under twenty-one years of age 6653
shall not begin to run until either of the following occurs: 6654

(1) The victim of the offense reaches the age of majority. 6655

(2) A public children services agency, or a municipal or 6656
county peace officer that is not the parent or guardian of the 6657
child, in the county in which the child resides or in which the 6658
abuse or neglect is occurring or has occurred has been notified 6659
that abuse or neglect is known, suspected, or believed to have 6660

occurred. 6661

(K) As used in this section, "peace officer" has the same 6662
meaning as in section 2935.01 of the Revised Code. 6663

~~(L)~~(L) (1) The amendments to divisions (A) and (D) of this 6664
section that took effect on July 16, 2015, apply to a violation 6665
of section 2907.02 or 2907.03 of the Revised Code committed on 6666
and after July 16, 2015, and apply to a violation of either of 6667
those sections committed prior to July 16, 2015, if prosecution 6668
for that violation was not barred under this section as it 6669
existed on the day prior to July 16, 2015. 6670

(2) The amendment to division (A) (2) of this section that 6671
takes effect on the effective date of this amendment applies to 6672
a conspiracy to commit, attempt to commit, or complicity in 6673
committing a violation of section 2903.01 or 2903.02 of the 6674
Revised Code if the conspiracy, attempt, or complicity is 6675
committed on or after the effective date of this amendment and 6676
applies to a conspiracy to commit, attempt to commit, or 6677
complicity in committing a violation of either of those sections 6678
if the conspiracy, attempt, or complicity was committed prior to 6679
that effective date and prosecution for that conspiracy, 6680
attempt, or complicity was not barred under this section as it 6681
existed on the day prior to that effective date. 6682

Sec. 2903.06. (A) No person, while operating or 6683
participating in the operation of a motor vehicle, motorcycle, 6684
snowmobile, locomotive, watercraft, or aircraft, shall cause the 6685
death of another or the unlawful termination of another's 6686
pregnancy in any of the following ways: 6687

(1) (a) As the proximate result of committing a violation 6688
of division (A) of section 4511.19 of the Revised Code or of a 6689

substantially equivalent municipal ordinance; 6690

(b) As the proximate result of committing a violation of 6691
division (A) of section 1547.11 of the Revised Code or of a 6692
substantially equivalent municipal ordinance; 6693

(c) As the proximate result of committing a violation of 6694
division (A) (3) of section 4561.15 of the Revised Code or of a 6695
substantially equivalent municipal ordinance. 6696

(2) In one of the following ways: 6697

(a) Recklessly; 6698

(b) As the proximate result of committing, while operating 6699
or participating in the operation of a motor vehicle or 6700
motorcycle in a construction zone, a reckless operation offense, 6701
provided that this division applies only if the person whose 6702
death is caused or whose pregnancy is unlawfully terminated is 6703
in the construction zone at the time of the offender's 6704
commission of the reckless operation offense in the construction 6705
zone and does not apply as described in division (F) of this 6706
section. 6707

(3) In one of the following ways: 6708

(a) Negligently; 6709

(b) As the proximate result of committing, while operating 6710
or participating in the operation of a motor vehicle or 6711
motorcycle in a construction zone, a speeding offense, provided 6712
that this division applies only if the person whose death is 6713
caused or whose pregnancy is unlawfully terminated is in the 6714
construction zone at the time of the offender's commission of 6715
the speeding offense in the construction zone and does not apply 6716
as described in division (F) of this section. 6717

(4) As the proximate result of committing a violation of 6718
any provision of any section contained in Title XLV of the 6719
Revised Code that is a minor misdemeanor or of a municipal 6720
ordinance that, regardless of the penalty set by ordinance for 6721
the violation, is substantially equivalent to any provision of 6722
any section contained in Title XLV of the Revised Code that is a 6723
minor misdemeanor. 6724

(B) (1) Whoever violates division (A) (1) or (2) of this 6725
section is guilty of aggravated vehicular homicide and shall be 6726
punished as provided in divisions (B) (2) and (3) of this 6727
section. 6728

(2) (a) Except as otherwise provided in division (B) (2) (b) 6729
or (c) of this section, aggravated vehicular homicide committed 6730
in violation of division (A) (1) of this section is a felony of 6731
the second degree and the court shall impose a mandatory prison 6732
term on the offender as described in division (E) of this 6733
section. 6734

(b) Except as otherwise provided in division (B) (2) (c) of 6735
this section, aggravated vehicular homicide committed in 6736
violation of division (A) (1) of this section is a felony of the 6737
first degree, and the court shall impose a mandatory prison term 6738
on the offender as described in division (E) of this section, if 6739
any of the following apply: 6740

(i) At the time of the offense, the offender was driving 6741
under a suspension or cancellation imposed under Chapter 4510. 6742
or any other provision of the Revised Code or was operating a 6743
motor vehicle or motorcycle, did not have a valid driver's 6744
license, commercial driver's license, temporary instruction 6745
permit, probationary license, or nonresident operating 6746
privilege, and was not eligible for renewal of the offender's 6747

driver's license or commercial driver's license without 6748
examination under section 4507.10 of the Revised Code. 6749

(ii) The offender previously has been convicted of or 6750
pleaded guilty to a violation of this section. 6751

(iii) The offender previously has been convicted of or 6752
pleaded guilty to any traffic-related homicide, manslaughter, or 6753
assault offense. 6754

(c) Aggravated vehicular homicide committed in violation 6755
of division (A) (1) of this section is a felony of the first 6756
degree, and the court shall sentence the offender to a mandatory 6757
prison term as provided in section 2929.142 of the Revised Code 6758
and described in division (E) of this section if any of the 6759
following apply: 6760

(i) The offender previously has been convicted of or 6761
pleaded guilty to three or more prior violations of division (A) 6762
of section 4511.19 of the Revised Code or of a substantially 6763
equivalent municipal ordinance within the previous ten years. 6764

(ii) The offender previously has been convicted of or 6765
pleaded guilty to three or more prior violations of division (A) 6766
of section 1547.11 of the Revised Code or of a substantially 6767
equivalent municipal ordinance within the previous ten years. 6768

(iii) The offender previously has been convicted of or 6769
pleaded guilty to three or more prior violations of division (A) 6770
(3) of section 4561.15 of the Revised Code or of a substantially 6771
equivalent municipal ordinance within the previous ten years. 6772

(iv) The offender previously has been convicted of or 6773
pleaded guilty to three or more prior violations of division (A) 6774
(1) of this section within the previous ten years. 6775

(v) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(1) of section 2903.08 of the Revised Code within the previous
ten years.

(vi) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of section
2903.04 of the Revised Code within the previous ten years in
circumstances in which division (D) of that section applied
regarding the violations.

(vii) The offender previously has been convicted of or
pleaded guilty to three or more violations of any combination of
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),
(v), or (vi) of this section within the previous ten years.

(viii) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.

(d) In addition to any other sanctions imposed pursuant to
division (B) (2) (a), (b), or (c) of this section for aggravated
vehicular homicide committed in violation of division (A) (1) of
this section, the court shall impose upon the offender a class
one suspension of the offender's driver's license, commercial
driver's license, temporary instruction permit, probationary
license, or nonresident operating privilege as specified in
division (A) (1) of section 4510.02 of the Revised Code.

Divisions (A) (1) to (3) of section 4510.54 of the Revised
Code apply to a suspension imposed under division (B) (2) (d) of
this section.

(3) Except as otherwise provided in this division,
aggravated vehicular homicide committed in violation of division

(A) (2) of this section is a felony of the third degree. 6805
Aggravated vehicular homicide committed in violation of division 6806
(A) (2) of this section is a felony of the second degree if, at 6807
the time of the offense, the offender was driving under a 6808
suspension or cancellation imposed under Chapter 4510. or any 6809
other provision of the Revised Code or was operating a motor 6810
vehicle or motorcycle, did not have a valid driver's license, 6811
commercial driver's license, temporary instruction permit, 6812
probationary license, or nonresident operating privilege, and 6813
was not eligible for renewal of the offender's driver's license 6814
or commercial driver's license without examination under section 6815
4507.10 of the Revised Code or if the offender previously has 6816
been convicted of or pleaded guilty to a violation of this 6817
section or any traffic-related homicide, manslaughter, or 6818
assault offense. The court shall impose a mandatory prison term 6819
on the offender when required by division (E) of this section. 6820

In addition to any other sanctions imposed pursuant to 6821
this division for a violation of division (A) (2) of this 6822
section, the court shall impose upon the offender a class two 6823
suspension of the offender's driver's license, commercial 6824
driver's license, temporary instruction permit, probationary 6825
license, or nonresident operating privilege from the range 6826
specified in division (A) (2) of section 4510.02 of the Revised 6827
Code or, if the offender previously has been convicted of or 6828
pleaded guilty to a traffic-related murder, felonious assault, 6829
or attempted murder offense, a class one suspension of the 6830
offender's driver's license, commercial driver's license, 6831
temporary instruction permit, probationary license, or 6832
nonresident operating privilege as specified in division (A) (1) 6833
of that section. 6834

(C) Whoever violates division (A) (3) of this section is 6835

guilty of vehicular homicide. Except as otherwise provided in 6836
this division, vehicular homicide is a misdemeanor of the first 6837
degree. Vehicular homicide committed in violation of division 6838
(A) (3) of this section is a felony of the fourth degree if, at 6839
the time of the offense, the offender was driving under a 6840
suspension or cancellation imposed under Chapter 4510. or any 6841
other provision of the Revised Code or was operating a motor 6842
vehicle or motorcycle, did not have a valid driver's license, 6843
commercial driver's license, temporary instruction permit, 6844
probationary license, or nonresident operating privilege, and 6845
was not eligible for renewal of the offender's driver's license 6846
or commercial driver's license without examination under section 6847
4507.10 of the Revised Code or if the offender previously has 6848
been convicted of or pleaded guilty to a violation of this 6849
section or any traffic-related homicide, manslaughter, or 6850
assault offense. The court shall impose a mandatory jail term or 6851
a mandatory prison term on the offender when required by 6852
division (E) of this section. 6853

In addition to any other sanctions imposed pursuant to 6854
this division, the court shall impose upon the offender a class 6855
four suspension of the offender's driver's license, commercial 6856
driver's license, temporary instruction permit, probationary 6857
license, or nonresident operating privilege from the range 6858
specified in division (A) (4) of section 4510.02 of the Revised 6859
Code, or, if the offender previously has been convicted of or 6860
pleaded guilty to a violation of this section or any traffic- 6861
related homicide, manslaughter, or assault offense, a class 6862
three suspension of the offender's driver's license, commercial 6863
driver's license, temporary instruction permit, probationary 6864
license, or nonresident operating privilege from the range 6865
specified in division (A) (3) of that section, or, if the 6866

offender previously has been convicted of or pleaded guilty to a 6867
traffic-related murder, felonious assault, or attempted murder 6868
offense, a class two suspension of the offender's driver's 6869
license, commercial driver's license, temporary instruction 6870
permit, probationary license, or nonresident operating privilege 6871
as specified in division (A) (2) of that section. 6872

(D) Whoever violates division (A) (4) of this section is 6873
guilty of vehicular manslaughter. Except as otherwise provided 6874
in this division, vehicular manslaughter is a misdemeanor of the 6875
second degree. Vehicular manslaughter is a misdemeanor of the 6876
first degree if, at the time of the offense, the offender was 6877
driving under a suspension or cancellation imposed under Chapter 6878
4510. or any other provision of the Revised Code or was 6879
operating a motor vehicle or motorcycle, did not have a valid 6880
driver's license, commercial driver's license, temporary 6881
instruction permit, probationary license, or nonresident 6882
operating privilege, and was not eligible for renewal of the 6883
offender's driver's license or commercial driver's license 6884
without examination under section 4507.10 of the Revised Code or 6885
if the offender previously has been convicted of or pleaded 6886
guilty to a violation of this section or any traffic-related 6887
homicide, manslaughter, or assault offense. 6888

In addition to any other sanctions imposed pursuant to 6889
this division, the court shall impose upon the offender a class 6890
six suspension of the offender's driver's license, commercial 6891
driver's license, temporary instruction permit, probationary 6892
license, or nonresident operating privilege from the range 6893
specified in division (A) (6) of section 4510.02 of the Revised 6894
Code or, if the offender previously has been convicted of or 6895
pleaded guilty to a violation of this section, any traffic- 6896
related homicide, manslaughter, or assault offense, or a 6897

traffic-related murder, felonious assault, or attempted murder 6898
offense, a class four suspension of the offender's driver's 6899
license, commercial driver's license, temporary instruction 6900
permit, probationary license, or nonresident operating privilege 6901
from the range specified in division (A) (4) of that section. 6902

(E) (1) The court shall impose a mandatory prison term on 6903
an offender who is convicted of or pleads guilty to a violation 6904
of division (A) (1) of this section. Except as otherwise provided 6905
in this division, the mandatory prison term shall be a definite 6906
term from the range of prison terms provided in division (A) (1) 6907
(b) of section 2929.14 of the Revised Code for a felony of the 6908
first degree or from division (A) (2) (b) of that section for a 6909
felony of the second degree, whichever is applicable, except 6910
that if the violation is committed on or after ~~the effective~~ 6911
~~date of this amendment~~ March 22, 2019, the court shall impose as 6912
the minimum prison term for the offense a mandatory prison term 6913
that is one of the minimum terms prescribed for a felony of the 6914
first degree in division (A) (1) (a) of section 2929.14 of the 6915
Revised Code or one of the terms prescribed for a felony of the 6916
second degree in division (A) (2) (a) of that section, whichever 6917
is applicable. If division (B) (2) (c) (i), (ii), (iii), (iv), (v), 6918
(vi), (vii), or (viii) of this section applies to an offender 6919
who is convicted of or pleads guilty to the violation of 6920
division (A) (1) of this section, the court shall impose the 6921
mandatory prison term pursuant to division (B) of section 6922
2929.142 of the Revised Code. The court shall impose a mandatory 6923
jail term of at least fifteen days on an offender who is 6924
convicted of or pleads guilty to a misdemeanor violation of 6925
division (A) (3) (b) of this section and may impose upon the 6926
offender a longer jail term as authorized pursuant to section 6927
2929.24 of the Revised Code. 6928

(2) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A) (2) or (3) (a) of this section or a felony violation of division (A) (3) (b) of this section if either division (E) (2) (a) or (b) of this section applies. The mandatory prison term shall be a definite term from the range of prison terms provided in division (A) (3) (a) of section 2929.14 of the Revised Code for a felony of the third degree or from division (A) (4) of that section for a felony of the fourth degree, whichever is applicable. The court shall impose a mandatory prison term on an offender in a category described in this division if either of the following applies:

(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code.

(b) At the time of the offense, the offender was driving under suspension or cancellation under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under section 4507.10 of the Revised Code.

(F) Divisions (A) (2) (b) and (3) (b) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The

failure to erect signs of the type described in section 2903.081 6959
of the Revised Code in a particular construction zone in 6960
accordance with those guidelines and design specifications does 6961
not limit or affect the application of division (A) (1), (A) (2) 6962
(a), (A) (3) (a), or (A) (4) of this section in that construction 6963
zone or the prosecution of any person who violates any of those 6964
divisions in that construction zone. 6965

(G) (1) As used in this section: 6966

(a) "Mandatory prison term" and "mandatory jail term" have 6967
the same meanings as in section 2929.01 of the Revised Code. 6968

(b) "Traffic-related homicide, manslaughter, or assault 6969
offense" means a violation of section 2903.04 of the Revised 6970
Code in circumstances in which division (D) of that section 6971
applies, a violation of section 2903.06 or 2903.08 of the 6972
Revised Code, or a violation of section 2903.06, 2903.07, or 6973
2903.08 of the Revised Code as they existed prior to March 23, 6974
2000. 6975

(c) "Construction zone" has the same meaning as in section 6976
5501.27 of the Revised Code. 6977

(d) "Reckless operation offense" means a violation of 6978
section 4511.20 of the Revised Code or a municipal ordinance 6979
substantially equivalent to section 4511.20 of the Revised Code. 6980

(e) "Speeding offense" means a violation of section 6981
4511.21 of the Revised Code or a municipal ordinance pertaining 6982
to speed. 6983

(f) "Traffic-related murder, felonious assault, or 6984
attempted murder offense" means a violation of section 2903.01 6985
or 2903.02 of the Revised Code in circumstances in which the 6986
offender used a motor vehicle as the means to commit the 6987

violation, a violation of division (A) (2) of section 2903.11 of 6988
the Revised Code in circumstances in which the deadly weapon 6989
used in the commission of the violation is a motor vehicle, or 6990
an attempt to commit aggravated murder or murder in violation of 6991
section 2923.02 of the Revised Code in circumstances in which 6992
the offender used a motor vehicle as the means to attempt to 6993
commit the aggravated murder or murder. 6994

(g) "Motor vehicle" has the same meaning as in section 6995
4501.01 of the Revised Code. 6996

(2) For the purposes of this section, when a penalty or 6997
suspension is enhanced because of a prior or current violation 6998
of a specified law or a prior or current specified offense, the 6999
reference to the violation of the specified law or the specified 7000
offense includes any violation of any substantially equivalent 7001
municipal ordinance, former law of this state, or current or 7002
former law of another state or the United States. 7003

Sec. 2903.08. (A) No person, while operating or 7004
participating in the operation of a motor vehicle, motorcycle, 7005
snowmobile, locomotive, watercraft, or aircraft, shall cause 7006
serious physical harm to another person or another's unborn in 7007
any of the following ways: 7008

(1) (a) As the proximate result of committing a violation 7009
of division (A) of section 4511.19 of the Revised Code or of a 7010
substantially equivalent municipal ordinance; 7011

(b) As the proximate result of committing a violation of 7012
division (A) of section 1547.11 of the Revised Code or of a 7013
substantially equivalent municipal ordinance; 7014

(c) As the proximate result of committing a violation of 7015
division (A) (3) of section 4561.15 of the Revised Code or of a 7016

substantially equivalent municipal ordinance. 7017

(2) In one of the following ways: 7018

(a) As the proximate result of committing, while operating 7019
or participating in the operation of a motor vehicle or 7020
motorcycle in a construction zone, a reckless operation offense, 7021
provided that this division applies only if the person to whom 7022
the serious physical harm is caused or to whose unborn the 7023
serious physical harm is caused is in the construction zone at 7024
the time of the offender's commission of the reckless operation 7025
offense in the construction zone and does not apply as described 7026
in division (E) of this section; 7027

(b) Recklessly. 7028

(3) As the proximate result of committing, while operating 7029
or participating in the operation of a motor vehicle or 7030
motorcycle in a construction zone, a speeding offense, provided 7031
that this division applies only if the person to whom the 7032
serious physical harm is caused or to whose unborn the serious 7033
physical harm is caused is in the construction zone at the time 7034
of the offender's commission of the speeding offense in the 7035
construction zone and does not apply as described in division 7036
(E) of this section. 7037

(B) (1) Whoever violates division (A) (1) of this section is 7038
guilty of aggravated vehicular assault. Except as otherwise 7039
provided in this division, aggravated vehicular assault is a 7040
felony of the third degree. Aggravated vehicular assault is a 7041
felony of the second degree if any of the following apply: 7042

(a) At the time of the offense, the offender was driving 7043
under a suspension imposed under Chapter 4510. or any other 7044
provision of the Revised Code. 7045

(b) The offender previously has been convicted of or 7046
pleaded guilty to a violation of this section. 7047

(c) The offender previously has been convicted of or 7048
pleaded guilty to any traffic-related homicide, manslaughter, or 7049
assault offense. 7050

(d) The offender previously has been convicted of or 7051
pleaded guilty to three or more prior violations of division (A) 7052
of section 4511.19 of the Revised Code or a substantially 7053
equivalent municipal ordinance within the previous ten years. 7054

(e) The offender previously has been convicted of or 7055
pleaded guilty to three or more prior violations of division (A) 7056
of section 1547.11 of the Revised Code or of a substantially 7057
equivalent municipal ordinance within the previous ten years. 7058

(f) The offender previously has been convicted of or 7059
pleaded guilty to three or more prior violations of division (A) 7060
(3) of section 4561.15 of the Revised Code or of a substantially 7061
equivalent municipal ordinance within the previous ten years. 7062

(g) The offender previously has been convicted of or 7063
pleaded guilty to three or more prior violations of any 7064
combination of the offenses listed in division (B) (1) (d), (e), 7065
or (f) of this section. 7066

(h) The offender previously has been convicted of or 7067
pleaded guilty to a second or subsequent felony violation of 7068
division (A) of section 4511.19 of the Revised Code. 7069

(2) In addition to any other sanctions imposed pursuant to 7070
division (B) (1) of this section, except as otherwise provided in 7071
this division, the court shall impose upon the offender a class 7072
three suspension of the offender's driver's license, commercial 7073
driver's license, temporary instruction permit, probationary 7074

license, or nonresident operating privilege from the range 7075
specified in division (A) (3) of section 4510.02 of the Revised 7076
Code. If the offender previously has been convicted of or 7077
pleaded guilty to a violation of this section, any traffic- 7078
related homicide, manslaughter, or assault offense, or any 7079
traffic-related murder, felonious assault, or attempted murder 7080
offense, the court shall impose either a class two suspension of 7081
the offender's driver's license, commercial driver's license, 7082
temporary instruction permit, probationary license, or 7083
nonresident operating privilege from the range specified in 7084
division (A) (2) of that section or a class one suspension as 7085
specified in division (A) (1) of that section. 7086

(C) (1) Whoever violates division (A) (2) or (3) of this 7087
section is guilty of vehicular assault and shall be punished as 7088
provided in divisions (C) (2) and (3) of this section. 7089

(2) Except as otherwise provided in this division, 7090
vehicular assault committed in violation of division (A) (2) of 7091
this section is a felony of the fourth degree. Vehicular assault 7092
committed in violation of division (A) (2) of this section is a 7093
felony of the third degree if, at the time of the offense, the 7094
offender was driving under a suspension imposed under Chapter 7095
4510. or any other provision of the Revised Code, if the 7096
offender previously has been convicted of or pleaded guilty to a 7097
violation of this section or any traffic-related homicide, 7098
manslaughter, or assault offense, or if, in the same course of 7099
conduct that resulted in the violation of division (A) (2) of 7100
this section, the offender also violated section 4549.02, 7101
4549.021, or 4549.03 of the Revised Code. 7102

In addition to any other sanctions imposed, the court 7103
shall impose upon the offender a class four suspension of the 7104

offender's driver's license, commercial driver's license, 7105
temporary instruction permit, probationary license, or 7106
nonresident operating privilege from the range specified in 7107
division (A) (4) of section 4510.02 of the Revised Code or, if 7108
the offender previously has been convicted of or pleaded guilty 7109
to a violation of this section, any traffic-related homicide, 7110
manslaughter, or assault offense, or any traffic-related murder, 7111
felonious assault, or attempted murder offense, a class three 7112
suspension of the offender's driver's license, commercial 7113
driver's license, temporary instruction permit, probationary 7114
license, or nonresident operating privilege from the range 7115
specified in division (A) (3) of that section. 7116

(3) Except as otherwise provided in this division, 7117
vehicular assault committed in violation of division (A) (3) of 7118
this section is a misdemeanor of the first degree. Vehicular 7119
assault committed in violation of division (A) (3) of this 7120
section is a felony of the fourth degree if, at the time of the 7121
offense, the offender was driving under a suspension imposed 7122
under Chapter 4510. or any other provision of the Revised Code 7123
or if the offender previously has been convicted of or pleaded 7124
guilty to a violation of this section or any traffic-related 7125
homicide, manslaughter, or assault offense. 7126

In addition to any other sanctions imposed, the court 7127
shall impose upon the offender a class four suspension of the 7128
offender's driver's license, commercial driver's license, 7129
temporary instruction permit, probationary license, or 7130
nonresident operating privilege from the range specified in 7131
division (A) (4) of section 4510.02 of the Revised Code or, if 7132
the offender previously has been convicted of or pleaded guilty 7133
to a violation of this section, any traffic-related homicide, 7134
manslaughter, or assault offense, or any traffic-related murder, 7135

felonious assault, or attempted murder offense, a class three 7136
suspension of the offender's driver's license, commercial 7137
driver's license, temporary instruction permit, probationary 7138
license, or nonresident operating privilege from the range 7139
specified in division (A) (3) of section 4510.02 of the Revised 7140
Code. 7141

(D) (1) The court shall impose a mandatory prison term, as 7142
described in division (D) (4) of this section, on an offender who 7143
is convicted of or pleads guilty to a violation of division (A) 7144
(1) of this section. 7145

(2) The court shall impose a mandatory prison term, as 7146
described in division (D) (4) of this section, on an offender who 7147
is convicted of or pleads guilty to a violation of division (A) 7148
(2) of this section or a felony violation of division (A) (3) of 7149
this section if either of the following applies: 7150

(a) The offender previously has been convicted of or 7151
pleaded guilty to a violation of this section or section 2903.06 7152
of the Revised Code. 7153

(b) At the time of the offense, the offender was driving 7154
under suspension under Chapter 4510. or any other provision of 7155
the Revised Code. 7156

(3) The court shall impose a mandatory jail term of at 7157
least seven days on an offender who is convicted of or pleads 7158
guilty to a misdemeanor violation of division (A) (3) of this 7159
section and may impose upon the offender a longer jail term as 7160
authorized pursuant to section 2929.24 of the Revised Code. 7161

(4) A mandatory prison term required under division (D) (1) 7162
or (2) of this section shall be a definite term from the range 7163
of prison terms provided in division (A) (2) (b) of section 7164

2929.14 of the Revised Code for a felony of the second degree, 7165
from division (A) (3) (a) of that section for a felony of the 7166
third degree, or from division (A) (4) of that section for a 7167
felony of the fourth degree, whichever is applicable, except 7168
that if the violation is a felony of the second degree committed 7169
on or after ~~the effective date of this amendment~~ March 22, 2019, 7170
the court shall impose as the minimum prison term for the 7171
offense a mandatory prison term that is one of the minimum terms 7172
prescribed for a felony of the second degree in division (A) (2) 7173
(a) of section 2929.14 of the Revised Code. 7174

(E) Divisions (A) (2) (a) and (3) of this section do not 7175
apply in a particular construction zone unless signs of the type 7176
described in section 2903.081 of the Revised Code are erected in 7177
that construction zone in accordance with the guidelines and 7178
design specifications established by the director of 7179
transportation under section 5501.27 of the Revised Code. The 7180
failure to erect signs of the type described in section 2903.081 7181
of the Revised Code in a particular construction zone in 7182
accordance with those guidelines and design specifications does 7183
not limit or affect the application of division (A) (1) or (2) (b) 7184
of this section in that construction zone or the prosecution of 7185
any person who violates either of those divisions in that 7186
construction zone. 7187

(F) As used in this section: 7188

(1) "Mandatory prison term" and "mandatory jail term" have 7189
the same meanings as in section 2929.01 of the Revised Code. 7190

(2) "Traffic-related homicide, manslaughter, or assault 7191
offense" and "traffic-related murder, felonious assault, or 7192
attempted murder offense" have the same meanings as in section 7193
2903.06 of the Revised Code. 7194

(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	7195 7196
(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.	7197 7198 7199
(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	7200 7201 7202 7203 7204 7205 7206
Sec. 2903.13. (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.	7207 7208 7209
(B) No person shall recklessly cause serious physical harm to another or to another's unborn.	7210 7211
(C)(1) Whoever violates this section is guilty of assault, and the court shall sentence the offender as provided in this division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this section. Except as otherwise provided in division (C)(2), (3), (4), (5), (6), (7), (8), or (9) of this section, assault is a misdemeanor of the first degree.	7212 7213 7214 7215 7216 7217
(2) Except as otherwise provided in this division, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or	7218 7219 7220 7221 7222 7223

pleaded guilty to a violation of this section or section 2903.11 7224
or 2903.16 of the Revised Code, and if in relation to the 7225
previous conviction the offender was a caretaker and the victim 7226
was a functionally impaired person under the offender's care, 7227
assault is a felony of the third degree. 7228

(3) If the offense occurs in or on the grounds of a state 7229
correctional institution or an institution of the department of 7230
youth services, the victim of the offense is an employee of the 7231
department of rehabilitation and correction or the department of 7232
youth services, and the offense is committed by a person 7233
incarcerated in the state correctional institution or by a 7234
person institutionalized in the department of youth services 7235
institution pursuant to a commitment to the department of youth 7236
services, assault is a felony of the third degree. 7237

(4) If the offense is committed in any of the following 7238
circumstances, assault is a felony of the fifth degree: 7239

(a) The offense occurs in or on the grounds of a local 7240
correctional facility, the victim of the offense is an employee 7241
of the local correctional facility or a probation department or 7242
is on the premises of the facility for business purposes or as a 7243
visitor, and the offense is committed by a person who is under 7244
custody in the facility subsequent to the person's arrest for 7245
any crime or delinquent act, subsequent to the person's being 7246
charged with or convicted of any crime, or subsequent to the 7247
person's being alleged to be or adjudicated a delinquent child. 7248

(b) The offense occurs off the grounds of a state 7249
correctional institution and off the grounds of an institution 7250
of the department of youth services, the victim of the offense 7251
is an employee of the department of rehabilitation and 7252
correction, the department of youth services, or a probation 7253

department, the offense occurs during the employee's official 7254
work hours and while the employee is engaged in official work 7255
responsibilities, and the offense is committed by a person 7256
incarcerated in a state correctional institution or 7257
institutionalized in the department of youth services who 7258
temporarily is outside of the institution for any purpose, by a 7259
parolee, by an offender under transitional control, under a 7260
community control sanction, or on an escorted visit, by a person 7261
under post-release control, or by an offender under any other 7262
type of supervision by a government agency. 7263

(c) The offense occurs off the grounds of a local 7264
correctional facility, the victim of the offense is an employee 7265
of the local correctional facility or a probation department, 7266
the offense occurs during the employee's official work hours and 7267
while the employee is engaged in official work responsibilities, 7268
and the offense is committed by a person who is under custody in 7269
the facility subsequent to the person's arrest for any crime or 7270
delinquent act, subsequent to the person being charged with or 7271
convicted of any crime, or subsequent to the person being 7272
alleged to be or adjudicated a delinquent child and who 7273
temporarily is outside of the facility for any purpose or by a 7274
parolee, by an offender under transitional control, under a 7275
community control sanction, or on an escorted visit, by a person 7276
under post-release control, or by an offender under any other 7277
type of supervision by a government agency. 7278

(d) The victim of the offense is a school teacher or 7279
administrator or a school bus operator, and the offense occurs 7280
in a school, on school premises, in a school building, on a 7281
school bus, or while the victim is outside of school premises or 7282
a school bus and is engaged in duties or official 7283
responsibilities associated with the victim's employment or 7284

position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(5) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(6) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation and if the victim suffered serious physical harm as a result of the commission of the offense, assault is a felony of the fourth degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.

(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official

responsibilities or duties, a felony of the fourth degree. 7315

(8) If the victim of the offense is a health care 7316
professional of a hospital, a health care worker of a hospital, 7317
or a security officer of a hospital whom the offender knows or 7318
has reasonable cause to know is a health care professional of a 7319
hospital, a health care worker of a hospital, or a security 7320
officer of a hospital, if the victim is engaged in the 7321
performance of the victim's duties, and if the hospital offers 7322
de-escalation or crisis intervention training for such 7323
professionals, workers, or officers, assault is one of the 7324
following: 7325

(a) Except as otherwise provided in division (C) (8) (b) of 7326
this section, assault committed in the specified circumstances 7327
is a misdemeanor of the first degree. Notwithstanding the fine 7328
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 7329
the Revised Code for a misdemeanor of the first degree, in 7330
sentencing the offender under this division and if the court 7331
decides to impose a fine, the court may impose upon the offender 7332
a fine of not more than five thousand dollars. 7333

(b) If the offender previously has been convicted of or 7334
pleaded guilty to one or more assault or homicide offenses 7335
committed against hospital personnel, assault committed in the 7336
specified circumstances is a felony of the fifth degree. 7337

(9) If the victim of the offense is a judge, magistrate, 7338
prosecutor, or court official or employee whom the offender 7339
knows or has reasonable cause to know is a judge, magistrate, 7340
prosecutor, or court official or employee, and if the victim is 7341
engaged in the performance of the victim's duties, assault is 7342
one of the following: 7343

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C)
(9) (b) of this section, assault committed in the specified
circumstances is a misdemeanor of the first degree. In
sentencing the offender under this division, if the court
decides to impose a fine, notwithstanding the fine specified in
division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of the Revised
Code for a misdemeanor of the first degree, the court may impose
upon the offender a fine of not more than five thousand dollars.

(b) If the offender previously has been convicted of or
pleaded guilty to one or more assault or homicide offenses
committed against justice system personnel, assault committed in
the specified circumstances is a felony of the fifth degree.

(10) If an offender who is convicted of or pleads guilty
to assault when it is a misdemeanor also is convicted of or
pleads guilty to a specification as described in section
2941.1423 of the Revised Code that was included in the
indictment, count in the indictment, or information charging the
offense, the court shall sentence the offender to a mandatory
jail term as provided in division ~~(G)~~ (F) of section 2929.24 of
the Revised Code.

If an offender who is convicted of or pleads guilty to
assault when it is a felony also is convicted of or pleads
guilty to a specification as described in section 2941.1423 of
the Revised Code that was included in the indictment, count in
the indictment, or information charging the offense, except as
otherwise provided in division (C) (6) of this section, the court
shall sentence the offender to a mandatory prison term as
provided in division (B) (8) of section 2929.14 of the Revised
Code.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	7374 7375
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	7376 7377
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	7378 7379
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	7380 7381 7382 7383 7384 7385 7386 7387 7388
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	7389 7390 7391 7392 7393
(6) "School teacher or administrator" means either of the following:	7394 7395
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	7396 7397 7398 7399 7400
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards	7401 7402

under section 3301.07 of the Revised Code and who is 7403
certificated in accordance with section 3301.071 of the Revised 7404
Code. 7405

(7) "Community control sanction" has the same meaning as 7406
in section 2929.01 of the Revised Code. 7407

(8) "Escorted visit" means an escorted visit granted under 7408
section 2967.27 of the Revised Code. 7409

(9) "Post-release control" and "transitional control" have 7410
the same meanings as in section 2967.01 of the Revised Code. 7411

(10) "Investigator of the bureau of criminal 7412
identification and investigation" has the same meaning as in 7413
section 2903.11 of the Revised Code. 7414

(11) "Health care professional" and "health care worker" 7415
have the same meanings as in section 2305.234 of the Revised 7416
Code. 7417

(12) "Assault or homicide offense committed against 7418
hospital personnel" means a violation of this section or of 7419
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 7420
2903.12, or 2903.14 of the Revised Code committed in 7421
circumstances in which all of the following apply: 7422

(a) The victim of the offense was a health care 7423
professional of a hospital, a health care worker of a hospital, 7424
or a security officer of a hospital. 7425

(b) The offender knew or had reasonable cause to know that 7426
the victim was a health care professional of a hospital, a 7427
health care worker of a hospital, or a security officer of a 7428
hospital. 7429

(c) The victim was engaged in the performance of the 7430

victim's duties. 7431

(d) The hospital offered de-escalation or crisis 7432
intervention training for such professionals, workers, or 7433
officers. 7434

(13) "De-escalation or crisis intervention training" means 7435
de-escalation or crisis intervention training for health care 7436
professionals of a hospital, health care workers of a hospital, 7437
and security officers of a hospital to facilitate interaction 7438
with patients, members of a patient's family, and visitors, 7439
including those with mental impairments. 7440

(14) "Assault or homicide offense committed against 7441
justice system personnel" means a violation of this section or 7442
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 7443
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 7444
circumstances in which the victim of the offense was a judge, 7445
magistrate, prosecutor, or court official or employee whom the 7446
offender knew or had reasonable cause to know was a judge, 7447
magistrate, prosecutor, or court official or employee, and the 7448
victim was engaged in the performance of the victim's duties. 7449

(15) "Court official or employee" means any official or 7450
employee of a court created under the constitution or statutes 7451
of this state or of a United States court located in this state. 7452

(16) "Judge" means a judge of a court created under the 7453
constitution or statutes of this state or of a United States 7454
court located in this state. 7455

(17) "Magistrate" means an individual who is appointed by 7456
a court of record of this state and who has the powers and may 7457
perform the functions specified in Civil Rule 53, Criminal Rule 7458
19, or Juvenile Rule 40, or an individual who is appointed by a 7459

United States court located in this state who has similar powers 7460
and functions. 7461

(18) "Prosecutor" has the same meaning as in section 7462
2935.01 of the Revised Code. 7463

(19) (a) "Hospital" means, subject to division (D) (19) (b) 7464
of this section, an institution classified as a hospital under 7465
section 3701.01 of the Revised Code in which are provided to 7466
patients diagnostic, medical, surgical, obstetrical, 7467
psychiatric, or rehabilitation care or a hospital operated by a 7468
health maintenance organization. 7469

(b) "Hospital" does not include any of the following: 7470

(i) A facility licensed under Chapter 3721. of the Revised 7471
Code, a health care facility operated by the department of 7472
mental health or the department of developmental disabilities, a 7473
health maintenance organization that does not operate a 7474
hospital, or the office of any private, licensed health care 7475
professional, whether organized for individual or group 7476
practice; 7477

(ii) An institution for the sick that is operated 7478
exclusively for patients who use spiritual means for healing and 7479
for whom the acceptance of medical care is inconsistent with 7480
their religious beliefs, accredited by a national accrediting 7481
organization, exempt from federal income taxation under section 7482
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 7483
U.S.C. 1, as amended, and providing twenty-four-hour nursing 7484
care pursuant to the exemption in division (E) of section 7485
4723.32 of the Revised Code from the licensing requirements of 7486
Chapter 4723. of the Revised Code. 7487

(20) "Health maintenance organization" has the same 7488

meaning as in section 3727.01 of the Revised Code. 7489

Sec. 2903.18. (A) As used in this section: 7490

(1) "Strangulation or suffocation" means any act that 7491
impedes the normal breathing or circulation of the blood by 7492
applying pressure to the throat or neck, or by covering the nose 7493
and mouth. 7494

(2) "Dating relationship" has the same meaning as in 7495
section 3113.31 of the Revised Code. 7496

(3) "Family or household member" has the same meaning as 7497
in section 2919.25 of the Revised Code. 7498

(4) "Person with whom the offender is or was in a dating 7499
relationship" means a person who at the time of the conduct in 7500
question is in a dating relationship with the defendant or who, 7501
within the twelve months preceding the conduct in question, has 7502
had a dating relationship with the defendant. 7503

(B) No person shall knowingly do any of the following: 7504

(1) Cause serious physical harm to another by means of 7505
strangulation or suffocation; 7506

(2) Create a substantial risk of serious physical harm to 7507
another by means of strangulation or suffocation; 7508

(3) Cause or create a substantial risk of physical harm to 7509
another by means of strangulation or suffocation. 7510

(C) Whoever violates this section is guilty of 7511
strangulation. 7512

(1) A violation of division (B)(1) of this section is a 7513
felony of the second degree. 7514

(2) A violation of division (B)(2) of this section is a 7515

felony of the third degree. 7516

(3) A violation of division (B) (3) of this section is a 7517
felony of the fifth degree. If the victim of the violation of 7518
division (B) (3) of this section is a family or household member, 7519
or is a person with whom the offender is or was in a dating 7520
relationship, a violation of division (B) (3) of this section is 7521
a felony of the fourth degree. If the victim of the offense is a 7522
family or household member, or is a person with whom the 7523
offender is or was in a dating relationship, and the offender 7524
previously has been convicted of or pleaded guilty to a felony 7525
offense of violence, or if the offender knew that the victim of 7526
the violation was pregnant at the time of the violation, a 7527
violation of division (B) (3) of this section is a felony of the 7528
third degree. 7529

(D) It is an affirmative defense to a charge under 7530
division (B) of this section that the act was done as part of a 7531
medical or other procedure undertaken to aid or benefit the 7532
victim. 7533

Sec. 2903.214. (A) As used in this section: 7534

(1) "Court" means the court of common pleas of the county 7535
in which the person to be protected by the protection order 7536
resides. 7537

(2) "Victim advocate" means a person who provides support 7538
and assistance for a person who files a petition under this 7539
section. 7540

(3) "Family or household member" ~~has the same meaning as~~ 7541
~~in section 3113.31 of the Revised Code~~ means any of the 7542
following: 7543

(a) Any of the following who is residing with or has 7544

resided with the petitioner: 7545

(i) A spouse, a person living as a spouse, or a former spouse of the petitioner; 7546
7547

(ii) A parent, a foster parent, or a child of the petitioner, or another person related by consanguinity or affinity to the petitioner; 7548
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(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the petitioner, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the petitioner. 7551
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(b) The natural parent of any child of whom the petitioner is the other natural parent or is the putative other natural parent. 7555
7556
7557

(4) "Person living as a spouse" means a person who is living or has lived with the petitioner in a common law marital relationship, who otherwise is cohabiting with the petitioner, or who otherwise has cohabited with the petitioner within five years prior to the date of the alleged occurrence of the act in question. 7558
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(5) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 7564
7565

~~(5)~~(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 7566
7567

~~(6)~~(7) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 7568
7569

~~(7)~~(8) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 7570
7571

(B) The court has jurisdiction over all proceedings under 7572
this section. 7573

(C) A person may seek relief under this section for the 7574
person, or any parent or adult household member may seek relief 7575
under this section on behalf of any other family or household 7576
member, by filing a petition with the court. The petition shall 7577
contain or state all of the following: 7578

(1) An allegation that the respondent is eighteen years of 7579
age or older and engaged in a violation of section 2903.211 of 7580
the Revised Code against the person to be protected by the 7581
protection order or committed a sexually oriented offense 7582
against the person to be protected by the protection order, 7583
including a description of the nature and extent of the 7584
violation; 7585

(2) If the petitioner seeks relief in the form of 7586
electronic monitoring of the respondent, an allegation that at 7587
any time preceding the filing of the petition the respondent 7588
engaged in conduct that would cause a reasonable person to 7589
believe that the health, welfare, or safety of the person to be 7590
protected was at risk, a description of the nature and extent of 7591
that conduct, and an allegation that the respondent presents a 7592
continuing danger to the person to be protected; 7593

(3) A request for relief under this section. 7594

(D) (1) If a person who files a petition pursuant to this 7595
section requests an ex parte order, the court shall hold an ex 7596
parte hearing as soon as possible after the petition is filed, 7597
but not later than the next day that the court is in session 7598
after the petition is filed. The court, for good cause shown at 7599
the ex parte hearing, may enter any temporary orders, with or 7600

without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause. 7630

(b) An ex parte order issued under this section does not 7631
expire because of a failure to serve notice of the full hearing 7632
upon the respondent before the date set for the full hearing 7633
under division (D) (2) (a) of this section or because the court 7634
grants a continuance under that division. 7635

(3) If a person who files a petition pursuant to this 7636
section does not request an ex parte order, or if a person 7637
requests an ex parte order but the court does not issue an ex 7638
parte order after an ex parte hearing, the court shall proceed 7639
as in a normal civil action and grant a full hearing on the 7640
matter. 7641

(E) (1) (a) After an ex parte or full hearing, the court may 7642
issue any protection order, with or without bond, that contains 7643
terms designed to ensure the safety and protection of the person 7644
to be protected by the protection order, including, but not 7645
limited to, a requirement that the respondent refrain from 7646
entering the residence, school, business, or place of employment 7647
of the petitioner or family or household member. If the court 7648
includes a requirement that the respondent refrain from entering 7649
the residence, school, business, or place of employment of the 7650
petitioner or family or household member in the order, it also 7651
shall include in the order provisions of the type described in 7652
division (E) (5) of this section. The court may include within a 7653
protection order issued under this section a term requiring that 7654
the respondent not remove, damage, hide, harm, or dispose of any 7655
companion animal owned or possessed by the person to be 7656
protected by the order, and may include within the order a term 7657
authorizing the person to be protected by the order to remove a 7658
companion animal owned by the person to be protected by the 7659

order from the possession of the respondent. 7660

(b) After a full hearing, if the court considering a 7661
petition that includes an allegation of the type described in 7662
division (C) (2) of this section, or the court upon its own 7663
motion, finds upon clear and convincing evidence that the 7664
petitioner reasonably believed that the respondent's conduct at 7665
any time preceding the filing of the petition endangered the 7666
health, welfare, or safety of the person to be protected and 7667
that the respondent presents a continuing danger to the person 7668
to be protected, the court may order that the respondent be 7669
electronically monitored for a period of time and under the 7670
terms and conditions that the court determines are appropriate. 7671
Electronic monitoring shall be in addition to any other relief 7672
granted to the petitioner. 7673

(2) (a) Any protection order issued pursuant to this 7674
section shall be valid until a date certain but not later than 7675
five years from the date of its issuance. 7676

(b) Any protection order issued pursuant to this section 7677
may be renewed in the same manner as the original order was 7678
issued. 7679

(3) A court may not issue a protection order that requires 7680
a petitioner to do or to refrain from doing an act that the 7681
court may require a respondent to do or to refrain from doing 7682
under division (E) (1) of this section unless all of the 7683
following apply: 7684

(a) The respondent files a separate petition for a 7685
protection order in accordance with this section. 7686

(b) The petitioner is served with notice of the 7687
respondent's petition at least forty-eight hours before the 7688

court holds a hearing with respect to the respondent's petition, 7689
or the petitioner waives the right to receive this notice. 7690

(c) If the petitioner has requested an ex parte order 7691
pursuant to division (D) of this section, the court does not 7692
delay any hearing required by that division beyond the time 7693
specified in that division in order to consolidate the hearing 7694
with a hearing on the petition filed by the respondent. 7695

(d) After a full hearing at which the respondent presents 7696
evidence in support of the request for a protection order and 7697
the petitioner is afforded an opportunity to defend against that 7698
evidence, the court determines that the petitioner has committed 7699
a violation of section 2903.211 of the Revised Code against the 7700
person to be protected by the protection order issued pursuant 7701
to division (E) (3) of this section, has committed a sexually 7702
oriented offense against the person to be protected by the 7703
protection order issued pursuant to division (E) (3) of this 7704
section, or has violated a protection order issued pursuant to 7705
section 2903.213 of the Revised Code relative to the person to 7706
be protected by the protection order issued pursuant to division 7707
(E) (3) of this section. 7708

(4) No protection order issued pursuant to this section 7709
shall in any manner affect title to any real property. 7710

(5) (a) If the court issues a protection order under this 7711
section that includes a requirement that the alleged offender 7712
refrain from entering the residence, school, business, or place 7713
of employment of the petitioner or a family or household member, 7714
the order shall clearly state that the order cannot be waived or 7715
nullified by an invitation to the alleged offender from the 7716
complainant to enter the residence, school, business, or place 7717
of employment or by the alleged offender's entry into one of 7718

those places otherwise upon the consent of the petitioner or 7719
family or household member. 7720

(b) Division (E) (5) (a) of this section does not limit any 7721
discretion of a court to determine that an alleged offender 7722
charged with a violation of section 2919.27 of the Revised Code, 7723
with a violation of a municipal ordinance substantially 7724
equivalent to that section, or with contempt of court, which 7725
charge is based on an alleged violation of a protection order 7726
issued under this section, did not commit the violation or was 7727
not in contempt of court. 7728

(F) (1) The court shall cause the delivery of a copy of any 7729
protection order that is issued under this section to the 7730
petitioner, to the respondent, and to all law enforcement 7731
agencies that have jurisdiction to enforce the order. The court 7732
shall direct that a copy of the order be delivered to the 7733
respondent on the same day that the order is entered. 7734

(2) Upon the issuance of a protection order under this 7735
section, the court shall provide the parties to the order with 7736
the following notice orally or by form: 7737

"NOTICE 7738

As a result of this order, it may be unlawful for you to 7739
possess or purchase a firearm, including a rifle, pistol, or 7740
revolver, or ammunition pursuant to federal law under 18 U.S.C. 7741
922(g) (8) for the duration of this order. If you have any 7742
questions whether this law makes it illegal for you to possess 7743
or purchase a firearm or ammunition, you should consult an 7744
attorney." 7745

(3) All law enforcement agencies shall establish and 7746
maintain an index for the protection orders delivered to the 7747

agencies pursuant to division (F) (1) of this section. With 7748
respect to each order delivered, each agency shall note on the 7749
index the date and time that it received the order. 7750

(4) Regardless of whether the petitioner has registered 7751
the protection order in the county in which the officer's agency 7752
has jurisdiction pursuant to division (M) of this section, any 7753
officer of a law enforcement agency shall enforce a protection 7754
order issued pursuant to this section by any court in this state 7755
in accordance with the provisions of the order, including 7756
removing the respondent from the premises, if appropriate. 7757

(G) (1) Any proceeding under this section shall be 7758
conducted in accordance with the Rules of Civil Procedure, 7759
except that a protection order may be obtained under this 7760
section with or without bond. An order issued under this 7761
section, other than an ex parte order, that grants a protection 7762
order, or that refuses to grant a protection order, is a final, 7763
appealable order. The remedies and procedures provided in this 7764
section are in addition to, and not in lieu of, any other 7765
available civil or criminal remedies. 7766

(2) If as provided in division (G) (1) of this section an 7767
order issued under this section, other than an ex parte order, 7768
refuses to grant a protection order, the court, on its own 7769
motion, shall order that the ex parte order issued under this 7770
section and all of the records pertaining to that ex parte order 7771
be sealed after either of the following occurs: 7772

(a) No party has exercised the right to appeal pursuant to 7773
Rule 4 of the Rules of Appellate Procedure. 7774

(b) All appellate rights have been exhausted. 7775

(H) The filing of proceedings under this section does not 7776

excuse a person from filing any report or giving any notice 7777
required by section 2151.421 of the Revised Code or by any other 7778
law. 7779

(I) Any law enforcement agency that investigates an 7780
alleged violation of section 2903.211 of the Revised Code or an 7781
alleged commission of a sexually oriented offense shall provide 7782
information to the victim and the family or household members of 7783
the victim regarding the relief available under this section and 7784
section 2903.213 of the Revised Code. 7785

(J) (1) Subject to division (J) (2) of this section and 7786
regardless of whether a protection order is issued or a consent 7787
agreement is approved by a court of another county or by a court 7788
of another state, no court or unit of state or local government 7789
shall charge the petitioner any fee, cost, deposit, or money in 7790
connection with the filing of a petition pursuant to this 7791
section, in connection with the filing, issuance, registration, 7792
modification, enforcement, dismissal, withdrawal, or service of 7793
a protection order, consent agreement, or witness subpoena or 7794
for obtaining a certified copy of a protection order or consent 7795
agreement. 7796

(2) Regardless of whether a protection order is issued or 7797
a consent agreement is approved pursuant to this section, the 7798
court may assess costs against the respondent in connection with 7799
the filing, issuance, registration, modification, enforcement, 7800
dismissal, withdrawal, or service of a protection order, consent 7801
agreement, or witness subpoena or for obtaining a certified copy 7802
of a protection order or consent agreement. 7803

(K) (1) A person who violates a protection order issued 7804
under this section is subject to the following sanctions: 7805

(a) Criminal prosecution for a violation of section 7806
2919.27 of the Revised Code, if the violation of the protection 7807
order constitutes a violation of that section; 7808

(b) Punishment for contempt of court. 7809

(2) The punishment of a person for contempt of court for 7810
violation of a protection order issued under this section does 7811
not bar criminal prosecution of the person for a violation of 7812
section 2919.27 of the Revised Code. However, a person punished 7813
for contempt of court is entitled to credit for the punishment 7814
imposed upon conviction of a violation of that section, and a 7815
person convicted of a violation of that section shall not 7816
subsequently be punished for contempt of court arising out of 7817
the same activity. 7818

(L) In all stages of a proceeding under this section, a 7819
petitioner may be accompanied by a victim advocate. 7820

(M) (1) A petitioner who obtains a protection order under 7821
this section or a protection order under section 2903.213 of the 7822
Revised Code may provide notice of the issuance or approval of 7823
the order to the judicial and law enforcement officials in any 7824
county other than the county in which the order is issued by 7825
registering that order in the other county pursuant to division 7826
(M) (2) of this section and filing a copy of the registered order 7827
with a law enforcement agency in the other county in accordance 7828
with that division. A person who obtains a protection order 7829
issued by a court of another state may provide notice of the 7830
issuance of the order to the judicial and law enforcement 7831
officials in any county of this state by registering the order 7832
in that county pursuant to section 2919.272 of the Revised Code 7833
and filing a copy of the registered order with a law enforcement 7834
agency in that county. 7835

(2) A petitioner may register a protection order issued 7836
pursuant to this section or section 2903.213 of the Revised Code 7837
in a county other than the county in which the court that issued 7838
the order is located in the following manner: 7839

(a) The petitioner shall obtain a certified copy of the 7840
order from the clerk of the court that issued the order and 7841
present that certified copy to the clerk of the court of common 7842
pleas or the clerk of a municipal court or county court in the 7843
county in which the order is to be registered. 7844

(b) Upon accepting the certified copy of the order for 7845
registration, the clerk of the court of common pleas, municipal 7846
court, or county court shall place an endorsement of 7847
registration on the order and give the petitioner a copy of the 7848
order that bears that proof of registration. 7849

(3) The clerk of each court of common pleas, municipal 7850
court, or county court shall maintain a registry of certified 7851
copies of protection orders that have been issued by courts in 7852
other counties pursuant to this section or section 2903.213 of 7853
the Revised Code and that have been registered with the clerk. 7854

(N) (1) If the court orders electronic monitoring of the 7855
respondent under this section, the court shall direct the 7856
sheriff's office or any other appropriate law enforcement agency 7857
to install the electronic monitoring device and to monitor the 7858
respondent. Unless the court determines that the respondent is 7859
indigent, the court shall order the respondent to pay the cost 7860
of the installation and monitoring of the electronic monitoring 7861
device. If the court determines that the respondent is indigent 7862
and subject to the maximum amount allowable to be paid in any 7863
year from the fund and the rules promulgated by the attorney 7864
general under division (N) (2) of this section, the cost of the 7865

installation and monitoring of the electronic monitoring device 7866
may be paid out of funds from the reparations fund created 7867
pursuant to section 2743.191 of the Revised Code. The total 7868
amount of costs for the installation and monitoring of 7869
electronic monitoring devices paid pursuant to this division and 7870
sections 2151.34 and 2919.27 of the Revised Code from the 7871
reparations fund shall not exceed three hundred thousand dollars 7872
per year. 7873

(2) The attorney general may promulgate rules pursuant to 7874
section 111.15 of the Revised Code to govern payments made from 7875
the reparations fund pursuant to this division and sections 7876
2151.34 and 2919.27 of the Revised Code. The rules may include 7877
reasonable limits on the total cost paid pursuant to this 7878
division and sections 2151.34 and 2919.27 of the Revised Code 7879
per respondent, the amount of the three hundred thousand dollars 7880
allocated to each county, and how invoices may be submitted by a 7881
county, court, or other entity. 7882

Sec. 2907.05. (A) No person shall have sexual contact with 7883
another, not the spouse of the offender; cause another, not the 7884
spouse of the offender, to have sexual contact with the 7885
offender; or cause two or more other persons to have sexual 7886
contact when any of the following applies: 7887

(1) The offender purposely compels the other person, or 7888
one of the other persons, to submit by force or threat of force. 7889

(2) For the purpose of preventing resistance, the offender 7890
substantially impairs the judgment or control of the other 7891
person or of one of the other persons by administering any drug, 7892
intoxicant, or controlled substance to the other person 7893
surreptitiously or by force, threat of force, or deception. 7894

(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.

(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.

(5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

(B) No person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(C) Whoever violates this section is guilty of gross sexual imposition.

(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A) (1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A) (2) of this section

substantially impairs the judgment or control of the other 7924
person or one of the other persons by administering any 7925
controlled substance, as defined in section 3719.01 of the 7926
Revised Code, to the person surreptitiously or by force, threat 7927
of force, or deception, gross sexual imposition committed in 7928
violation of division (A) (2) of this section is a felony of the 7929
third degree. 7930

(2) Gross sexual imposition committed in violation of 7931
division (A) (4) or (B) of this section is a felony of the third 7932
degree. Except as otherwise provided in this division, for gross 7933
sexual imposition committed in violation of division (A) (4) or 7934
(B) of this section there is a presumption that a prison term 7935
shall be imposed for the offense. The court shall impose on an 7936
offender convicted of gross sexual imposition in violation of 7937
division (A) (4) or (B) of this section a mandatory prison term, 7938
as described in division (C) (3) of this section, for a felony of 7939
the third degree if ~~either of the following applies:~~ 7940

~~(a) Evidence other than the testimony of the victim was~~ 7941
~~admitted in the case corroborating the violation;~~ 7942

~~(b) The the offender previously was convicted of or~~ 7943
pleaded guilty to a violation of this section, rape, the former 7944
offense of felonious sexual penetration, or sexual battery, and 7945
the victim of the previous offense was less than thirteen years 7946
of age. 7947

(3) A mandatory prison term required under division (C) (2) 7948
of this section shall be a definite term from the range of 7949
prison terms provided in division (A) (3) (a) of section 2929.14 7950
of the Revised Code for a felony of the third degree. 7951

(D) A victim need not prove physical resistance to the 7952

offender in prosecutions under this section. 7953

(E) Evidence of specific instances of the victim's sexual 7954
activity, opinion evidence of the victim's sexual activity, and 7955
reputation evidence of the victim's sexual activity shall not be 7956
admitted under this section unless it involves evidence of the 7957
origin of semen, pregnancy, or disease, or the victim's past 7958
sexual activity with the offender, and only to the extent that 7959
the court finds that the evidence is material to a fact at issue 7960
in the case and that its inflammatory or prejudicial nature does 7961
not outweigh its probative value. 7962

Evidence of specific instances of the defendant's sexual 7963
activity, opinion evidence of the defendant's sexual activity, 7964
and reputation evidence of the defendant's sexual activity shall 7965
not be admitted under this section unless it involves evidence 7966
of the origin of semen, pregnancy, or disease, the defendant's 7967
past sexual activity with the victim, or is admissible against 7968
the defendant under section 2945.59 of the Revised Code, and 7969
only to the extent that the court finds that the evidence is 7970
material to a fact at issue in the case and that its 7971
inflammatory or prejudicial nature does not outweigh its 7972
probative value. 7973

(F) Prior to taking testimony or receiving evidence of any 7974
sexual activity of the victim or the defendant in a proceeding 7975
under this section, the court shall resolve the admissibility of 7976
the proposed evidence in a hearing in chambers, which shall be 7977
held at or before preliminary hearing and not less than three 7978
days before trial, or for good cause shown during the trial. 7979

(G) Upon approval by the court, the victim may be 7980
represented by counsel in any hearing in chambers or other 7981
proceeding to resolve the admissibility of evidence. If the 7982

victim is indigent or otherwise is unable to obtain the services 7983
of counsel, the court, upon request, may appoint counsel to 7984
represent the victim without cost to the victim. 7985

Sec. 2907.13. (A) As used in this section: 7986

(1) "Human reproductive material" means: 7987

(a) Human spermatozoa or ova; 7988

(b) A human organism at any stage of development from 7989
fertilized ovum to embryo. 7990

(2) "Assisted reproduction" means a method of causing 7991
pregnancy other than through sexual intercourse including all of 7992
the following: 7993

(a) Intrauterine insemination; 7994

(b) Human reproductive material donation; 7995

(c) In vitro fertilization and transfer of embryos; 7996

(d) Intracytoplasmic sperm injection. 7997

(3) "Donor" means an individual who provides human 7998
reproductive material to a health care professional to be used 7999
for assisted reproduction, regardless of whether the human 8000
reproductive material is provided for consideration. The term 8001
does not include any of the following: 8002

(a) A husband or a wife who provides human reproductive 8003
material to be used for assisted reproduction by the wife; 8004

(b) A woman who gives birth to a child by means of 8005
assisted reproduction; 8006

(c) An unmarried man who, with the intent to be the father 8007
of the resulting child, provides human reproductive material to 8008

be used for assisted reproduction by an unmarried woman. 8009

(4) "Health care professional" means any of the following: 8010

(a) A physician; 8011

(b) An advanced practice registered nurse; 8012

(c) A certified nurse practitioner; 8013

(d) A clinical nurse specialist; 8014

(e) A physician's assistant; 8015

(f) A certified nurse-midwife. 8016

(B) No health care professional shall, in connection with 8017
an assisted reproduction procedure, knowingly do any of the 8018
following: 8019

(1) Use human reproductive material from the health care 8020
provider, donor, or any other person while performing the 8021
procedure if the patient receiving the procedure has not 8022
expressly consented to the use of that material. 8023

(2) Fail to comply with the standards or requirements of 8024
sections 3111.88 to 3111.96 of the Revised Code, including the 8025
terms of the required written consent form; 8026

(3) Misrepresent to the patient receiving the procedure 8027
any material information about the donor's profile, including 8028
the types of information listed in division (A) (2) of section 8029
3111.93 of the Revised Code, or the manner or extent to which 8030
the material will be used. 8031

(C) Whoever violates this section is guilty of fraudulent 8032
assisted reproduction, a felony of the third degree. If an 8033
offender commits a violation of division (B) of this section and 8034
the violation occurs as part of a course of conduct involving 8035

other violations of division (B) of this section, a violation of 8036
this section is a felony of the second degree. The course of 8037
conduct may involve one victim or more than one victim. 8038

(D) Patient consent to the use of human reproductive 8039
material from an anonymous donor is not effective to provide 8040
consent for use of human reproductive material of the health 8041
care professional performing the procedure. 8042

(E) It is not a defense to a violation of this section 8043
that a patient expressly consented in writing, or by any other 8044
means, to the use of human reproductive material from an 8045
anonymous donor. 8046

Sec. 2907.14. If a health care professional is convicted 8047
of, or pleads guilty to, fraudulent assisted reproduction under 8048
section 2907.13 of the Revised Code, the court in which the 8049
conviction or plea of guilty occurs shall notify the appropriate 8050
professional licensing board of the health care professional's 8051
conviction or guilty plea. 8052

Sec. 2913.02. (A) No person, with purpose to deprive the 8053
owner of property or services, shall knowingly obtain or exert 8054
control over either the property or services in any of the 8055
following ways: 8056

(1) Without the consent of the owner or person authorized 8057
to give consent; 8058

(2) Beyond the scope of the express or implied consent of 8059
the owner or person authorized to give consent; 8060

(3) By deception; 8061

(4) By threat; 8062

(5) By intimidation. 8063

(B) (1) Whoever violates this section is guilty of theft. 8064

(2) Except as otherwise provided in this division or 8065
division (B) (3), (4), (5), (6), (7), (8), or (9) of this 8066
section, a violation of this section is ~~petty misdemeanor~~ theft, 8067
a misdemeanor of the first degree. If the value of the property 8068
or services stolen is one thousand dollars or more and is less 8069
than seven thousand five hundred dollars or if the property 8070
stolen is any of the property listed in section 2913.71 of the 8071
Revised Code, a violation of this section is theft, a felony of 8072
the fifth degree. If the value of the property or services 8073
stolen is seven thousand five hundred dollars or more and is 8074
less than one hundred fifty thousand dollars, a violation of 8075
this section is grand theft, a felony of the fourth degree. If 8076
the value of the property or services stolen is one hundred 8077
fifty thousand dollars or more and is less than seven hundred 8078
fifty thousand dollars, a violation of this section is 8079
aggravated theft, a felony of the third degree. If the value of 8080
the property or services is seven hundred fifty thousand dollars 8081
or more and is less than one million five hundred thousand 8082
dollars, a violation of this section is aggravated theft, a 8083
felony of the second degree. If the value of the property or 8084
services stolen is one million five hundred thousand dollars or 8085
more, a violation of this section is aggravated theft of one 8086
million five hundred thousand dollars or more, a felony of the 8087
first degree. 8088

(3) Except as otherwise provided in division (B) (4), (5), 8089
(6), (7), (8), or (9) of this section, if the victim of the 8090
offense is an elderly person, disabled adult, active duty 8091
service member, or spouse of an active duty service member, a 8092
violation of this section is theft from a person in a protected 8093
class, and division (B) (3) of this section applies. Except as 8094

otherwise provided in this division, theft from a person in a 8095
protected class is a felony of the fifth degree. If the value of 8096
the property or services stolen is one thousand dollars or more 8097
and is less than seven thousand five hundred dollars, theft from 8098
a person in a protected class is a felony of the fourth degree. 8099
If the value of the property or services stolen is seven 8100
thousand five hundred dollars or more and is less than thirty- 8101
seven thousand five hundred dollars, theft from a person in a 8102
protected class is a felony of the third degree. If the value of 8103
the property or services stolen is thirty-seven thousand five 8104
hundred dollars or more and is less than one hundred fifty 8105
thousand dollars, theft from a person in a protected class is a 8106
felony of the second degree. If the value of the property or 8107
services stolen is one hundred fifty thousand dollars or more, 8108
theft from a person in a protected class is a felony of the 8109
first degree. If the victim of the offense is an elderly person, 8110
in addition to any other penalty imposed for the offense, the 8111
offender shall be required to pay full restitution to the victim 8112
and to pay a fine of up to fifty thousand dollars. The clerk of 8113
court shall forward all fines collected under division (B) (3) of 8114
this section to the county department of job and family services 8115
to be used for the reporting and investigation of elder abuse, 8116
neglect, and exploitation or for the provision or arrangement of 8117
protective services under sections 5101.61 to 5101.71 of the 8118
Revised Code. 8119

(4) If the property stolen is a firearm or dangerous 8120
ordnance, a violation of this section is grand theft. Except as 8121
otherwise provided in this division, grand theft when the 8122
property stolen is a firearm or dangerous ordnance is a felony 8123
of the third degree, and there is a presumption in favor of the 8124
court imposing a prison term for the offense. If the firearm or 8125

dangerous ordnance was stolen from a federally licensed firearms dealer, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the first degree. The offender shall serve a prison term imposed for grand theft when the property stolen is a firearm or dangerous ordnance consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

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

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

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

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

(9) Except as provided in division (B) (2) of this section with respect to property with a value of seven thousand five hundred dollars or more and division (B) (3) of this section with respect to property with a value of one thousand dollars or more, if the property stolen is a special purpose article as defined in section 4737.04 of the Revised Code or is a bulk merchandise container as defined in section 4737.012 of the

Revised Code, a violation of this section is theft of a special 8155
purpose article or articles or theft of a bulk merchandise 8156
container or containers, a felony of the fifth degree. 8157

(10) In addition to the penalties described in division 8158
(B) (2) of this section, if the offender committed the violation 8159
by causing a motor vehicle to leave the premises of an 8160
establishment at which gasoline is offered for retail sale 8161
without the offender making full payment for gasoline that was 8162
dispensed into the fuel tank of the motor vehicle or into 8163
another container, the court may do one of the following: 8164

(a) Unless division (B) (10) (b) of this section applies, 8165
suspend for not more than six months the offender's driver's 8166
license, probationary driver's license, commercial driver's 8167
license, temporary instruction permit, or nonresident operating 8168
privilege; 8169

(b) If the offender's driver's license, probationary 8170
driver's license, commercial driver's license, temporary 8171
instruction permit, or nonresident operating privilege has 8172
previously been suspended pursuant to division (B) (10) (a) of 8173
this section, impose a class seven suspension of the offender's 8174
license, permit, or privilege from the range specified in 8175
division (A) (7) of section 4510.02 of the Revised Code, provided 8176
that the suspension shall be for at least six months. 8177

(c) The court, in lieu of suspending the offender's 8178
driver's or commercial driver's license, probationary driver's 8179
license, temporary instruction permit, or nonresident operating 8180
privilege pursuant to division (B) (10) (a) or (b) of this 8181
section, instead may require the offender to perform community 8182
service for a number of hours determined by the court. 8183

(11) In addition to the penalties described in division 8184
(B) (2) of this section, if the offender committed the violation 8185
by stealing rented property or rental services, the court may 8186
order that the offender make restitution pursuant to section 8187
2929.18 or 2929.28 of the Revised Code. Restitution may include, 8188
but is not limited to, the cost of repairing or replacing the 8189
stolen property, or the cost of repairing the stolen property 8190
and any loss of revenue resulting from deprivation of the 8191
property due to theft of rental services that is less than or 8192
equal to the actual value of the property at the time it was 8193
rented. Evidence of intent to commit theft of rented property or 8194
rental services shall be determined pursuant to the provisions 8195
of section 2913.72 of the Revised Code. 8196

(C) The sentencing court that suspends an offender's 8197
license, permit, or nonresident operating privilege under 8198
division (B) (10) of this section may grant the offender limited 8199
driving privileges during the period of the suspension in 8200
accordance with Chapter 4510. of the Revised Code. 8201

Sec. 2923.12. (A) No person shall knowingly carry or have, 8202
concealed on the person's person or concealed ready at hand, any 8203
of the following: 8204

- (1) A deadly weapon other than a handgun; 8205
- (2) A handgun other than a dangerous ordnance; 8206
- (3) A dangerous ordnance. 8207

(B) No person who has been issued a concealed handgun 8208
license shall do any of the following: 8209

- (1) If the person is stopped for a law enforcement purpose 8210
and is carrying a concealed handgun, before or at the time a law 8211
enforcement officer asks if the person is carrying a concealed 8212

handgun, knowingly fail to disclose that the person then is 8213
carrying a concealed handgun, provided that it is not a 8214
violation of this division if the person fails to disclose that 8215
fact to an officer during the stop and the person already has 8216
notified another officer of that fact during the same stop; 8217

(2) If the person is stopped for a law enforcement purpose 8218
and is carrying a concealed handgun, knowingly fail to keep the 8219
person's hands in plain sight at any time after any law 8220
enforcement officer begins approaching the person while stopped 8221
and before the law enforcement officer leaves, unless the 8222
failure is pursuant to and in accordance with directions given 8223
by a law enforcement officer; 8224

(3) If the person is stopped for a law enforcement 8225
purpose, if the person is carrying a concealed handgun, and if 8226
the person is approached by any law enforcement officer while 8227
stopped, knowingly remove or attempt to remove the loaded 8228
handgun from the holster, pocket, or other place in which the 8229
person is carrying it, knowingly grasp or hold the loaded 8230
handgun, or knowingly have contact with the loaded handgun by 8231
touching it with the person's hands or fingers at any time after 8232
the law enforcement officer begins approaching and before the 8233
law enforcement officer leaves, unless the person removes, 8234
attempts to remove, grasps, holds, or has contact with the 8235
loaded handgun pursuant to and in accordance with directions 8236
given by the law enforcement officer; 8237

(4) If the person is stopped for a law enforcement purpose 8238
and is carrying a concealed handgun, knowingly disregard or fail 8239
to comply with any lawful order of any law enforcement officer 8240
given while the person is stopped, including, but not limited 8241
to, a specific order to the person to keep the person's hands in 8242

plain sight. 8243

(C) (1) This section does not apply to any of the 8244
following: 8245

(a) An officer, agent, or employee of this or any other 8246
state or the United States, or to a law enforcement officer, who 8247
is authorized to carry concealed weapons or dangerous ordnance 8248
or is authorized to carry handguns and is acting within the 8249
scope of the officer's, agent's, or employee's duties; 8250

(b) Any person who is employed in this state, who is 8251
authorized to carry concealed weapons or dangerous ordnance or 8252
is authorized to carry handguns, and who is subject to and in 8253
compliance with the requirements of section 109.801 of the 8254
Revised Code, unless the appointing authority of the person has 8255
expressly specified that the exemption provided in division (C) 8256
(1) (b) of this section does not apply to the person; 8257

(c) A person's transportation or storage of a firearm, 8258
other than a firearm described in divisions (G) to (M) of 8259
section 2923.11 of the Revised Code, in a motor vehicle for any 8260
lawful purpose if the firearm is not on the actor's person; 8261

(d) A person's storage or possession of a firearm, other 8262
than a firearm described in divisions (G) to (M) of section 8263
2923.11 of the Revised Code, in the actor's own home for any 8264
lawful purpose. 8265

(2) Division (A) (2) of this section does not apply to any 8266
person who has been issued a concealed handgun license that is 8267
valid at the time of the alleged carrying or possession of a 8268
handgun or who, at the time of the alleged carrying or 8269
possession of a handgun, is an active duty member of the armed 8270
forces of the United States and is carrying a valid military 8271

identification card and documentation of successful completion 8272
of firearms training that meets or exceeds the training 8273
requirements described in division (G) (1) of section 2923.125 of 8274
the Revised Code, unless the person knowingly is in a place 8275
described in division (B) of section 2923.126 of the Revised 8276
Code. 8277

(D) It is an affirmative defense to a charge under 8278
division (A) (1) of this section of carrying or having control of 8279
a weapon other than a handgun and other than a dangerous 8280
ordnance that the actor was not otherwise prohibited by law from 8281
having the weapon and that any of the following applies: 8282

(1) The weapon was carried or kept ready at hand by the 8283
actor for defensive purposes while the actor was engaged in or 8284
was going to or from the actor's lawful business or occupation, 8285
which business or occupation was of a character or was 8286
necessarily carried on in a manner or at a time or place as to 8287
render the actor particularly susceptible to criminal attack, 8288
such as would justify a prudent person in going armed. 8289

(2) The weapon was carried or kept ready at hand by the 8290
actor for defensive purposes while the actor was engaged in a 8291
lawful activity and had reasonable cause to fear a criminal 8292
attack upon the actor, a member of the actor's family, or the 8293
actor's home, such as would justify a prudent person in going 8294
armed. 8295

(3) The weapon was carried or kept ready at hand by the 8296
actor for any lawful purpose and while in the actor's own home. 8297

(E) (1) No person who is charged with a violation of this 8298
section shall be required to obtain a concealed handgun license 8299
as a condition for the dismissal of the charge. 8300

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) (1) of this section as it existed prior to ~~the effective date of this amendment~~ June 13, 2022, the person may file an application under section ~~2953.37~~ 2953.35 of the Revised Code requesting the expungement of the record of conviction.

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F) (2), (6), and (7) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in divisions (F) (2) and (6) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

(2) A person shall not be arrested for a violation of division (A) (2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of division (A) (2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

(a) The offender shall be guilty of a minor misdemeanor if 8331
both of the following apply: 8332

(i) Within ten days after the arrest, the offender 8333
presents a concealed handgun license, which license was valid at 8334
the time of the arrest, to the law enforcement agency that 8335
employs the arresting officer. 8336

(ii) At the time of the arrest, the offender was not 8337
knowingly in a place described in division (B) of section 8338
2923.126 of the Revised Code. 8339

(b) The offender shall be guilty of a misdemeanor and 8340
shall be fined five hundred dollars if all of the following 8341
apply: 8342

(i) The offender previously had been issued a concealed 8343
handgun license, and that license expired within the two years 8344
immediately preceding the arrest. 8345

(ii) Within forty-five days after the arrest, the offender 8346
presents a concealed handgun license to the law enforcement 8347
agency that employed the arresting officer, and the offender 8348
waives in writing the offender's right to a speedy trial on the 8349
charge of the violation that is provided in section 2945.71 of 8350
the Revised Code. 8351

(iii) At the time of the commission of the offense, the 8352
offender was not knowingly in a place described in division (B) 8353
of section 2923.126 of the Revised Code. 8354

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 8355
section do not apply, the offender shall be punished under 8356
division (F) (1) or (7) of this section. 8357

(3) Carrying concealed weapons in violation of division 8358

(B) (1) of this section is a misdemeanor of the second degree. 8359

(4) Carrying concealed weapons in violation of division 8360
(B) (2) or (4) of this section is a misdemeanor of the first 8361
degree or, if the offender previously has been convicted of or 8362
pleaded guilty to a violation of division (B) (2) or (4) of this 8363
section, a felony of the fifth degree. In addition to any other 8364
penalty or sanction imposed for a misdemeanor violation of 8365
division (B) (2) or (4) of this section, the offender's concealed 8366
handgun license shall be suspended pursuant to division (A) (2) 8367
of section 2923.128 of the Revised Code. 8368

(5) Carrying concealed weapons in violation of division 8369
(B) (3) of this section is a felony of the fifth degree. 8370

(6) If a person being arrested for a violation of division 8371
(A) (2) of this section is an active duty member of the armed 8372
forces of the United States and is carrying a valid military 8373
identification card and documentation of successful completion 8374
of firearms training that meets or exceeds the training 8375
requirements described in division (G) (1) of section 2923.125 of 8376
the Revised Code, and if at the time of the violation the person 8377
was not knowingly in a place described in division (B) of 8378
section 2923.126 of the Revised Code, the officer shall not 8379
arrest the person for a violation of that division. If the 8380
person is not able to promptly produce a valid military 8381
identification card and documentation of successful completion 8382
of firearms training that meets or exceeds the training 8383
requirements described in division (G) (1) of section 2923.125 of 8384
the Revised Code and if the person is not in a place described 8385
in division (B) of section 2923.126 of the Revised Code, the 8386
officer shall issue a citation and the offender shall be 8387
assessed a civil penalty of not more than five hundred dollars. 8388

The citation shall be automatically dismissed and the civil 8389
penalty shall not be assessed if both of the following apply: 8390

(a) Within ten days after the issuance of the citation, 8391
the offender presents a valid military identification card and 8392
documentation of successful completion of firearms training that 8393
meets or exceeds the training requirements described in division 8394
(G) (1) of section 2923.125 of the Revised Code, which were both 8395
valid at the time of the issuance of the citation to the law 8396
enforcement agency that employs the citing officer. 8397

(b) At the time of the citation, the offender was not 8398
knowingly in a place described in division (B) of section 8399
2923.126 of the Revised Code. 8400

(7) If a person being arrested for a violation of division 8401
(A) (2) of this section is knowingly in a place described in 8402
division (B) (5) of section 2923.126 of the Revised Code and is 8403
not authorized to carry a handgun or have a handgun concealed on 8404
the person's person or concealed ready at hand under that 8405
division, the penalty shall be as follows: 8406

(a) Except as otherwise provided in this division, if the 8407
person produces a valid concealed handgun license within ten 8408
days after the arrest and has not previously been convicted or 8409
pleaded guilty to a violation of division (A) (2) of this 8410
section, the person is guilty of a minor misdemeanor; 8411

(b) Except as otherwise provided in this division, if the 8412
person has previously been convicted of or pleaded guilty to a 8413
violation of division (A) (2) of this section, the person is 8414
guilty of a misdemeanor of the fourth degree; 8415

(c) Except as otherwise provided in this division, if the 8416
person has previously been convicted of or pleaded guilty to two 8417

violations of division (A) (2) of this section, the person is 8418
guilty of a misdemeanor of the third degree; 8419

(d) Except as otherwise provided in this division, if the 8420
person has previously been convicted of or pleaded guilty to 8421
three or more violations of division (A) (2) of this section, or 8422
convicted of or pleaded guilty to any offense of violence, if 8423
the weapon involved is a firearm that is either loaded or for 8424
which the offender has ammunition ready at hand, or if the 8425
weapon involved is a dangerous ordnance, the person is guilty of 8426
a misdemeanor of the second degree. 8427

(G) If a law enforcement officer stops a person to 8428
question the person regarding a possible violation of this 8429
section, for a traffic stop, or for any other law enforcement 8430
purpose, if the person surrenders a firearm to the officer, 8431
either voluntarily or pursuant to a request or demand of the 8432
officer, and if the officer does not charge the person with a 8433
violation of this section or arrest the person for any offense, 8434
the person is not otherwise prohibited by law from possessing 8435
the firearm, and the firearm is not contraband, the officer 8436
shall return the firearm to the person at the termination of the 8437
stop. If a court orders a law enforcement officer to return a 8438
firearm to a person pursuant to the requirement set forth in 8439
this division, division (B) of section 2923.163 of the Revised 8440
Code applies. 8441

(H) For purposes of this section, "deadly weapon" or 8442
"weapon" does not include any knife, razor, or cutting 8443
instrument if the instrument was not used as a weapon. 8444

Sec. 2923.125. It is the intent of the general assembly 8445
that Ohio concealed handgun license law be compliant with the 8446
national instant criminal background check system, that the 8447

bureau of alcohol, tobacco, firearms, and explosives is able to 8448
determine that Ohio law is compliant with the national instant 8449
criminal background check system, and that no person shall be 8450
eligible to receive a concealed handgun license permit under 8451
section 2923.125 or 2923.1213 of the Revised Code unless the 8452
person is eligible lawfully to receive or possess a firearm in 8453
the United States. 8454

(A) This section applies with respect to the application 8455
for and issuance by this state of concealed handgun licenses 8456
other than concealed handgun licenses on a temporary emergency 8457
basis that are issued under section 2923.1213 of the Revised 8458
Code. Upon the request of a person who wishes to obtain a 8459
concealed handgun license with respect to which this section 8460
applies or to renew a concealed handgun license with respect to 8461
which this section applies, a sheriff, as provided in division 8462
(I) of this section, shall provide to the person free of charge 8463
an application form and the web site address at which a 8464
printable version of the application form that can be downloaded 8465
and the pamphlet described in division (B) of section 109.731 of 8466
the Revised Code may be found. A sheriff shall accept a 8467
completed application form and the fee, items, materials, and 8468
information specified in divisions (B) (1) to (5) of this section 8469
at the times and in the manners described in division (I) of 8470
this section. 8471

(B) An applicant for a concealed handgun license who is a 8472
resident of this state shall submit a completed application form 8473
and all of the material and information described in divisions 8474
(B) (1) to (6) of this section to the sheriff of the county in 8475
which the applicant resides or to the sheriff of any county 8476
adjacent to the county in which the applicant resides. An 8477
applicant for a license who resides in another state shall 8478

submit a completed application form and all of the material and 8479
information described in divisions (B) (1) to (7) of this section 8480
to the sheriff of the county in which the applicant is employed 8481
or to the sheriff of any county adjacent to the county in which 8482
the applicant is employed: 8483

(1) (a) A nonrefundable license fee as described in either 8484
of the following: 8485

(i) For an applicant who has been a resident of this state 8486
for five or more years, a fee of sixty-seven dollars; 8487

(ii) For an applicant who has been a resident of this 8488
state for less than five years or who is not a resident of this 8489
state, but who is employed in this state, a fee of sixty-seven 8490
dollars plus the actual cost of having a background check 8491
performed by the federal bureau of investigation. 8492

(b) No sheriff shall require an applicant to pay for the 8493
cost of a background check performed by the bureau of criminal 8494
identification and investigation. 8495

(c) A sheriff shall waive the payment of the license fee 8496
described in division (B) (1) (a) of this section in connection 8497
with an initial or renewal application for a license that is 8498
submitted by an applicant who is an active or reserve member of 8499
the armed forces of the United States or has retired from or was 8500
honorably discharged from military service in the active or 8501
reserve armed forces of the United States, a retired peace 8502
officer, a retired person described in division (B) (1) (b) of 8503
section 109.77 of the Revised Code, or a retired federal law 8504
enforcement officer who, prior to retirement, was authorized 8505
under federal law to carry a firearm in the course of duty, 8506
unless the retired peace officer, person, or federal law 8507

enforcement officer retired as the result of a mental 8508
disability. 8509

(d) The sheriff shall deposit all fees paid by an 8510
applicant under division (B) (1) (a) of this section into the 8511
sheriff's concealed handgun license issuance fund established 8512
pursuant to section 311.42 of the Revised Code. The county shall 8513
distribute the fees in accordance with section 311.42 of the 8514
Revised Code. 8515

(2) A color photograph of the applicant that was taken 8516
within thirty days prior to the date of the application; 8517

(3) One or more of the following competency 8518
certifications, each of which shall reflect that, regarding a 8519
certification described in division (B) (3) (a), (b), (c), (e), or 8520
(f) of this section, within the three years immediately 8521
preceding the application the applicant has performed that to 8522
which the competency certification relates and that, regarding a 8523
certification described in division (B) (3) (d) of this section, 8524
the applicant currently is an active or reserve member of the 8525
armed forces of the United States, the applicant has retired 8526
from or was honorably discharged from military service in the 8527
active or reserve armed forces of the United States, or within 8528
the ten years immediately preceding the application the 8529
retirement of the peace officer, person described in division 8530
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 8531
enforcement officer to which the competency certification 8532
relates occurred: 8533

(a) An original or photocopy of a certificate of 8534
completion of a firearms safety, training, or requalification or 8535
firearms safety instructor course, class, or program that was 8536
offered by or under the auspices of a national gun advocacy 8537

organization and that complies with the requirements set forth 8538
in division (G) of this section; 8539

(b) An original or photocopy of a certificate of 8540
completion of a firearms safety, training, or requalification or 8541
firearms safety instructor course, class, or program that 8542
satisfies all of the following criteria: 8543

(i) It was open to members of the general public. 8544

(ii) It utilized qualified instructors who were certified 8545
by a national gun advocacy organization, the executive director 8546
of the Ohio peace officer training commission pursuant to 8547
section 109.75 or 109.78 of the Revised Code, or a governmental 8548
official or entity of another state. 8549

(iii) It was offered by or under the auspices of a law 8550
enforcement agency of this or another state or the United 8551
States, a public or private college, university, or other 8552
similar postsecondary educational institution located in this or 8553
another state, a firearms training school located in this or 8554
another state, or another type of public or private entity or 8555
organization located in this or another state. 8556

(iv) It complies with the requirements set forth in 8557
division (G) of this section. 8558

(c) An original or photocopy of a certificate of 8559
completion of a state, county, municipal, or department of 8560
natural resources peace officer training school that is approved 8561
by the executive director of the Ohio peace officer training 8562
commission pursuant to section 109.75 of the Revised Code and 8563
that complies with the requirements set forth in division (G) of 8564
this section, or the applicant has satisfactorily completed and 8565
been issued a certificate of completion of a basic firearms 8566

training program, a firearms requalification training program, 8567
or another basic training program described in section 109.78 or 8568
109.801 of the Revised Code that complies with the requirements 8569
set forth in division (G) of this section; 8570

(d) A document that evidences both of the following: 8571

(i) That the applicant is an active or reserve member of 8572
the armed forces of the United States, has retired from or was 8573
honorably discharged from military service in the active or 8574
reserve armed forces of the United States, is a retired trooper 8575
of the state highway patrol, or is a retired peace officer or 8576
federal law enforcement officer described in division (B)(1) of 8577
this section or a retired person described in division (B)(1)(b) 8578
of section 109.77 of the Revised Code and division (B)(1) of 8579
this section; 8580

(ii) That, through participation in the military service 8581
or through the former employment described in division (B)(3)(d) 8582
(i) of this section, the applicant acquired experience with 8583
handling handguns or other firearms, and the experience so 8584
acquired was equivalent to training that the applicant could 8585
have acquired in a course, class, or program described in 8586
division (B)(3)(a), (b), or (c) of this section. 8587

(e) A certificate or another similar document that 8588
evidences satisfactory completion of a firearms training, 8589
safety, or requalification or firearms safety instructor course, 8590
class, or program that is not otherwise described in division 8591
(B)(3)(a), (b), (c), or (d) of this section, that was conducted 8592
by an instructor who was certified by an official or entity of 8593
the government of this or another state or the United States or 8594
by a national gun advocacy organization, and that complies with 8595
the requirements set forth in division (G) of this section; 8596

(f) An affidavit that attests to the applicant's 8597
satisfactory completion of a course, class, or program described 8598
in division (B) (3) (a), (b), (c), or (e) of this section and that 8599
is subscribed by the applicant's instructor or an authorized 8600
representative of the entity that offered the course, class, or 8601
program or under whose auspices the course, class, or program 8602
was offered; 8603

(g) A document that evidences that the applicant has 8604
successfully completed the Ohio peace officer training program 8605
described in section 109.79 of the Revised Code. 8606

(4) A certification by the applicant that the applicant 8607
has read the pamphlet prepared by the Ohio peace officer 8608
training commission pursuant to section 109.731 of the Revised 8609
Code that reviews firearms, dispute resolution, and use of 8610
deadly force matters. 8611

(5) A set of fingerprints of the applicant provided as 8612
described in section 311.41 of the Revised Code through use of 8613
an electronic fingerprint reading device or, if the sheriff to 8614
whom the application is submitted does not possess and does not 8615
have ready access to the use of such a reading device, on a 8616
standard impression sheet prescribed pursuant to division (C) (2) 8617
of section 109.572 of the Revised Code. 8618

(6) If the applicant is not a citizen or national of the 8619
United States, the name of the applicant's country of 8620
citizenship and the applicant's alien registration number issued 8621
by the United States citizenship and immigration services 8622
agency. 8623

(7) If the applicant resides in another state, adequate 8624
proof of employment in Ohio. 8625

(C) Upon receipt of the completed application form, 8626
supporting documentation, and, if not waived, license fee of an 8627
applicant under this section, a sheriff, in the manner specified 8628
in section 311.41 of the Revised Code, shall conduct or cause to 8629
be conducted the criminal records check and the incompetency 8630
records check described in section 311.41 of the Revised Code. 8631

(D) (1) Except as provided in division (D) (3) of this 8632
section, within forty-five days after a sheriff's receipt of an 8633
applicant's completed application form for a concealed handgun 8634
license under this section, the supporting documentation, and, 8635
if not waived, the license fee, the sheriff shall make available 8636
through the law enforcement automated data system in accordance 8637
with division (H) of this section the information described in 8638
that division and, upon making the information available through 8639
the system, shall issue to the applicant a concealed handgun 8640
license that shall expire as described in division (D) (2) (a) of 8641
this section if all of the following apply: 8642

(a) The applicant is legally living in the United States. 8643
For purposes of division (D) (1) (a) of this section, if a person 8644
is absent from the United States in compliance with military or 8645
naval orders as an active or reserve member of the armed forces 8646
of the United States and if prior to leaving the United States 8647
the person was legally living in the United States, the person, 8648
solely by reason of that absence, shall not be considered to 8649
have lost the person's status as living in the United States. 8650

(b) The applicant is at least twenty-one years of age. 8651

(c) The applicant is not a fugitive from justice. 8652

(d) The applicant is not under indictment for or otherwise 8653
charged with a felony; an offense under Chapter 2925., 3719., or 8654

4729. of the Revised Code that involves the illegal possession, 8655
use, sale, administration, or distribution of or trafficking in 8656
a drug of abuse; a misdemeanor offense of violence; or a 8657
violation of section 2903.14 or 2923.1211 of the Revised Code. 8658

(e) Except as otherwise provided in division (D) (4) or (5) 8659
of this section, the applicant has not been convicted of or 8660
pleaded guilty to a felony or an offense under Chapter 2925., 8661
3719., or 4729. of the Revised Code that involves the illegal 8662
possession, use, sale, administration, or distribution of or 8663
trafficking in a drug of abuse; has not been adjudicated a 8664
delinquent child for committing an act that if committed by an 8665
adult would be a felony or would be an offense under Chapter 8666
2925., 3719., or 4729. of the Revised Code that involves the 8667
illegal possession, use, sale, administration, or distribution 8668
of or trafficking in a drug of abuse; has not been convicted of, 8669
pleaded guilty to, or adjudicated a delinquent child for 8670
committing a violation of section 2903.13 of the Revised Code 8671
when the victim of the violation is a peace officer, regardless 8672
of whether the applicant was sentenced under division (C) (4) of 8673
that section; and has not been convicted of, pleaded guilty to, 8674
or adjudicated a delinquent child for committing any other 8675
offense that is not previously described in this division that 8676
is a misdemeanor punishable by imprisonment for a term exceeding 8677
one year. 8678

(f) Except as otherwise provided in division (D) (4) or (5) 8679
of this section, the applicant, within three years of the date 8680
of the application, has not been convicted of or pleaded guilty 8681
to a misdemeanor offense of violence other than a misdemeanor 8682
violation of section 2921.33 of the Revised Code or a violation 8683
of section 2903.13 of the Revised Code when the victim of the 8684
violation is a peace officer, or a misdemeanor violation of 8685

section 2923.1211 of the Revised Code; and has not been 8686
adjudicated a delinquent child for committing an act that if 8687
committed by an adult would be a misdemeanor offense of violence 8688
other than a misdemeanor violation of section 2921.33 of the 8689
Revised Code or a violation of section 2903.13 of the Revised 8690
Code when the victim of the violation is a peace officer or for 8691
committing an act that if committed by an adult would be a 8692
misdemeanor violation of section 2923.1211 of the Revised Code. 8693

(g) Except as otherwise provided in division (D)(1)(e) of 8694
this section, the applicant, within five years of the date of 8695
the application, has not been convicted of, pleaded guilty to, 8696
or adjudicated a delinquent child for committing two or more 8697
violations of section 2903.13 or 2903.14 of the Revised Code. 8698

(h) Except as otherwise provided in division (D)(4) or (5) 8699
of this section, the applicant, within ten years of the date of 8700
the application, has not been convicted of, pleaded guilty to, 8701
or adjudicated a delinquent child for committing a violation of 8702
section 2921.33 of the Revised Code. 8703

(i) The applicant has not been adjudicated as a mental 8704
defective, has not been committed to any mental institution, is 8705
not under adjudication of mental incompetence, has not been 8706
found by a court to be a mentally ill person subject to court 8707
order, and is not an involuntary patient other than one who is a 8708
patient only for purposes of observation. As used in this 8709
division, "mentally ill person subject to court order" and 8710
"patient" have the same meanings as in section 5122.01 of the 8711
Revised Code. 8712

(j) The applicant is not currently subject to a civil 8713
protection order, a temporary protection order, or a protection 8714
order issued by a court of another state. 8715

(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.

(l) The applicant submits a competency certification of the type described in division (B) (3) of this section and submits a certification of the type described in division (B) (4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(m) The applicant currently is not subject to a suspension imposed under division (A) (2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.

(n) If the applicant resides in another state, the applicant is employed in this state.

(o) The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a) (26).

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if

applicable. 8745

(s) The applicant has not been convicted of, pleaded 8746
guilty to, or adjudicated a delinquent child for committing a 8747
violation of section 2919.25 of the Revised Code or a similar 8748
violation in another state. 8749

(2) (a) A concealed handgun license that a sheriff issues 8750
under division (D) (1) of this section shall expire five years 8751
after the date of issuance. 8752

If a sheriff issues a license under this section, the 8753
sheriff shall place on the license a unique combination of 8754
letters and numbers identifying the license in accordance with 8755
the procedure prescribed by the Ohio peace officer training 8756
commission pursuant to section 109.731 of the Revised Code. 8757

(b) If a sheriff denies an application under this section 8758
because the applicant does not satisfy the criteria described in 8759
division (D) (1) of this section, the sheriff shall specify the 8760
grounds for the denial in a written notice to the applicant. The 8761
applicant may appeal the denial pursuant to section 119.12 of 8762
the Revised Code in the county served by the sheriff who denied 8763
the application. If the denial was as a result of the criminal 8764
records check conducted pursuant to section 311.41 of the 8765
Revised Code and if, pursuant to section 2923.127 of the Revised 8766
Code, the applicant challenges the criminal records check 8767
results using the appropriate challenge and review procedure 8768
specified in that section, the time for filing the appeal 8769
pursuant to section 119.12 of the Revised Code and this division 8770
is tolled during the pendency of the request or the challenge 8771
and review. 8772

(c) If the court in an appeal under section 119.12 of the 8773

Revised Code and division (D) (2) (b) of this section enters a 8774
judgment sustaining the sheriff's refusal to grant to the 8775
applicant a concealed handgun license, the applicant may file a 8776
new application beginning one year after the judgment is 8777
entered. If the court enters a judgment in favor of the 8778
applicant, that judgment shall not restrict the authority of a 8779
sheriff to suspend or revoke the license pursuant to section 8780
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 8781
the license for any proper cause that may occur after the date 8782
the judgment is entered. In the appeal, the court shall have 8783
full power to dispose of all costs. 8784

(3) If the sheriff with whom an application for a 8785
concealed handgun license was filed under this section becomes 8786
aware that the applicant has been arrested for or otherwise 8787
charged with an offense that would disqualify the applicant from 8788
holding the license, the sheriff shall suspend the processing of 8789
the application until the disposition of the case arising from 8790
the arrest or charge. 8791

(4) If an applicant has been convicted of or pleaded 8792
guilty to an offense identified in division (D) (1) (e), (f), or 8793
(h) of this section or has been adjudicated a delinquent child 8794
for committing an act or violation identified in any of those 8795
divisions, and if a court has ordered the sealing or expungement 8796
of the records of that conviction, guilty plea, or adjudication 8797
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 8798
~~2953.36, or section 2953.37~~ 2953.35, or section 2953.39 of the 8799
Revised Code or the applicant has been relieved under operation 8800
of law or legal process from the disability imposed pursuant to 8801
section 2923.13 of the Revised Code relative to that conviction, 8802
guilty plea, or adjudication, the sheriff with whom the 8803
application was submitted shall not consider the conviction, 8804

guilty plea, or adjudication in making a determination under 8805
division (D)(1) or (F) of this section or, in relation to an 8806
application for a concealed handgun license on a temporary 8807
emergency basis submitted under section 2923.1213 of the Revised 8808
Code, in making a determination under division (B)(2) of that 8809
section. 8810

(5) If an applicant has been convicted of or pleaded 8811
guilty to a minor misdemeanor offense or has been adjudicated a 8812
delinquent child for committing an act or violation that is a 8813
minor misdemeanor offense, the sheriff with whom the application 8814
was submitted shall not consider the conviction, guilty plea, or 8815
adjudication in making a determination under division (D)(1) or 8816
(F) of this section or, in relation to an application for a 8817
concealed handgun license on a temporary basis submitted under 8818
section 2923.1213 of the Revised Code, in making a determination 8819
under division (B)(2) of that section. 8820

(E) If a concealed handgun license issued under this 8821
section is lost or is destroyed, the licensee may obtain from 8822
the sheriff who issued that license a duplicate license upon the 8823
payment of a fee of fifteen dollars and the submission of an 8824
affidavit attesting to the loss or destruction of the license. 8825
The sheriff, in accordance with the procedures prescribed in 8826
section 109.731 of the Revised Code, shall place on the 8827
replacement license a combination of identifying numbers 8828
different from the combination on the license that is being 8829
replaced. 8830

(F)(1)(a) Except as provided in division (F)(1)(b) of this 8831
section, a licensee who wishes to renew a concealed handgun 8832
license issued under this section may do so at any time before 8833
the expiration date of the license or at any time after the 8834

expiration date of the license by filing with the sheriff of the 8835
county in which the applicant resides or with the sheriff of an 8836
adjacent county, or in the case of an applicant who resides in 8837
another state with the sheriff of the county that issued the 8838
applicant's previous concealed handgun license an application 8839
for renewal of the license obtained pursuant to division (D) of 8840
this section, a certification by the applicant that, subsequent 8841
to the issuance of the license, the applicant has reread the 8842
pamphlet prepared by the Ohio peace officer training commission 8843
pursuant to section 109.731 of the Revised Code that reviews 8844
firearms, dispute resolution, and use of deadly force matters, 8845
and a nonrefundable license renewal fee in an amount determined 8846
pursuant to division (F) (4) of this section unless the fee is 8847
waived. 8848

(b) A person on active duty in the armed forces of the 8849
United States or in service with the peace corps, volunteers in 8850
service to America, or the foreign service of the United States 8851
is exempt from the license requirements of this section for the 8852
period of the person's active duty or service and for six months 8853
thereafter, provided the person was a licensee under this 8854
section at the time the person commenced the person's active 8855
duty or service or had obtained a license while on active duty 8856
or service. The spouse or a dependent of any such person on 8857
active duty or in service also is exempt from the license 8858
requirements of this section for the period of the person's 8859
active duty or service and for six months thereafter, provided 8860
the spouse or dependent was a licensee under this section at the 8861
time the person commenced the active duty or service or had 8862
obtained a license while the person was on active duty or 8863
service, and provided further that the person's active duty or 8864
service resulted in the spouse or dependent relocating outside 8865

of this state during the period of the active duty or service. 8866
This division does not prevent such a person or the person's 8867
spouse or dependent from making an application for the renewal 8868
of a concealed handgun license during the period of the person's 8869
active duty or service. 8870

(2) A sheriff shall accept a completed renewal 8871
application, the license renewal fee, and the information 8872
specified in division (F)(1) of this section at the times and in 8873
the manners described in division (I) of this section. Upon 8874
receipt of a completed renewal application, of certification 8875
that the applicant has reread the specified pamphlet prepared by 8876
the Ohio peace officer training commission, and of a license 8877
renewal fee unless the fee is waived, a sheriff, in the manner 8878
specified in section 311.41 of the Revised Code shall conduct or 8879
cause to be conducted the criminal records check and the 8880
incompetency records check described in section 311.41 of the 8881
Revised Code. The sheriff shall renew the license if the sheriff 8882
determines that the applicant continues to satisfy the 8883
requirements described in division (D)(1) of this section, 8884
except that the applicant is not required to meet the 8885
requirements of division (D)(1)(1) of this section. A renewed 8886
license shall expire five years after the date of issuance. A 8887
renewed license is subject to division (E) of this section and 8888
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 8889
shall comply with divisions (D)(2) and (3) of this section when 8890
the circumstances described in those divisions apply to a 8891
requested license renewal. If a sheriff denies the renewal of a 8892
concealed handgun license, the applicant may appeal the denial, 8893
or challenge the criminal record check results that were the 8894
basis of the denial if applicable, in the same manner as 8895
specified in division (D)(2)(b) of this section and in section 8896

2923.127 of the Revised Code, regarding the denial of a license 8897
under this section. 8898

(3) A renewal application submitted pursuant to division 8899
(F) of this section shall only require the licensee to list on 8900
the application form information and matters occurring since the 8901
date of the licensee's last application for a license pursuant 8902
to division (B) or (F) of this section. A sheriff conducting the 8903
criminal records check and the incompetency records check 8904
described in section 311.41 of the Revised Code shall conduct 8905
the check only from the date of the licensee's last application 8906
for a license pursuant to division (B) or (F) of this section 8907
through the date of the renewal application submitted pursuant 8908
to division (F) of this section. 8909

(4) An applicant for a renewal concealed handgun license 8910
under this section shall submit to the sheriff of the county in 8911
which the applicant resides or to the sheriff of any county 8912
adjacent to the county in which the applicant resides, or in the 8913
case of an applicant who resides in another state to the sheriff 8914
of the county that issued the applicant's previous concealed 8915
handgun license, a nonrefundable license fee as described in 8916
either of the following: 8917

(a) For an applicant who has been a resident of this state 8918
for five or more years, a fee of fifty dollars; 8919

(b) For an applicant who has been a resident of this state 8920
for less than five years or who is not a resident of this state 8921
but who is employed in this state, a fee of fifty dollars plus 8922
the actual cost of having a background check performed by the 8923
federal bureau of investigation. 8924

(5) The concealed handgun license of a licensee who is no 8925

longer a resident of this state or no longer employed in this state, as applicable, is valid until the date of expiration on the license, and the licensee is prohibited from renewing the concealed handgun license.

(G) (1) Each course, class, or program described in division (B) (3) (a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program the web site address at which the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters may be found. Each such course, class, or program described in one of those divisions shall include at least eight hours of training in the safe handling and use of a firearm that shall include training, provided as described in division (G) (3) of this section, on all of the following:

(a) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) The ability to demonstrate and explain how to handle ammunition in a safe manner;

(c) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;

(d) Gun handling training;

(e) A minimum of two hours of in-person training that consists of range time and live-fire training.

(2) To satisfactorily complete the course, class, or program described in division (B) (3) (a), (b), (c), or (e) of this section, the applicant shall pass a competency examination

that shall include both of the following: 8955

(a) A written section, provided as described in division 8956
(G) (3) of this section, on the ability to name and explain the 8957
rules for the safe handling of a handgun and proper storage 8958
practices for handguns and ammunition; 8959

(b) An in-person physical demonstration of competence in 8960
the use of a handgun and in the rules for safe handling and 8961
storage of a handgun and a physical demonstration of the 8962
attitude necessary to shoot a handgun in a safe manner. 8963

(3) (a) Except as otherwise provided in this division, the 8964
training specified in division (G) (1) (a) of this section shall 8965
be provided to the person receiving the training in person by an 8966
instructor. If the training specified in division (G) (1) (a) of 8967
this section is provided by a course, class, or program 8968
described in division (B) (3) (a) of this section, or it is 8969
provided by a course, class, or program described in division 8970
(B) (3) (b), (c), or (e) of this section and the instructor is a 8971
qualified instructor certified by a national gun advocacy 8972
organization, the training so specified, other than the training 8973
that requires the person receiving the training to demonstrate 8974
handling abilities, may be provided online or as a combination 8975
of in-person and online training, as long as the online training 8976
includes an interactive component that regularly engages the 8977
person. 8978

(b) Except as otherwise provided in this division, the 8979
written section of the competency examination specified in 8980
division (G) (2) (a) of this section shall be administered to the 8981
person taking the competency examination in person by an 8982
instructor. If the training specified in division (G) (1) (a) of 8983
this section is provided to the person receiving the training by 8984

a course, class, or program described in division (B) (3) (a) of 8985
this section, or it is provided by a course, class, or program 8986
described in division (B) (3) (b), (c), or (e) of this section and 8987
the instructor is a qualified instructor certified by a national 8988
gun advocacy organization, the written section of the competency 8989
examination specified in division (G) (2) (a) of this section may 8990
be administered online, as long as the online training includes 8991
an interactive component that regularly engages the person. 8992

(4) The competency certification described in division (B) 8993
(3) (a), (b), (c), or (e) of this section shall be dated and 8994
shall attest that the course, class, or program the applicant 8995
successfully completed met the requirements described in 8996
division (G) (1) of this section and that the applicant passed 8997
the competency examination described in division (G) (2) of this 8998
section. 8999

(H) Upon deciding to issue a concealed handgun license, 9000
deciding to issue a replacement concealed handgun license, or 9001
deciding to renew a concealed handgun license pursuant to this 9002
section, and before actually issuing or renewing the license, 9003
the sheriff shall make available through the law enforcement 9004
automated data system all information contained on the license. 9005
If the license subsequently is suspended under division (A) (1) 9006
or (2) of section 2923.128 of the Revised Code, revoked pursuant 9007
to division (B) (1) of section 2923.128 of the Revised Code, or 9008
lost or destroyed, the sheriff also shall make available through 9009
the law enforcement automated data system a notation of that 9010
fact. The superintendent of the state highway patrol shall 9011
ensure that the law enforcement automated data system is so 9012
configured as to permit the transmission through the system of 9013
the information specified in this division. 9014

(I) (1) A sheriff shall accept a completed application form 9015
or renewal application, and the fee, items, materials, and 9016
information specified in divisions (B) (1) to (5) or division (F) 9017
of this section, whichever is applicable, and shall provide an 9018
application form or renewal application to any person during at 9019
least fifteen hours a week and shall provide the web site 9020
address at which a printable version of the application form 9021
that can be downloaded and the pamphlet described in division 9022
(B) of section 109.731 of the Revised Code may be found at any 9023
time, upon request. The sheriff shall post notice of the hours 9024
during which the sheriff is available to accept or provide the 9025
information described in this division. 9026

(2) A sheriff shall transmit a notice to the attorney 9027
general, in a manner determined by the attorney general, every 9028
time a license is issued that waived payment under division (B) 9029
(1) (c) of this section for an applicant who is an active or 9030
reserve member of the armed forces of the United States or has 9031
retired from or was honorably discharged from military service 9032
in the active or reserve armed forces of the United States. The 9033
attorney general shall monitor and inform sheriffs issuing 9034
licenses under this section when the amount of license fee 9035
payments waived and transmitted to the attorney general reach 9036
one million five hundred thousand dollars each year. Once a 9037
sheriff is informed that the payments waived reached one million 9038
five hundred thousand dollars in any year, a sheriff shall no 9039
longer waive payment of a license fee for an applicant who is an 9040
active or reserve member of the armed forces of the United 9041
States or has retired from or was honorably discharged from 9042
military service in the active or reserve armed forces of the 9043
United States for the remainder of that year. 9044

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 9045

concealed handgun license is arrested for or otherwise charged 9046
with an offense described in division (D) (1) (d) of section 9047
2923.125 of the Revised Code or with a violation of section 9048
2923.15 of the Revised Code or becomes subject to a temporary 9049
protection order or to a protection order issued by a court of 9050
another state that is substantially equivalent to a temporary 9051
protection order, the sheriff who issued the license shall 9052
suspend it and shall comply with division (A) (3) of this section 9053
upon becoming aware of the arrest, charge, or protection order. 9054
Upon suspending the license, the sheriff also shall comply with 9055
division (H) of section 2923.125 of the Revised Code. 9056

(b) A suspension under division (A) (1) (a) of this section 9057
shall be considered as beginning on the date that the licensee 9058
is arrested for or otherwise charged with an offense described 9059
in that division or on the date the appropriate court issued the 9060
protection order described in that division, irrespective of 9061
when the sheriff notifies the licensee under division (A) (3) of 9062
this section. The suspension shall end on the date on which the 9063
charges are dismissed or the licensee is found not guilty of the 9064
offense described in division (A) (1) (a) of this section or, 9065
subject to division (B) of this section, on the date the 9066
appropriate court terminates the protection order described in 9067
that division. If the suspension so ends, the sheriff shall 9068
return the license or temporary emergency license to the 9069
licensee. 9070

(2) (a) If a licensee holding a valid concealed handgun 9071
license is convicted of or pleads guilty to a misdemeanor 9072
violation of division (B) (2) or (4) of section 2923.12 of the 9073
Revised Code or of division (E) (3) or (5) of section 2923.16 of 9074
the Revised Code, subject to division (C) of this section, the 9075
sheriff who issued the license shall suspend it and shall comply 9076

with division (A) (3) of this section upon becoming aware of the conviction or guilty plea. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (2) (a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. If the suspension is imposed for a misdemeanor violation of division (B) (2) of section 2923.12 of the Revised Code or of division (E) (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date that the licensee is convicted of or pleads guilty to that violation. If the suspension is imposed for a misdemeanor violation of division (B) (4) of section 2923.12 of the Revised Code or of division (E) (5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends, the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends as described in this division, or if the licensee's license was issued under section 2923.1213 of the Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

(3) Upon becoming aware of an arrest, charge, or protection order described in division (A) (1) (a) of this section with respect to a licensee who was issued a concealed handgun license, or a conviction of or plea of guilty to a misdemeanor offense described in division (A) (2) (a) of this section with respect to a licensee who was issued a concealed handgun license, subject to division (C) of this section, the sheriff who issued the licensee's license shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. If the suspension is pursuant to division (A) (2) of this section, the notice shall identify the date on which the suspension ends.

(B) (1) A sheriff who issues a concealed handgun license to a licensee shall revoke the license in accordance with division (B) (2) of this section upon becoming aware that the licensee satisfies any of the following:

(a) The licensee is under twenty-one years of age.

(b) Subject to division (C) of this section, at the time of the issuance of the license, the licensee did not satisfy the eligibility requirements of division (D) (1) (c), (d), (e), (f), (g), or (h) of section 2923.125 of the Revised Code.

(c) Subject to division (C) of this section, on or after the date on which the license was issued, the licensee is convicted of or pleads guilty to a violation of section 2923.15 of the Revised Code or an offense described in division (D) (1) (e), (f), (g), or (h) of section 2923.125 of the Revised Code.

(d) On or after the date on which the license was issued, 9137
the licensee becomes subject to a civil protection order or to a 9138
protection order issued by a court of another state that is 9139
substantially equivalent to a civil protection order. 9140

(e) The licensee knowingly carries a concealed handgun 9141
into a place that the licensee knows is an unauthorized place 9142
specified in division (B) of section 2923.126 of the Revised 9143
Code. 9144

(f) On or after the date on which the license was issued, 9145
the licensee is adjudicated as a mental defective or is 9146
committed to a mental institution. 9147

(g) At the time of the issuance of the license, the 9148
licensee did not meet the residency requirements described in 9149
division (D)(1) of section 2923.125 of the Revised Code and 9150
currently does not meet the residency requirements described in 9151
that division. 9152

(h) Regarding a license issued under section 2923.125 of 9153
the Revised Code, the competency certificate the licensee 9154
submitted was forged or otherwise was fraudulent. 9155

(2) Upon becoming aware of any circumstance listed in 9156
division (B)(1) of this section that applies to a particular 9157
licensee who was issued a concealed handgun license, subject to 9158
division (C) of this section, the sheriff who issued the license 9159
to the licensee shall notify the licensee, by certified mail, 9160
return receipt requested, at the licensee's last known residence 9161
address that the license is subject to revocation and that the 9162
licensee may come to the sheriff's office and contest the 9163
sheriff's proposed revocation within fourteen days of the date 9164
on which the notice was mailed. After the fourteen-day period 9165

and after consideration of any information that the licensee 9166
provides during that period, if the sheriff determines on the 9167
basis of the information of which the sheriff is aware that the 9168
licensee is described in division (B) (1) of this section and no 9169
longer satisfies the requirements described in division (D) (1) 9170
of section 2923.125 of the Revised Code that are applicable to 9171
the licensee's type of license, the sheriff shall revoke the 9172
license, notify the licensee of that fact, and require the 9173
licensee to surrender the license. Upon revoking the license, 9174
the sheriff also shall comply with division (H) of section 9175
2923.125 of the Revised Code. 9176

(C) If a sheriff who issues a concealed handgun license to 9177
a licensee becomes aware that at the time of the issuance of the 9178
license the licensee had been convicted of or pleaded guilty to 9179
an offense identified in division (D) (1) (e), (f), or (h) of 9180
section 2923.125 of the Revised Code or had been adjudicated a 9181
delinquent child for committing an act or violation identified 9182
in any of those divisions or becomes aware that on or after the 9183
date on which the license was issued the licensee has been 9184
convicted of or pleaded guilty to an offense identified in 9185
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 9186
shall not consider that conviction, guilty plea, or adjudication 9187
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 9188
(1), and (B) (2) of this section if a court has ordered the 9189
sealing or expungement of the records of that conviction, guilty 9190
plea, or adjudication pursuant to sections 2151.355 to 2151.358 9191
~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or section 2953.39 of 9192
the Revised Code or the licensee has been relieved under 9193
operation of law or legal process from the disability imposed 9194
pursuant to section 2923.13 of the Revised Code relative to that 9195
conviction, guilty plea, or adjudication. 9196

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 9197
9198
9199

Sec. 2923.1213. (A) As used in this section: 9200

(1) "Evidence of imminent danger" means any of the following: 9201
9202

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed; 9203
9204
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(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor. 9208
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(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 9218
9219

(B) (1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or, if the person usually resides in another state, to the sheriff of the county in which the person is temporarily staying, all of the following: 9220
9221
9222
9223
9224

(a) Evidence of imminent danger to the person or a member 9225

of the person's family; 9226

(b) A sworn affidavit that contains all of the information 9227
required to be on the license and attesting that the person is 9228
legally living in the United States; is at least twenty-one 9229
years of age; is not a fugitive from justice; is not under 9230
indictment for or otherwise charged with an offense identified 9231
in division (D) (1) (d) of section 2923.125 of the Revised Code; 9232
has not been convicted of or pleaded guilty to an offense, and 9233
has not been adjudicated a delinquent child for committing an 9234
act, identified in division (D) (1) (e) of that section and to 9235
which division (B) (3) of this section does not apply; within 9236
three years of the date of the submission, has not been 9237
convicted of or pleaded guilty to an offense, and has not been 9238
adjudicated a delinquent child for committing an act, identified 9239
in division (D) (1) (f) of that section and to which division (B) 9240
(3) of this section does not apply; within five years of the 9241
date of the submission, has not been convicted of, pleaded 9242
guilty, or adjudicated a delinquent child for committing two or 9243
more violations identified in division (D) (1) (g) of that 9244
section; within ten years of the date of the submission, has not 9245
been convicted of, pleaded guilty, or adjudicated a delinquent 9246
child for committing a violation identified in division (D) (1) 9247
(h) of that section and to which division (B) (3) of this section 9248
does not apply; has not been adjudicated as a mental defective, 9249
has not been committed to any mental institution, is not under 9250
adjudication of mental incompetence, has not been found by a 9251
court to be a mentally ill person subject to court order, and is 9252
not an involuntary patient other than one who is a patient only 9253
for purposes of observation, as described in division (D) (1) (i) 9254
of that section; is not currently subject to a civil protection 9255
order, a temporary protection order, or a protection order 9256

issued by a court of another state, as described in division (D) 9257
(1)(j) of that section; is not currently subject to a suspension 9258
imposed under division (A)(2) of section 2923.128 of the Revised 9259
Code of a concealed handgun license that previously was issued 9260
to the person or a similar suspension imposed by another state 9261
regarding a concealed handgun license issued by that state; is 9262
not an unlawful user of or addicted to any controlled substance 9263
as defined in 21 U.S.C. 802; if applicable, is an alien and has 9264
not been admitted to the United States under a nonimmigrant 9265
visa, as defined in the "Immigration and Nationality Act," 8 9266
U.S.C. 1101(a)(26); has not been discharged from the armed 9267
forces of the United States under dishonorable conditions; if 9268
applicable, has not renounced the applicant's United States 9269
citizenship; and has not been convicted of, pleaded guilty to, 9270
or been adjudicated a delinquent child for committing a 9271
violation identified in division (D)(1)(s) of section 2923.125 9272
of the Revised Code; 9273

(c) A nonrefundable temporary emergency license fee as 9274
described in either of the following: 9275

(i) For an applicant who has been a resident of this state 9276
for five or more years, a fee of fifteen dollars plus the actual 9277
cost of having a background check performed by the bureau of 9278
criminal identification and investigation pursuant to section 9279
311.41 of the Revised Code; 9280

(ii) For an applicant who has been a resident of this 9281
state for less than five years or who is not a resident of this 9282
state, but is temporarily staying in this state, a fee of 9283
fifteen dollars plus the actual cost of having background checks 9284
performed by the federal bureau of investigation and the bureau 9285
of criminal identification and investigation pursuant to section 9286

311.41 of the Revised Code. 9287

(d) A set of fingerprints of the applicant provided as 9288
described in section 311.41 of the Revised Code through use of 9289
an electronic fingerprint reading device or, if the sheriff to 9290
whom the application is submitted does not possess and does not 9291
have ready access to the use of an electronic fingerprint 9292
reading device, on a standard impression sheet prescribed 9293
pursuant to division (C) (2) of section 109.572 of the Revised 9294
Code. If the fingerprints are provided on a standard impression 9295
sheet, the person also shall provide the person's social 9296
security number to the sheriff. 9297

(2) A sheriff shall accept the evidence of imminent 9298
danger, the sworn affidavit, the fee, and the set of 9299
fingerprints required under division (B) (1) of this section at 9300
the times and in the manners described in division (I) of this 9301
section. Upon receipt of the evidence of imminent danger, the 9302
sworn affidavit, the fee, and the set of fingerprints required 9303
under division (B) (1) of this section, the sheriff, in the 9304
manner specified in section 311.41 of the Revised Code, 9305
immediately shall conduct or cause to be conducted the criminal 9306
records check and the incompetency records check described in 9307
section 311.41 of the Revised Code. Immediately upon receipt of 9308
the results of the records checks, the sheriff shall review the 9309
information and shall determine whether the criteria set forth 9310
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 9311
of the Revised Code apply regarding the person. If the sheriff 9312
determines that all of the criteria set forth in divisions (D) 9313
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 9314
Code apply regarding the person, the sheriff shall immediately 9315
make available through the law enforcement automated data system 9316
all information that will be contained on the temporary 9317

emergency license for the person if one is issued, and the 9318
superintendent of the state highway patrol shall ensure that the 9319
system is so configured as to permit the transmission through 9320
the system of that information. Upon making that information 9321
available through the law enforcement automated data system, the 9322
sheriff shall immediately issue to the person a concealed 9323
handgun license on a temporary emergency basis. 9324

If the sheriff denies the issuance of a license on a 9325
temporary emergency basis to the person, the sheriff shall 9326
specify the grounds for the denial in a written notice to the 9327
person. The person may appeal the denial, or challenge criminal 9328
records check results that were the basis of the denial if 9329
applicable, in the same manners specified in division (D) (2) of 9330
section 2923.125 and in section 2923.127 of the Revised Code, 9331
regarding the denial of an application for a concealed handgun 9332
license under that section. 9333

The license on a temporary emergency basis issued under 9334
this division shall be in the form, and shall include all of the 9335
information, described in divisions (A) (2) (a) and (d) of section 9336
109.731 of the Revised Code, and also shall include a unique 9337
combination of identifying letters and numbers in accordance 9338
with division (A) (2) (c) of that section. 9339

The license on a temporary emergency basis issued under 9340
this division is valid for ninety days and may not be renewed. A 9341
person who has been issued a license on a temporary emergency 9342
basis under this division shall not be issued another license on 9343
a temporary emergency basis unless at least four years has 9344
expired since the issuance of the prior license on a temporary 9345
emergency basis. 9346

(3) If a person seeking a concealed handgun license on a 9347

temporary emergency basis has been convicted of or pleaded 9348
guilty to an offense identified in division (D) (1) (e), (f), or 9349
(h) of section 2923.125 of the Revised Code or has been 9350
adjudicated a delinquent child for committing an act or 9351
violation identified in any of those divisions, and if a court 9352
has ordered the sealing or expungement of the records of that 9353
conviction, guilty plea, or adjudication pursuant to sections 9354
2151.355 to 2151.358 ~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or 9355
section 2953.39 of the Revised Code or the applicant has been 9356
relieved under operation of law or legal process from the 9357
disability imposed pursuant to section 2923.13 of the Revised 9358
Code relative to that conviction, guilty plea, or adjudication, 9359
the conviction, guilty plea, or adjudication shall not be 9360
relevant for purposes of the sworn affidavit described in 9361
division (B) (1) (b) of this section, and the person may complete, 9362
and swear to the truth of, the affidavit as if the conviction, 9363
guilty plea, or adjudication never had occurred. 9364

(4) The sheriff shall waive the payment pursuant to 9365
division (B) (1) (c) of this section of the license fee in 9366
connection with an application that is submitted by an applicant 9367
who is a retired peace officer, a retired person described in 9368
division (B) (1) (b) of section 109.77 of the Revised Code, or a 9369
retired federal law enforcement officer who, prior to 9370
retirement, was authorized under federal law to carry a firearm 9371
in the course of duty, unless the retired peace officer, person, 9372
or federal law enforcement officer retired as the result of a 9373
mental disability. 9374

The sheriff shall deposit all fees paid by an applicant 9375
under division (B) (1) (c) of this section into the sheriff's 9376
concealed handgun license issuance fund established pursuant to 9377
section 311.42 of the Revised Code. 9378

(C) A person who holds a concealed handgun license on a temporary emergency basis has the same right to carry a concealed handgun as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code, other than the license renewal procedures set forth in that section.

(D) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within

ten days of the date on which the notice was mailed. Division 9410
(H) of section 2923.125 of the Revised Code applies regarding 9411
any suspension or revocation of a concealed handgun license on a 9412
temporary emergency basis. 9413

(E) A sheriff who issues a concealed handgun license on a 9414
temporary emergency basis under this section shall retain, for 9415
the entire period during which the license is in effect, the 9416
evidence of imminent danger that the person submitted to the 9417
sheriff and that was the basis for the license, or a copy of 9418
that evidence, as appropriate. 9419

(F) If a concealed handgun license on a temporary 9420
emergency basis issued under this section is lost or is 9421
destroyed, the licensee may obtain from the sheriff who issued 9422
that license a duplicate license upon the payment of a fee of 9423
fifteen dollars and the submission of an affidavit attesting to 9424
the loss or destruction of the license. The sheriff, in 9425
accordance with the procedures prescribed in section 109.731 of 9426
the Revised Code, shall place on the replacement license a 9427
combination of identifying numbers different from the 9428
combination on the license that is being replaced. 9429

(G) The attorney general shall prescribe, and shall make 9430
available to sheriffs, a standard form to be used under division 9431
(B) of this section by a person who applies for a concealed 9432
handgun license on a temporary emergency basis on the basis of 9433
imminent danger of a type described in division (A) (1) (a) of 9434
this section. The attorney general shall design the form to 9435
enable applicants to provide the information that is required by 9436
law to be collected, and shall update the form as necessary. 9437
Burdens or restrictions to obtaining a concealed handgun license 9438
that are not expressly prescribed in law shall not be 9439

incorporated into the form. The attorney general shall post a 9440
printable version of the form on the web site of the attorney 9441
general and shall provide the address of the web site to any 9442
person who requests the form. 9443

(H) A sheriff who receives any fees paid by a person under 9444
this section shall deposit all fees so paid into the sheriff's 9445
concealed handgun license issuance expense fund established 9446
under section 311.42 of the Revised Code. 9447

(I) A sheriff shall accept evidence of imminent danger, a 9448
sworn affidavit, the fee, and the set of fingerprints specified 9449
in division (B)(1) of this section at any time during normal 9450
business hours. In no case shall a sheriff require an 9451
appointment, or designate a specific period of time, for the 9452
submission or acceptance of evidence of imminent danger, a sworn 9453
affidavit, the fee, and the set of fingerprints specified in 9454
division (B)(1) of this section, or for the provision to any 9455
person of a standard form to be used for a person to apply for a 9456
concealed handgun license on a temporary emergency basis. 9457

Sec. 2923.16. (A) No person shall knowingly discharge a 9458
firearm while in or on a motor vehicle. 9459

(B) No person shall knowingly transport or have a loaded 9460
firearm in a motor vehicle in such a manner that the firearm is 9461
accessible to the operator or any passenger without leaving the 9462
vehicle. 9463

(C) No person shall knowingly transport or have a firearm 9464
in a motor vehicle, unless the person may lawfully possess that 9465
firearm under applicable law of this state or the United States, 9466
the firearm is unloaded, and the firearm is carried in one of 9467
the following ways: 9468

- (1) In a closed package, box, or case; 9469
- (2) In a compartment that can be reached only by leaving 9470
the vehicle; 9471
- (3) In plain sight and secured in a rack or holder made 9472
for the purpose; 9473
- (4) If the firearm is at least twenty-four inches in 9474
overall length as measured from the muzzle to the part of the 9475
stock furthest from the muzzle and if the barrel is at least 9476
eighteen inches in length, either in plain sight with the action 9477
open or the weapon stripped, or, if the firearm is of a type on 9478
which the action will not stay open or which cannot easily be 9479
stripped, in plain sight. 9480
- (D) No person shall knowingly transport or have a loaded 9481
handgun in a motor vehicle if, at the time of that 9482
transportation or possession, any of the following applies: 9483
- (1) The person is under the influence of alcohol, a drug 9484
of abuse, or a combination of them. 9485
- (2) The person's whole blood, blood serum or plasma, 9486
breath, or urine contains a concentration of alcohol, a listed 9487
controlled substance, or a listed metabolite of a controlled 9488
substance prohibited for persons operating a vehicle, as 9489
specified in division (A) of section 4511.19 of the Revised 9490
Code, regardless of whether the person at the time of the 9491
transportation or possession as described in this division is 9492
the operator of or a passenger in the motor vehicle. 9493
- (E) No person who has been issued a concealed handgun 9494
license or who is an active duty member of the armed forces of 9495
the United States and is carrying a valid military 9496
identification card and documentation of successful completion 9497

of firearms training that meets or exceeds the training 9498
requirements described in division (G) (1) of section 2923.125 of 9499
the Revised Code, who is the driver or an occupant of a motor 9500
vehicle that is stopped as a result of a traffic stop or a stop 9501
for another law enforcement purpose or is the driver or an 9502
occupant of a commercial motor vehicle that is stopped by an 9503
employee of the motor carrier enforcement unit for the purposes 9504
defined in section 5503.34 of the Revised Code, and who is 9505
transporting or has a loaded handgun in the motor vehicle or 9506
commercial motor vehicle in any manner, shall do any of the 9507
following: 9508

(1) Before or at the time a law enforcement officer asks 9509
if the person is carrying a concealed handgun, knowingly fail to 9510
disclose that the person then possesses or has a loaded handgun 9511
in the motor vehicle, provided that it is not a violation of 9512
this division if the person fails to disclose that fact to an 9513
officer during the stop and the person already has notified 9514
another officer of that fact during the same stop; 9515

(2) Before or at the time an employee of the motor carrier 9516
enforcement unit asks if the person is carrying a concealed 9517
handgun, knowingly fail to disclose that the person then 9518
possesses or has a loaded handgun in the commercial motor 9519
vehicle, provided that it is not a violation of this division if 9520
the person fails to disclose that fact to an employee of the 9521
unit during the stop and the person already has notified another 9522
employee of the unit of that fact during the same stop; 9523

(3) Knowingly fail to remain in the motor vehicle while 9524
stopped or knowingly fail to keep the person's hands in plain 9525
sight at any time after any law enforcement officer begins 9526
approaching the person while stopped and before the law 9527

enforcement officer leaves, unless the failure is pursuant to 9528
and in accordance with directions given by a law enforcement 9529
officer; 9530

(4) Knowingly have contact with the loaded handgun by 9531
touching it with the person's hands or fingers in the motor 9532
vehicle at any time after the law enforcement officer begins 9533
approaching and before the law enforcement officer leaves, 9534
unless the person has contact with the loaded handgun pursuant 9535
to and in accordance with directions given by the law 9536
enforcement officer; 9537

(5) Knowingly disregard or fail to comply with any lawful 9538
order of any law enforcement officer given while the motor 9539
vehicle is stopped, including, but not limited to, a specific 9540
order to the person to keep the person's hands in plain sight. 9541

(F) (1) Divisions (A), (B), (C), and (E) of this section do 9542
not apply to any of the following: 9543

(a) An officer, agent, or employee of this or any other 9544
state or the United States, or a law enforcement officer, when 9545
authorized to carry or have loaded or accessible firearms in 9546
motor vehicles and acting within the scope of the officer's, 9547
agent's, or employee's duties; 9548

(b) Any person who is employed in this state, who is 9549
authorized to carry or have loaded or accessible firearms in 9550
motor vehicles, and who is subject to and in compliance with the 9551
requirements of section 109.801 of the Revised Code, unless the 9552
appointing authority of the person has expressly specified that 9553
the exemption provided in division (F) (1) (b) of this section 9554
does not apply to the person. 9555

(2) Division (A) of this section does not apply to a 9556

person if all of the following circumstances apply: 9557

(a) The person discharges a firearm from a motor vehicle 9558
at a coyote or groundhog, the discharge is not during the deer 9559
gun hunting season as set by the chief of the division of 9560
wildlife of the department of natural resources, and the 9561
discharge at the coyote or groundhog, but for the operation of 9562
this section, is lawful. 9563

(b) The motor vehicle from which the person discharges the 9564
firearm is on real property that is located in an unincorporated 9565
area of a township and that either is zoned for agriculture or 9566
is used for agriculture. 9567

(c) The person owns the real property described in 9568
division (F) (2) (b) of this section, is the spouse or a child of 9569
another person who owns that real property, is a tenant of 9570
another person who owns that real property, or is the spouse or 9571
a child of a tenant of another person who owns that real 9572
property. 9573

(d) The person does not discharge the firearm in any of 9574
the following manners: 9575

(i) While under the influence of alcohol, a drug of abuse, 9576
or alcohol and a drug of abuse; 9577

(ii) In the direction of a street, highway, or other 9578
public or private property used by the public for vehicular 9579
traffic or parking; 9580

(iii) At or into an occupied structure that is a permanent 9581
or temporary habitation; 9582

(iv) In the commission of any violation of law, including, 9583
but not limited to, a felony that includes, as an essential 9584

element, purposely or knowingly causing or attempting to cause 9585
the death of or physical harm to another and that was committed 9586
by discharging a firearm from a motor vehicle. 9587

(3) Division (A) of this section does not apply to a 9588
person if all of the following apply: 9589

(a) The person possesses a valid all-purpose vehicle 9590
permit issued under section 1533.103 of the Revised Code by the 9591
chief of the division of wildlife. 9592

(b) The person discharges a firearm at a wild quadruped or 9593
game bird as defined in section 1531.01 of the Revised Code 9594
during the open hunting season for the applicable wild quadruped 9595
or game bird. 9596

(c) The person discharges a firearm from a stationary all- 9597
purpose vehicle as defined in section 1531.01 of the Revised 9598
Code from private or publicly owned lands or from a motor 9599
vehicle that is parked on a road that is owned or administered 9600
by the division of wildlife. 9601

(d) The person does not discharge the firearm in any of 9602
the following manners: 9603

(i) While under the influence of alcohol, a drug of abuse, 9604
or alcohol and a drug of abuse; 9605

(ii) In the direction of a street, a highway, or other 9606
public or private property that is used by the public for 9607
vehicular traffic or parking; 9608

(iii) At or into an occupied structure that is a permanent 9609
or temporary habitation; 9610

(iv) In the commission of any violation of law, including, 9611
but not limited to, a felony that includes, as an essential 9612

element, purposely or knowingly causing or attempting to cause 9613
the death of or physical harm to another and that was committed 9614
by discharging a firearm from a motor vehicle. 9615

(4) Divisions (B) and (C) of this section do not apply to 9616
a person if all of the following circumstances apply: 9617

(a) At the time of the alleged violation of either of 9618
those divisions, the person is the operator of or a passenger in 9619
a motor vehicle. 9620

(b) The motor vehicle is on real property that is located 9621
in an unincorporated area of a township and that either is zoned 9622
for agriculture or is used for agriculture. 9623

(c) The person owns the real property described in 9624
division (F) (4) (b) of this section, is the spouse or a child of 9625
another person who owns that real property, is a tenant of 9626
another person who owns that real property, or is the spouse or 9627
a child of a tenant of another person who owns that real 9628
property. 9629

(d) The person, prior to arriving at the real property 9630
described in division (F) (4) (b) of this section, did not 9631
transport or possess a firearm in the motor vehicle in a manner 9632
prohibited by division (B) or (C) of this section while the 9633
motor vehicle was being operated on a street, highway, or other 9634
public or private property used by the public for vehicular 9635
traffic or parking. 9636

(5) Divisions (B) and (C) of this section do not apply to 9637
a person who transports or possesses a handgun in a motor 9638
vehicle if, at the time of that transportation or possession, 9639
both of the following apply: 9640

(a) The person transporting or possessing the handgun has 9641

been issued a concealed handgun license that is valid at the 9642
time in question or the person is an active duty member of the 9643
armed forces of the United States and is carrying a valid 9644
military identification card and documentation of successful 9645
completion of firearms training that meets or exceeds the 9646
training requirements described in division (G)(1) of section 9647
2923.125 of the Revised Code. 9648

(b) The person transporting or possessing the handgun is 9649
not knowingly in a place described in division (B) of section 9650
2923.126 of the Revised Code. 9651

(6) Divisions (B) and (C) of this section do not apply to 9652
a person if all of the following apply: 9653

(a) The person possesses a valid all-purpose vehicle 9654
permit issued under section 1533.103 of the Revised Code by the 9655
chief of the division of wildlife. 9656

(b) The person is on or in an all-purpose vehicle as 9657
defined in section 1531.01 of the Revised Code or a motor 9658
vehicle during the open hunting season for a wild quadruped or 9659
game bird. 9660

(c) The person is on or in an all-purpose vehicle as 9661
defined in section 1531.01 of the Revised Code on private or 9662
publicly owned lands or on or in a motor vehicle that is parked 9663
on a road that is owned or administered by the division of 9664
wildlife. 9665

(7) Nothing in this section prohibits or restricts a 9666
person from possessing, storing, or leaving a firearm in a 9667
locked motor vehicle that is parked in the state underground 9668
parking garage at the state capitol building or in the parking 9669
garage at the Riffe center for government and the arts in 9670

Columbus, if the person's transportation and possession of the 9671
firearm in the motor vehicle while traveling to the premises or 9672
facility was not in violation of division (A), (B), (C), (D), or 9673
(E) of this section or any other provision of the Revised Code. 9674

(G) (1) The affirmative defenses authorized in divisions 9675
(D) (1) and (2) of section 2923.12 of the Revised Code are 9676
affirmative defenses to a charge under division (B) or (C) of 9677
this section that involves a firearm other than a handgun. 9678

(2) It is an affirmative defense to a charge under 9679
division (B) or (C) of this section of improperly handling 9680
firearms in a motor vehicle that the actor transported or had 9681
the firearm in the motor vehicle for any lawful purpose and 9682
while the motor vehicle was on the actor's own property, 9683
provided that this affirmative defense is not available unless 9684
the person, immediately prior to arriving at the actor's own 9685
property, did not transport or possess the firearm in a motor 9686
vehicle in a manner prohibited by division (B) or (C) of this 9687
section while the motor vehicle was being operated on a street, 9688
highway, or other public or private property used by the public 9689
for vehicular traffic. 9690

(H) (1) No person who is charged with a violation of 9691
division (B), (C), or (D) of this section shall be required to 9692
obtain a concealed handgun license as a condition for the 9693
dismissal of the charge. 9694

(2) (a) If a person is convicted of, was convicted of, 9695
pleads guilty to, or has pleaded guilty to a violation of 9696
division (E) of this section as it existed prior to September 9697
30, 2011, and the conduct that was the basis of the violation no 9698
longer would be a violation of division (E) of this section on 9699
or after September 30, 2011, or if a person is convicted of, was 9700

convicted of, pleads guilty to, or has pleaded guilty to a 9701
violation of division (E) (1) or (2) of this section as it 9702
existed prior to ~~the effective date of this amendment~~ June 13, 9703
2022, the person may file an application under section ~~2953.37~~ 9704
2953.35 of the Revised Code requesting the expungement of the 9705
record of conviction. 9706

If a person is convicted of, was convicted of, pleads 9707
guilty to, or has pleaded guilty to a violation of division (B) 9708
or (C) of this section as the division existed prior to 9709
September 30, 2011, and if the conduct that was the basis of the 9710
violation no longer would be a violation of division (B) or (C) 9711
of this section on or after September 30, 2011, due to the 9712
application of division (F) (5) of this section as it exists on 9713
and after September 30, 2011, the person may file an application 9714
under section ~~2953.37~~ 2953.35 of the Revised Code requesting the 9715
expungement of the record of conviction. 9716

(b) The attorney general shall develop a public media 9717
advisory that summarizes the expungement procedure established 9718
under section ~~2953.37~~ 2953.35 of the Revised Code and the 9719
offenders identified in division (H) (2) (a) of this section and 9720
those identified in division (E) (2) of section 2923.12 of the 9721
Revised Code who are authorized to apply for the expungement. 9722
Within thirty days after September 30, 2011, with respect to 9723
violations of division (B), (C), or (E) of this section as they 9724
existed prior to that date, and within thirty days after ~~the~~ 9725
~~effective date of this amendment~~ June 13, 2022, with respect to 9726
a violation of division (E) (1) or (2) of this section or 9727
division (B) (1) of section 2923.12 of the Revised Code as they 9728
existed prior to ~~the effective date of this amendment~~ June 13, 9729
2022, the attorney general shall provide a copy of the advisory 9730
to each daily newspaper published in this state and each 9731

television station that broadcasts in this state. The attorney 9732
general may provide the advisory in a tangible form, an 9733
electronic form, or in both tangible and electronic forms. 9734

(I) Whoever violates this section is guilty of improperly 9735
handling firearms in a motor vehicle. A violation of division 9736
(A) of this section is a felony of the fourth degree. A 9737
violation of division (C) of this section is a misdemeanor of 9738
the fourth degree. A violation of division (D) of this section 9739
is a felony of the fifth degree or, if the loaded handgun is 9740
concealed on the person's person, a felony of the fourth degree. 9741
A violation of division (E) (1) or (2) of this section is a 9742
misdemeanor of the second degree. A violation of division (E) (4) 9743
of this section is a felony of the fifth degree. A violation of 9744
division (E) (3) or (5) of this section is a misdemeanor of the 9745
first degree or, if the offender previously has been convicted 9746
of or pleaded guilty to a violation of division (E) (3) or (5) of 9747
this section, a felony of the fifth degree. In addition to any 9748
other penalty or sanction imposed for a misdemeanor violation of 9749
division (E) (3) or (5) of this section, the offender's concealed 9750
handgun license shall be suspended pursuant to division (A) (2) 9751
of section 2923.128 of the Revised Code. A violation of division 9752
(B) of this section is a felony of the fourth degree. 9753

(J) If a law enforcement officer stops a motor vehicle for 9754
a traffic stop or any other purpose, if any person in the motor 9755
vehicle surrenders a firearm to the officer, either voluntarily 9756
or pursuant to a request or demand of the officer, and if the 9757
officer does not charge the person with a violation of this 9758
section or arrest the person for any offense, the person is not 9759
otherwise prohibited by law from possessing the firearm, and the 9760
firearm is not contraband, the officer shall return the firearm 9761
to the person at the termination of the stop. If a court orders 9762

a law enforcement officer to return a firearm to a person 9763
pursuant to the requirement set forth in this division, division 9764
(B) of section 2923.163 of the Revised Code applies. 9765

(K) As used in this section: 9766

(1) "Motor vehicle," "street," and "highway" have the same 9767
meanings as in section 4511.01 of the Revised Code. 9768

(2) "Occupied structure" has the same meaning as in 9769
section 2909.01 of the Revised Code. 9770

(3) "Agriculture" has the same meaning as in section 9771
519.01 of the Revised Code. 9772

(4) "Tenant" has the same meaning as in section 1531.01 of 9773
the Revised Code. 9774

(5) (a) "Unloaded" means, with respect to a firearm other 9775
than a firearm described in division (K) (6) of this section, 9776
that no ammunition is in the firearm in question, no magazine or 9777
speed loader containing ammunition is inserted into the firearm 9778
in question, and one of the following applies: 9779

(i) There is no ammunition in a magazine or speed loader 9780
that is in the vehicle in question and that may be used with the 9781
firearm in question. 9782

(ii) Any magazine or speed loader that contains ammunition 9783
and that may be used with the firearm in question is stored in a 9784
compartment within the vehicle in question that cannot be 9785
accessed without leaving the vehicle or is stored in a container 9786
that provides complete and separate enclosure. 9787

(b) For the purposes of division (K) (5) (a) (ii) of this 9788
section, a "container that provides complete and separate 9789
enclosure" includes, but is not limited to, any of the 9790

following: 9791

(i) A package, box, or case with multiple compartments, as 9792
long as the loaded magazine or speed loader and the firearm in 9793
question either are in separate compartments within the package, 9794
box, or case, or, if they are in the same compartment, the 9795
magazine or speed loader is contained within a separate 9796
enclosure in that compartment that does not contain the firearm 9797
and that closes using a snap, button, buckle, zipper, hook and 9798
loop closing mechanism, or other fastener that must be opened to 9799
access the contents or the firearm is contained within a 9800
separate enclosure of that nature in that compartment that does 9801
not contain the magazine or speed loader; 9802

(ii) A pocket or other enclosure on the person of the 9803
person in question that closes using a snap, button, buckle, 9804
zipper, hook and loop closing mechanism, or other fastener that 9805
must be opened to access the contents. 9806

(c) For the purposes of divisions (K) (5) (a) and (b) of 9807
this section, ammunition held in stripper-clips or in en-bloc 9808
clips is not considered ammunition that is loaded into a 9809
magazine or speed loader. 9810

(6) "Unloaded" means, with respect to a firearm employing 9811
a percussion cap, flintlock, or other obsolete ignition system, 9812
when the weapon is uncapped or when the priming charge is 9813
removed from the pan. 9814

(7) "Commercial motor vehicle" has the same meaning as in 9815
division (A) of section 4506.25 of the Revised Code. 9816

(8) "Motor carrier enforcement unit" means the motor 9817
carrier enforcement unit in the department of public safety, 9818
division of state highway patrol, that is created by section 9819

5503.34 of the Revised Code. 9820

(L) Divisions (K) (5) (a) and (b) of this section do not 9821
affect the authority of a person who has been issued a concealed 9822
handgun license that is valid at the time in question to have 9823
one or more magazines or speed loaders containing ammunition 9824
anywhere in a vehicle, without being transported as described in 9825
those divisions, as long as no ammunition is in a firearm, other 9826
than a handgun, in the vehicle other than as permitted under any 9827
other provision of this chapter. A person who has been issued a 9828
concealed handgun license that is valid at the time in question 9829
may have one or more magazines or speed loaders containing 9830
ammunition anywhere in a vehicle without further restriction, as 9831
long as no ammunition is in a firearm, other than a handgun, in 9832
the vehicle other than as permitted under any provision of this 9833
chapter. 9834

Sec. 2925.11. (A) No person shall knowingly obtain, 9835
possess, or use a controlled substance or a controlled substance 9836
analog. 9837

(B) (1) This section does not apply to any of the 9838
following: 9839

(a) Manufacturers, licensed health professionals 9840
authorized to prescribe drugs, pharmacists, owners of 9841
pharmacies, and other persons whose conduct was in accordance 9842
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 9843
4741. of the Revised Code; 9844

(b) If the offense involves an anabolic steroid, any 9845
person who is conducting or participating in a research project 9846
involving the use of an anabolic steroid if the project has been 9847
approved by the United States food and drug administration; 9848

(c) Any person who sells, offers for sale, prescribes, 9849
dispenses, or administers for livestock or other nonhuman 9850
species an anabolic steroid that is expressly intended for 9851
administration through implants to livestock or other nonhuman 9852
species and approved for that purpose under the "Federal Food, 9853
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 9854
as amended, and is sold, offered for sale, prescribed, 9855
dispensed, or administered for that purpose in accordance with 9856
that act; 9857

(d) Any person who obtained the controlled substance 9858
pursuant to a prescription issued by a licensed health 9859
professional authorized to prescribe drugs if the prescription 9860
was issued for a legitimate medical purpose and not altered, 9861
forged, or obtained through deception or commission of a theft 9862
offense. 9863

As used in division (B) (1) (d) of this section, "deception" 9864
and "theft offense" have the same meanings as in section 2913.01 9865
of the Revised Code. 9866

(2) (a) As used in division (B) (2) of this section: 9867

(i) "Community addiction services provider" has the same 9868
meaning as in section 5119.01 of the Revised Code. 9869

(ii) "Community control sanction" and "drug treatment 9870
program" have the same meanings as in section 2929.01 of the 9871
Revised Code. 9872

(iii) "Health care facility" has the same meaning as in 9873
section 2919.16 of the Revised Code. 9874

(iv) "Minor drug possession offense" means a violation of 9875
this section that is a misdemeanor or a felony of the fifth 9876
degree. 9877

- (v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 9878
9879
- (vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 9880
9881
- (vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 9882
9883
- (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. 9884
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- (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. 9892
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9895
- (b) Subject to division ~~(B) (2) (f)~~ (B) (2) (e) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code if all of the following apply: 9896
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- (i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an 9902
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overdose and needing medical assistance. 9907

(ii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 9908
section, within thirty days after seeking or obtaining the 9909
medical assistance, the qualified individual seeks and obtains a 9910
screening and receives a referral for treatment from a community 9911
addiction services provider or a properly credentialed addiction 9912
treatment professional. 9913

(iii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 9914
section, the qualified individual who obtains a screening and 9915
receives a referral for treatment under division (B) (2) (b) (ii) 9916
of this section, upon the request of any prosecuting attorney, 9917
submits documentation to the prosecuting attorney that verifies 9918
that the qualified individual satisfied the requirements of that 9919
division. The documentation shall be limited to the date and 9920
time of the screening obtained and referral received. 9921

~~(c) If a person is found to be in violation of any 9922
community control sanction and if the violation is a result of 9923
either of the following, the court shall first consider ordering 9924
the person's participation or continued participation in a drug 9925
treatment program or mitigating the penalty specified in section 9926
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 9927
applicable, after which the court has the discretion either to 9928
order the person's participation or continued participation in a 9929
drug treatment program or to impose the penalty with the 9930
mitigating factor specified in any of those applicable sections:~~ 9931

~~(i) Seeking or obtaining medical assistance in good faith 9932
for another person who is experiencing a drug overdose;~~ 9933

~~(ii) Experiencing a drug overdose and seeking medical 9934
assistance for that overdose or being the subject of another 9935~~

~~person seeking or obtaining medical assistance for that overdose— 9936
as described in division (B) (2) (b) of this section. 9937~~

~~(d) If a person is found to be in violation of any post— 9938
release control sanction and if the violation is a result of— 9939
either of the following, the court or the parole board shall— 9940
first consider ordering the person's participation or continued— 9941
participation in a drug treatment program or mitigating the— 9942
penalty specified in section 2929.141 or 2967.28 of the Revised— 9943
Code, whichever is applicable, after which the court or the— 9944
parole board has the discretion either to order the person's— 9945
participation or continued participation in a drug treatment— 9946
program or to impose the penalty with the mitigating factor— 9947
specified in either of those applicable sections: 9948~~

~~(i) Seeking or obtaining medical assistance in good faith— 9949
for another person who is experiencing a drug overdose; 9950~~

~~(ii) Experiencing a drug overdose and seeking medical— 9951
assistance for that emergency or being the subject of another— 9952
person seeking or obtaining medical assistance for that overdose— 9953
as described in division (B) (2) (b) of this section. If a person 9954
who is serving a community control sanction or is under a 9955
sanction on post-release control acts pursuant to division (B) 9956
(2) (b) of this section, then division (B) of section 2929.141, 9957
division (B) (2) of section 2929.15, division (D) (3) of section 9958
2929.25, or division (F) (3) of section 2967.28 of the Revised 9959
Code applies to the person with respect to any violation of the 9960
sanction or post-release control sanction based on a minor drug 9961
possession offense, as defined in section 2925.11 of the Revised 9962
Code, or a violation of section 2925.12, division (C) (1) of 9963
section 2925.14, or section 2925.141 of the Revised Code. 9964~~

~~(e) (d) Nothing in division (B) (2) (b) of this section shall 9965~~

be construed to do any of the following: 9966

(i) Limit the admissibility of any evidence in connection 9967
with the investigation or prosecution of a crime with regards to 9968
a defendant who does not qualify for the protections of division 9969
(B) (2) (b) of this section or with regards to any crime other 9970
than a minor drug possession offense or a violation of section 9971
2925.12, division (C) (1) of section 2925.14, or section 2925.141 9972
of the Revised Code committed by a person who qualifies for 9973
protection pursuant to division (B) (2) (b) of this section ~~for a~~ 9974
~~minor drug possession offense;~~ 9975

(ii) Limit any seizure of evidence or contraband otherwise 9976
permitted by law; 9977

(iii) Limit or abridge the authority of a peace officer to 9978
detain or take into custody a person in the course of an 9979
investigation or to effectuate an arrest for any offense except 9980
as provided in that division; 9981

(iv) Limit, modify, or remove any immunity from liability 9982
available pursuant to law in effect prior to September 13, 2016, 9983
to any public agency or to an employee of any public agency. 9984

~~(f)~~ (e) Division (B) (2) (b) of this section does not apply 9985
to any person who twice previously has been granted an immunity 9986
under division (B) (2) (b) of this section. No person shall be 9987
granted an immunity under division (B) (2) (b) of this section 9988
more than two times. 9989

~~(g)~~ (f) Nothing in this section shall compel any qualified 9990
individual to disclose protected health information in a way 9991
that conflicts with the requirements of the "Health Insurance 9992
Portability and Accountability Act of 1996," 104 Pub. L. No. 9993
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 9994

regulations promulgated by the United States department of 9995
health and human services to implement the act or the 9996
requirements of 42 C.F.R. Part 2. 9997

(C) Whoever violates division (A) of this section is 9998
guilty of one of the following: 9999

(1) If the drug involved in the violation is a compound, 10000
mixture, preparation, or substance included in schedule I or II, 10001
with the exception of marihuana, cocaine, L.S.D., heroin, any 10002
fentanyl-related compound, hashish, and any controlled substance 10003
analog, whoever violates division (A) of this section is guilty 10004
of aggravated possession of drugs. The penalty for the offense 10005
shall be determined as follows: 10006

(a) Except as otherwise provided in division (C) (1) (b), 10007
(c), (d), or (e) of this section, aggravated possession of drugs 10008
is a felony of the fifth degree, and division (B) of section 10009
2929.13 of the Revised Code applies in determining whether to 10010
impose a prison term on the offender. 10011

(b) If the amount of the drug involved equals or exceeds 10012
the bulk amount but is less than five times the bulk amount, 10013
aggravated possession of drugs is a felony of the third degree, 10014
and there is a presumption for a prison term for the offense. 10015

(c) If the amount of the drug involved equals or exceeds 10016
five times the bulk amount but is less than fifty times the bulk 10017
amount, aggravated possession of drugs is a felony of the second 10018
degree, and the court shall impose as a mandatory prison term a 10019
second degree felony mandatory prison term. 10020

(d) If the amount of the drug involved equals or exceeds 10021
fifty times the bulk amount but is less than one hundred times 10022
the bulk amount, aggravated possession of drugs is a felony of 10023

the first degree, and the court shall impose as a mandatory 10024
prison term a first degree felony mandatory prison term. 10025

(e) If the amount of the drug involved equals or exceeds 10026
one hundred times the bulk amount, aggravated possession of 10027
drugs is a felony of the first degree, the offender is a major 10028
drug offender, and the court shall impose as a mandatory prison 10029
term a maximum first degree felony mandatory prison term. 10030

(2) If the drug involved in the violation is a compound, 10031
mixture, preparation, or substance included in schedule III, IV, 10032
or V, whoever violates division (A) of this section is guilty of 10033
possession of drugs. The penalty for the offense shall be 10034
determined as follows: 10035

(a) Except as otherwise provided in division (C) (2) (b), 10036
(c), or (d) of this section, possession of drugs is a 10037
misdemeanor of the first degree or, if the offender previously 10038
has been convicted of a drug abuse offense, a felony of the 10039
fifth degree. 10040

(b) If the amount of the drug involved equals or exceeds 10041
the bulk amount but is less than five times the bulk amount, 10042
possession of drugs is a felony of the fourth degree, and 10043
division (C) of section 2929.13 of the Revised Code applies in 10044
determining whether to impose a prison term on the offender. 10045

(c) If the amount of the drug involved equals or exceeds 10046
five times the bulk amount but is less than fifty times the bulk 10047
amount, possession of drugs is a felony of the third degree, and 10048
there is a presumption for a prison term for the offense. 10049

(d) If the amount of the drug involved equals or exceeds 10050
fifty times the bulk amount, possession of drugs is a felony of 10051
the second degree, and the court shall impose upon the offender 10052

as a mandatory prison term a second degree felony mandatory 10053
prison term. 10054

(3) If the drug involved in the violation is marihuana or 10055
a compound, mixture, preparation, or substance containing 10056
marihuana other than hashish, whoever violates division (A) of 10057
this section is guilty of possession of marihuana. The penalty 10058
for the offense shall be determined as follows: 10059

(a) Except as otherwise provided in division (C) (3) (b), 10060
(c), (d), (e), (f), or (g) of this section, possession of 10061
marihuana is a minor misdemeanor. 10062

(b) If the amount of the drug involved equals or exceeds 10063
one hundred grams but is less than two hundred grams, possession 10064
of marihuana is a misdemeanor of the fourth degree. 10065

(c) If the amount of the drug involved equals or exceeds 10066
two hundred grams but is less than one thousand grams, 10067
possession of marihuana is a felony of the fifth degree, and 10068
division (B) of section 2929.13 of the Revised Code applies in 10069
determining whether to impose a prison term on the offender. 10070

(d) If the amount of the drug involved equals or exceeds 10071
one thousand grams but is less than five thousand grams, 10072
possession of marihuana is a felony of the third degree, and 10073
division (C) of section 2929.13 of the Revised Code applies in 10074
determining whether to impose a prison term on the offender. 10075

(e) If the amount of the drug involved equals or exceeds 10076
five thousand grams but is less than twenty thousand grams, 10077
possession of marihuana is a felony of the third degree, and 10078
there is a presumption that a prison term shall be imposed for 10079
the offense. 10080

(f) If the amount of the drug involved equals or exceeds 10081

twenty thousand grams but is less than forty thousand grams, 10082
possession of marihuana is a felony of the second degree, and 10083
the court shall impose as a mandatory prison term a second 10084
degree felony mandatory prison term of five, six, seven, or 10085
eight years. 10086

(g) If the amount of the drug involved equals or exceeds 10087
forty thousand grams, possession of marihuana is a felony of the 10088
second degree, and the court shall impose as a mandatory prison 10089
term a maximum second degree felony mandatory prison term. 10090

(4) If the drug involved in the violation is cocaine or a 10091
compound, mixture, preparation, or substance containing cocaine, 10092
whoever violates division (A) of this section is guilty of 10093
possession of cocaine. The penalty for the offense shall be 10094
determined as follows: 10095

(a) Except as otherwise provided in division (C) (4) (b), 10096
(c), (d), (e), or (f) of this section, possession of cocaine is 10097
a felony of the fifth degree, and division (B) of section 10098
2929.13 of the Revised Code applies in determining whether to 10099
impose a prison term on the offender. 10100

(b) If the amount of the drug involved equals or exceeds 10101
five grams but is less than ten grams of cocaine, possession of 10102
cocaine is a felony of the fourth degree, and division (B) of 10103
section 2929.13 of the Revised Code applies in determining 10104
whether to impose a prison term on the offender. 10105

(c) If the amount of the drug involved equals or exceeds 10106
ten grams but is less than twenty grams of cocaine, possession 10107
of cocaine is a felony of the third degree, and, except as 10108
otherwise provided in this division, there is a presumption for 10109
a prison term for the offense. If possession of cocaine is a 10110

felony of the third degree under this division and if the 10111
offender two or more times previously has been convicted of or 10112
pleaded guilty to a felony drug abuse offense, the court shall 10113
impose as a mandatory prison term one of the prison terms 10114
prescribed for a felony of the third degree. 10115

(d) If the amount of the drug involved equals or exceeds 10116
twenty grams but is less than twenty-seven grams of cocaine, 10117
possession of cocaine is a felony of the second degree, and the 10118
court shall impose as a mandatory prison term a second degree 10119
felony mandatory prison term. 10120

(e) If the amount of the drug involved equals or exceeds 10121
twenty-seven grams but is less than one hundred grams of 10122
cocaine, possession of cocaine is a felony of the first degree, 10123
and the court shall impose as a mandatory prison term a first 10124
degree felony mandatory prison term. 10125

(f) If the amount of the drug involved equals or exceeds 10126
one hundred grams of cocaine, possession of cocaine is a felony 10127
of the first degree, the offender is a major drug offender, and 10128
the court shall impose as a mandatory prison term a maximum 10129
first degree felony mandatory prison term. 10130

(5) If the drug involved in the violation is L.S.D., 10131
whoever violates division (A) of this section is guilty of 10132
possession of L.S.D. The penalty for the offense shall be 10133
determined as follows: 10134

(a) Except as otherwise provided in division (C) (5) (b), 10135
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 10136
felony of the fifth degree, and division (B) of section 2929.13 10137
of the Revised Code applies in determining whether to impose a 10138
prison term on the offender. 10139

(b) If the amount of L.S.D. involved equals or exceeds ten 10140
unit doses but is less than fifty unit doses of L.S.D. in a 10141
solid form or equals or exceeds one gram but is less than five 10142
grams of L.S.D. in a liquid concentrate, liquid extract, or 10143
liquid distillate form, possession of L.S.D. is a felony of the 10144
fourth degree, and division (C) of section 2929.13 of the 10145
Revised Code applies in determining whether to impose a prison 10146
term on the offender. 10147

(c) If the amount of L.S.D. involved equals or exceeds 10148
fifty unit doses, but is less than two hundred fifty unit doses 10149
of L.S.D. in a solid form or equals or exceeds five grams but is 10150
less than twenty-five grams of L.S.D. in a liquid concentrate, 10151
liquid extract, or liquid distillate form, possession of L.S.D. 10152
is a felony of the third degree, and there is a presumption for 10153
a prison term for the offense. 10154

(d) If the amount of L.S.D. involved equals or exceeds two 10155
hundred fifty unit doses but is less than one thousand unit 10156
doses of L.S.D. in a solid form or equals or exceeds twenty-five 10157
grams but is less than one hundred grams of L.S.D. in a liquid 10158
concentrate, liquid extract, or liquid distillate form, 10159
possession of L.S.D. is a felony of the second degree, and the 10160
court shall impose as a mandatory prison term a second degree 10161
felony mandatory prison term. 10162

(e) If the amount of L.S.D. involved equals or exceeds one 10163
thousand unit doses but is less than five thousand unit doses of 10164
L.S.D. in a solid form or equals or exceeds one hundred grams 10165
but is less than five hundred grams of L.S.D. in a liquid 10166
concentrate, liquid extract, or liquid distillate form, 10167
possession of L.S.D. is a felony of the first degree, and the 10168
court shall impose as a mandatory prison term a first degree 10169

felony mandatory prison term. 10170

(f) If the amount of L.S.D. involved equals or exceeds 10171
five thousand unit doses of L.S.D. in a solid form or equals or 10172
exceeds five hundred grams of L.S.D. in a liquid concentrate, 10173
liquid extract, or liquid distillate form, possession of L.S.D. 10174
is a felony of the first degree, the offender is a major drug 10175
offender, and the court shall impose as a mandatory prison term 10176
a maximum first degree felony mandatory prison term. 10177

(6) If the drug involved in the violation is heroin or a 10178
compound, mixture, preparation, or substance containing heroin, 10179
whoever violates division (A) of this section is guilty of 10180
possession of heroin. The penalty for the offense shall be 10181
determined as follows: 10182

(a) Except as otherwise provided in division (C) (6) (b), 10183
(c), (d), (e), or (f) of this section, possession of heroin is a 10184
felony of the fifth degree, and division (B) of section 2929.13 10185
of the Revised Code applies in determining whether to impose a 10186
prison term on the offender. 10187

(b) If the amount of the drug involved equals or exceeds 10188
ten unit doses but is less than fifty unit doses or equals or 10189
exceeds one gram but is less than five grams, possession of 10190
heroin is a felony of the fourth degree, and division (C) of 10191
section 2929.13 of the Revised Code applies in determining 10192
whether to impose a prison term on the offender. 10193

(c) If the amount of the drug involved equals or exceeds 10194
fifty unit doses but is less than one hundred unit doses or 10195
equals or exceeds five grams but is less than ten grams, 10196
possession of heroin is a felony of the third degree, and there 10197
is a presumption for a prison term for the offense. 10198

(d) If the amount of the drug involved equals or exceeds 10199
one hundred unit doses but is less than five hundred unit doses 10200
or equals or exceeds ten grams but is less than fifty grams, 10201
possession of heroin is a felony of the second degree, and the 10202
court shall impose as a mandatory prison term a second degree 10203
felony mandatory prison term. 10204

(e) If the amount of the drug involved equals or exceeds 10205
five hundred unit doses but is less than one thousand unit doses 10206
or equals or exceeds fifty grams but is less than one hundred 10207
grams, possession of heroin is a felony of the first degree, and 10208
the court shall impose as a mandatory prison term a first degree 10209
felony mandatory prison term. 10210

(f) If the amount of the drug involved equals or exceeds 10211
one thousand unit doses or equals or exceeds one hundred grams, 10212
possession of heroin is a felony of the first degree, the 10213
offender is a major drug offender, and the court shall impose as 10214
a mandatory prison term a maximum first degree felony mandatory 10215
prison term. 10216

(7) If the drug involved in the violation is hashish or a 10217
compound, mixture, preparation, or substance containing hashish, 10218
whoever violates division (A) of this section is guilty of 10219
possession of hashish. The penalty for the offense shall be 10220
determined as follows: 10221

(a) Except as otherwise provided in division (C) (7) (b), 10222
(c), (d), (e), (f), or (g) of this section, possession of 10223
hashish is a minor misdemeanor. 10224

(b) If the amount of the drug involved equals or exceeds 10225
five grams but is less than ten grams of hashish in a solid form 10226
or equals or exceeds one gram but is less than two grams of 10227

hashish in a liquid concentrate, liquid extract, or liquid 10228
distillate form, possession of hashish is a misdemeanor of the 10229
fourth degree. 10230

(c) If the amount of the drug involved equals or exceeds 10231
ten grams but is less than fifty grams of hashish in a solid 10232
form or equals or exceeds two grams but is less than ten grams 10233
of hashish in a liquid concentrate, liquid extract, or liquid 10234
distillate form, possession of hashish is a felony of the fifth 10235
degree, and division (B) of section 2929.13 of the Revised Code 10236
applies in determining whether to impose a prison term on the 10237
offender. 10238

(d) If the amount of the drug involved equals or exceeds 10239
fifty grams but is less than two hundred fifty grams of hashish 10240
in a solid form or equals or exceeds ten grams but is less than 10241
fifty grams of hashish in a liquid concentrate, liquid extract, 10242
or liquid distillate form, possession of hashish is a felony of 10243
the third degree, and division (C) of section 2929.13 of the 10244
Revised Code applies in determining whether to impose a prison 10245
term on the offender. 10246

(e) If the amount of the drug involved equals or exceeds 10247
two hundred fifty grams but is less than one thousand grams of 10248
hashish in a solid form or equals or exceeds fifty grams but is 10249
less than two hundred grams of hashish in a liquid concentrate, 10250
liquid extract, or liquid distillate form, possession of hashish 10251
is a felony of the third degree, and there is a presumption that 10252
a prison term shall be imposed for the offense. 10253

(f) If the amount of the drug involved equals or exceeds 10254
one thousand grams but is less than two thousand grams of 10255
hashish in a solid form or equals or exceeds two hundred grams 10256
but is less than four hundred grams of hashish in a liquid 10257

concentrate, liquid extract, or liquid distillate form, 10258
possession of hashish is a felony of the second degree, and the 10259
court shall impose as a mandatory prison term a second degree 10260
felony mandatory prison term of five, six, seven, or eight 10261
years. 10262

(g) If the amount of the drug involved equals or exceeds 10263
two thousand grams of hashish in a solid form or equals or 10264
exceeds four hundred grams of hashish in a liquid concentrate, 10265
liquid extract, or liquid distillate form, possession of hashish 10266
is a felony of the second degree, and the court shall impose as 10267
a mandatory prison term a maximum second degree felony mandatory 10268
prison term. 10269

(8) If the drug involved is a controlled substance analog 10270
or compound, mixture, preparation, or substance that contains a 10271
controlled substance analog, whoever violates division (A) of 10272
this section is guilty of possession of a controlled substance 10273
analog. The penalty for the offense shall be determined as 10274
follows: 10275

(a) Except as otherwise provided in division (C) (8) (b), 10276
(c), (d), (e), or (f) of this section, possession of a 10277
controlled substance analog is a felony of the fifth degree, and 10278
division (B) of section 2929.13 of the Revised Code applies in 10279
determining whether to impose a prison term on the offender. 10280

(b) If the amount of the drug involved equals or exceeds 10281
ten grams but is less than twenty grams, possession of a 10282
controlled substance analog is a felony of the fourth degree, 10283
and there is a presumption for a prison term for the offense. 10284

(c) If the amount of the drug involved equals or exceeds 10285
twenty grams but is less than thirty grams, possession of a 10286

controlled substance analog is a felony of the third degree, and 10287
there is a presumption for a prison term for the offense. 10288

(d) If the amount of the drug involved equals or exceeds 10289
thirty grams but is less than forty grams, possession of a 10290
controlled substance analog is a felony of the second degree, 10291
and the court shall impose as a mandatory prison term a second 10292
degree felony mandatory prison term. 10293

(e) If the amount of the drug involved equals or exceeds 10294
forty grams but is less than fifty grams, possession of a 10295
controlled substance analog is a felony of the first degree, and 10296
the court shall impose as a mandatory prison term a first degree 10297
felony mandatory prison term. 10298

(f) If the amount of the drug involved equals or exceeds 10299
fifty grams, possession of a controlled substance analog is a 10300
felony of the first degree, the offender is a major drug 10301
offender, and the court shall impose as a mandatory prison term 10302
a maximum first degree felony mandatory prison term. 10303

(9) If the drug involved in the violation is a compound, 10304
mixture, preparation, or substance that is a combination of a 10305
fentanyl-related compound and marihuana, one of the following 10306
applies: 10307

(a) Except as otherwise provided in division (C) (9) (b) of 10308
this section, the offender is guilty of possession of marihuana 10309
and shall be punished as provided in division (C) (3) of this 10310
section. Except as otherwise provided in division (C) (9) (b) of 10311
this section, the offender is not guilty of possession of a 10312
fentanyl-related compound under division (C) (11) of this section 10313
and shall not be charged with, convicted of, or punished under 10314
division (C) (11) of this section for possession of a fentanyl- 10315

related compound. 10316

(b) If the offender knows or has reason to know that the 10317
compound, mixture, preparation, or substance that is the drug 10318
involved contains a fentanyl-related compound, the offender is 10319
guilty of possession of a fentanyl-related compound and shall be 10320
punished under division (C) (11) of this section. 10321

(10) If the drug involved in the violation is a compound, 10322
mixture, preparation, or substance that is a combination of a 10323
fentanyl-related compound and any schedule III, schedule IV, or 10324
schedule V controlled substance that is not a fentanyl-related 10325
compound, one of the following applies: 10326

(a) Except as otherwise provided in division (C) (10) (b) of 10327
this section, the offender is guilty of possession of drugs and 10328
shall be punished as provided in division (C) (2) of this 10329
section. Except as otherwise provided in division (C) (10) (b) of 10330
this section, the offender is not guilty of possession of a 10331
fentanyl-related compound under division (C) (11) of this section 10332
and shall not be charged with, convicted of, or punished under 10333
division (C) (11) of this section for possession of a fentanyl- 10334
related compound. 10335

(b) If the offender knows or has reason to know that the 10336
compound, mixture, preparation, or substance that is the drug 10337
involved contains a fentanyl-related compound, the offender is 10338
guilty of possession of a fentanyl-related compound and shall be 10339
punished under division (C) (11) of this section. 10340

(11) If the drug involved in the violation is a fentanyl- 10341
related compound and neither division (C) (9) (a) nor division (C) 10342
(10) (a) of this section applies to the drug involved, or is a 10343
compound, mixture, preparation, or substance that contains a 10344

fentanyl-related compound or is a combination of a fentanyl- 10345
related compound and any other controlled substance and neither 10346
division (C) (9) (a) nor division (C) (10) (a) of this section 10347
applies to the drug involved, whoever violates division (A) of 10348
this section is guilty of possession of a fentanyl-related 10349
compound. The penalty for the offense shall be determined as 10350
follows: 10351

(a) Except as otherwise provided in division (C) (11) (b), 10352
(c), (d), (e), (f), or (g) of this section, possession of a 10353
fentanyl-related compound is a felony of the fifth degree, and 10354
division (B) of section 2929.13 of the Revised Code applies in 10355
determining whether to impose a prison term on the offender. 10356

(b) If the amount of the drug involved equals or exceeds 10357
ten unit doses but is less than fifty unit doses or equals or 10358
exceeds one gram but is less than five grams, possession of a 10359
fentanyl-related compound is a felony of the fourth degree, and 10360
division (C) of section 2929.13 of the Revised Code applies in 10361
determining whether to impose a prison term on the offender. 10362

(c) If the amount of the drug involved equals or exceeds 10363
fifty unit doses but is less than one hundred unit doses or 10364
equals or exceeds five grams but is less than ten grams, 10365
possession of a fentanyl-related compound is a felony of the 10366
third degree, and there is a presumption for a prison term for 10367
the offense. 10368

(d) If the amount of the drug involved equals or exceeds 10369
one hundred unit doses but is less than two hundred unit doses 10370
or equals or exceeds ten grams but is less than twenty grams, 10371
possession of a fentanyl-related compound is a felony of the 10372
second degree, and the court shall impose as a mandatory prison 10373
term one of the prison terms prescribed for a felony of the 10374

second degree. 10375

(e) If the amount of the drug involved equals or exceeds 10376
two hundred unit doses but is less than five hundred unit doses 10377
or equals or exceeds twenty grams but is less than fifty grams, 10378
possession of a fentanyl-related compound is a felony of the 10379
first degree, and the court shall impose as a mandatory prison 10380
term one of the prison terms prescribed for a felony of the 10381
first degree. 10382

(f) If the amount of the drug involved equals or exceeds 10383
five hundred unit doses but is less than one thousand unit doses 10384
or equals or exceeds fifty grams but is less than one hundred 10385
grams, possession of a fentanyl-related compound is a felony of 10386
the first degree, and the court shall impose as a mandatory 10387
prison term the maximum prison term prescribed for a felony of 10388
the first degree. 10389

(g) If the amount of the drug involved equals or exceeds 10390
one thousand unit doses or equals or exceeds one hundred grams, 10391
possession of a fentanyl-related compound is a felony of the 10392
first degree, the offender is a major drug offender, and the 10393
court shall impose as a mandatory prison term the maximum prison 10394
term prescribed for a felony of the first degree. 10395

(D) Arrest or conviction for a minor misdemeanor violation 10396
of this section does not constitute a criminal record and need 10397
not be reported by the person so arrested or convicted in 10398
response to any inquiries about the person's criminal record, 10399
including any inquiries contained in any application for 10400
employment, license, or other right or privilege, or made in 10401
connection with the person's appearance as a witness. 10402

(E) In addition to any prison term or jail term authorized 10403

or required by division (C) of this section and sections 10404
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 10405
Code and in addition to any other sanction that is imposed for 10406
the offense under this section, sections 2929.11 to 2929.18, or 10407
sections 2929.21 to 2929.28 of the Revised Code, the court that 10408
sentences an offender who is convicted of or pleads guilty to a 10409
violation of division (A) of this section may suspend the 10410
offender's driver's or commercial driver's license or permit for 10411
not more than five years. However, if the offender pleaded 10412
guilty to or was convicted of a violation of section 4511.19 of 10413
the Revised Code or a substantially similar municipal ordinance 10414
or the law of another state or the United States arising out of 10415
the same set of circumstances as the violation, the court shall 10416
suspend the offender's driver's or commercial driver's license 10417
or permit for not more than five years. If applicable, the court 10418
also shall do the following: 10419

(1) (a) If the violation is a felony of the first, second, 10420
or third degree, the court shall impose upon the offender the 10421
mandatory fine specified for the offense under division (B) (1) 10422
of section 2929.18 of the Revised Code unless, as specified in 10423
that division, the court determines that the offender is 10424
indigent. 10425

(b) Notwithstanding any contrary provision of section 10426
3719.21 of the Revised Code, the clerk of the court shall pay a 10427
mandatory fine or other fine imposed for a violation of this 10428
section pursuant to division (A) of section 2929.18 of the 10429
Revised Code in accordance with and subject to the requirements 10430
of division (F) of section 2925.03 of the Revised Code. The 10431
agency that receives the fine shall use the fine as specified in 10432
division (F) of section 2925.03 of the Revised Code. 10433

(c) If a person is charged with a violation of this 10434
section that is a felony of the first, second, or third degree, 10435
posts bail, and forfeits the bail, the clerk shall pay the 10436
forfeited bail pursuant to division (E) (1) (b) of this section as 10437
if it were a mandatory fine imposed under division (E) (1) (a) of 10438
this section. 10439

(2) If the offender is a professionally licensed person, 10440
in addition to any other sanction imposed for a violation of 10441
this section, the court immediately shall comply with section 10442
2925.38 of the Revised Code. 10443

(F) It is an affirmative defense, as provided in section 10444
2901.05 of the Revised Code, to a charge of a fourth degree 10445
felony violation under this section that the controlled 10446
substance that gave rise to the charge is in an amount, is in a 10447
form, is prepared, compounded, or mixed with substances that are 10448
not controlled substances in a manner, or is possessed under any 10449
other circumstances, that indicate that the substance was 10450
possessed solely for personal use. Notwithstanding any contrary 10451
provision of this section, if, in accordance with section 10452
2901.05 of the Revised Code, an accused who is charged with a 10453
fourth degree felony violation of division (C) (2), (4), (5), or 10454
(6) of this section sustains the burden of going forward with 10455
evidence of and establishes by a preponderance of the evidence 10456
the affirmative defense described in this division, the accused 10457
may be prosecuted for and may plead guilty to or be convicted of 10458
a misdemeanor violation of division (C) (2) of this section or a 10459
fifth degree felony violation of division (C) (4), (5), or (6) of 10460
this section respectively. 10461

(G) When a person is charged with possessing a bulk amount 10462
or multiple of a bulk amount, division (E) of section 2925.03 of 10463

the Revised Code applies regarding the determination of the 10464
amount of the controlled substance involved at the time of the 10465
offense. 10466

(H) It is an affirmative defense to a charge of possession 10467
of a controlled substance analog under division (C) (8) of this 10468
section that the person charged with violating that offense 10469
obtained, possessed, or used one of the following items that are 10470
excluded from the meaning of "controlled substance analog" under 10471
section 3719.01 of the Revised Code: 10472

(1) A controlled substance; 10473

(2) Any substance for which there is an approved new drug 10474
application; 10475

(3) With respect to a particular person, any substance if 10476
an exemption is in effect for investigational use for that 10477
person pursuant to federal law to the extent that conduct with 10478
respect to that substance is pursuant to that exemption. 10479

(I) Any offender who received a mandatory suspension of 10480
the offender's driver's or commercial driver's license or permit 10481
under this section prior to September 13, 2016, may file a 10482
motion with the sentencing court requesting the termination of 10483
the suspension. However, an offender who pleaded guilty to or 10484
was convicted of a violation of section 4511.19 of the Revised 10485
Code or a substantially similar municipal ordinance or law of 10486
another state or the United States that arose out of the same 10487
set of circumstances as the violation for which the offender's 10488
license or permit was suspended under this section shall not 10489
file such a motion. 10490

Upon the filing of a motion under division (I) of this 10491
section, the sentencing court, in its discretion, may terminate 10492

the suspension. 10493

Sec. 2925.12. (A) No person shall knowingly make, obtain, 10494
possess, or use any instrument, article, or thing the customary 10495
and primary purpose of which is for the administration or use of 10496
a dangerous drug, other than marihuana, when the instrument 10497
involved is a hypodermic or syringe, whether or not of crude or 10498
extemporized manufacture or assembly, and the instrument, 10499
article, or thing involved has been used by the offender to 10500
unlawfully administer or use a dangerous drug, other than 10501
marihuana, or to prepare a dangerous drug, other than marihuana, 10502
for unlawful administration or use. 10503

~~(B)~~ (B) (1) This section does not apply to manufacturers, 10504
licensed health professionals authorized to prescribe drugs, 10505
pharmacists, owners of pharmacies, and other persons whose 10506
conduct was in accordance with Chapters 3719., 4715., 4723., 10507
4729., 4730., 4731., and 4741. of the Revised Code. 10508

(2) Division (B) (2) of section 2925.11 of the Revised Code 10509
applies with respect to a violation of this section when a 10510
person seeks or obtains medical assistance for another person 10511
who is experiencing a drug overdose, a person experiences a drug 10512
overdose and seeks medical assistance for that overdose, or a 10513
person is the subject of another person seeking or obtaining 10514
medical assistance for that overdose. 10515

(C) Whoever violates this section is guilty of possessing 10516
drug abuse instruments, a misdemeanor of the second degree. If 10517
the offender previously has been convicted of a drug abuse 10518
offense, a violation of this section is a misdemeanor of the 10519
first degree. 10520

(D) (1) In addition to any other sanction imposed upon an 10521

offender for a violation of this section, the court may suspend 10522
for not more than five years the offender's driver's or 10523
commercial driver's license or permit. However, if the offender 10524
pleaded guilty to or was convicted of a violation of section 10525
4511.19 of the Revised Code or a substantially similar municipal 10526
ordinance or the law of another state or the United States 10527
arising out of the same set of circumstances as the violation, 10528
the court shall suspend the offender's driver's or commercial 10529
driver's license or permit for not more than five years. If the 10530
offender is a professionally licensed person, in addition to any 10531
other sanction imposed for a violation of this section, the 10532
court immediately shall comply with section 2925.38 of the 10533
Revised Code. 10534

(2) Any offender who received a mandatory suspension of 10535
the offender's driver's or commercial driver's license or permit 10536
under this section prior to ~~the effective date of this amendment~~ 10537
September 13, 2016, may file a motion with the sentencing court 10538
requesting the termination of the suspension. However, an 10539
offender who pleaded guilty to or was convicted of a violation 10540
of section 4511.19 of the Revised Code or a substantially 10541
similar municipal ordinance or law of another state or the 10542
United States that arose out of the same set of circumstances as 10543
the violation for which the offender's license or permit was 10544
suspended under this section shall not file such a motion. 10545

Upon the filing of a motion under division (D) (2) of this 10546
section, the sentencing court, in its discretion, may terminate 10547
the suspension. 10548

Sec. 2925.14. (A) As used in this section, "drug 10549
paraphernalia" means any equipment, product, or material of any 10550
kind that is used by the offender, intended by the offender for 10551

use, or designed for use, in propagating, cultivating, growing, 10552
harvesting, manufacturing, compounding, converting, producing, 10553
processing, preparing, testing, analyzing, packaging, 10554
repackaging, storing, containing, concealing, injecting, 10555
ingesting, inhaling, or otherwise introducing into the human 10556
body, a controlled substance in violation of this chapter. "Drug 10557
paraphernalia" includes, but is not limited to, any of the 10558
following equipment, products, or materials that are used by the 10559
offender, intended by the offender for use, or designed by the 10560
offender for use, in any of the following manners: 10561

(1) A kit for propagating, cultivating, growing, or 10562
harvesting any species of a plant that is a controlled substance 10563
or from which a controlled substance can be derived; 10564

(2) A kit for manufacturing, compounding, converting, 10565
producing, processing, or preparing a controlled substance; 10566

(3) Any object, instrument, or device for manufacturing, 10567
compounding, converting, producing, processing, or preparing 10568
methamphetamine; 10569

(4) An isomerization device for increasing the potency of 10570
any species of a plant that is a controlled substance; 10571

(5) Testing equipment for identifying, or analyzing the 10572
strength, effectiveness, or purity of, a controlled substance; 10573

(6) A scale or balance for weighing or measuring a 10574
controlled substance; 10575

(7) A diluent or adulterant, such as quinine 10576
hydrochloride, mannitol, mannite, dextrose, or lactose, for 10577
cutting a controlled substance; 10578

(8) A separation gin or sifter for removing twigs and 10579

seeds from, or otherwise cleaning or refining, marihuana;	10580
(9) A blender, bowl, container, spoon, or mixing device	10581
for compounding a controlled substance;	10582
(10) A capsule, balloon, envelope, or container for	10583
packaging small quantities of a controlled substance;	10584
(11) A container or device for storing or concealing a	10585
controlled substance;	10586
(12) A hypodermic syringe, needle, or instrument for	10587
parenterally injecting a controlled substance into the human	10588
body;	10589
(13) An object, instrument, or device for ingesting,	10590
inhaling, or otherwise introducing into the human body,	10591
marihuana, cocaine, hashish, or hashish oil, such as a metal,	10592
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or	10593
without a screen, permanent screen, hashish head, or punctured	10594
metal bowl; water pipe; carburetion tube or device; smoking or	10595
carburetion mask; roach clip or similar object used to hold	10596
burning material, such as a marihuana cigarette, that has become	10597
too small or too short to be held in the hand; miniature cocaine	10598
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric	10599
pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	10600
(B) In determining if any equipment, product, or material	10601
is drug paraphernalia, a court or law enforcement officer shall	10602
consider, in addition to other relevant factors, the following:	10603
(1) Any statement by the owner, or by anyone in control,	10604
of the equipment, product, or material, concerning its use;	10605
(2) The proximity in time or space of the equipment,	10606
product, or material, or of the act relating to the equipment,	10607

product, or material, to a violation of any provision of this	10608
chapter;	10609
(3) The proximity of the equipment, product, or material	10610
to any controlled substance;	10611
(4) The existence of any residue of a controlled substance	10612
on the equipment, product, or material;	10613
(5) Direct or circumstantial evidence of the intent of the	10614
owner, or of anyone in control, of the equipment, product, or	10615
material, to deliver it to any person whom the owner or person	10616
in control of the equipment, product, or material knows intends	10617
to use the object to facilitate a violation of any provision of	10618
this chapter. A finding that the owner, or anyone in control, of	10619
the equipment, product, or material, is not guilty of a	10620
violation of any other provision of this chapter does not	10621
prevent a finding that the equipment, product, or material was	10622
intended or designed by the offender for use as drug	10623
paraphernalia.	10624
(6) Any oral or written instruction provided with the	10625
equipment, product, or material concerning its use;	10626
(7) Any descriptive material accompanying the equipment,	10627
product, or material and explaining or depicting its use;	10628
(8) National or local advertising concerning the use of	10629
the equipment, product, or material;	10630
(9) The manner and circumstances in which the equipment,	10631
product, or material is displayed for sale;	10632
(10) Direct or circumstantial evidence of the ratio of the	10633
sales of the equipment, product, or material to the total sales	10634
of the business enterprise;	10635

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 10636
10637

(12) Expert testimony concerning the use of the equipment, product, or material. 10638
10639

(C) (1) Subject to ~~division~~ divisions (D) (2) and (3) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia. 10640
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(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 10643
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(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia. 10647
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(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code. 10654
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(2) Division (C) (1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any 10662
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kind that is used by the person, intended by the person for use, 10665
or designed for use in storing, containing, concealing, 10666
injecting, ingesting, inhaling, or otherwise introducing into 10667
the human body marihuana. 10668

(3) Division (B) (2) of section 2925.11 of the Revised Code 10669
applies with respect to a violation of division (C) (1) of this 10670
section when a person seeks or obtains medical assistance for 10671
another person who is experiencing a drug overdose, a person 10672
experiences a drug overdose and seeks medical assistance for 10673
that overdose, or a person is the subject of another person 10674
seeking or obtaining medical assistance for that overdose. 10675

(E) Notwithstanding Chapter 2981. of the Revised Code, any 10676
drug paraphernalia that was used, possessed, sold, or 10677
manufactured in a violation of this section shall be seized, 10678
after a conviction for that violation shall be forfeited, and 10679
upon forfeiture shall be disposed of pursuant to division (B) of 10680
section 2981.12 of the Revised Code. 10681

(F) (1) Whoever violates division (C) (1) of this section is 10682
guilty of illegal use or possession of drug paraphernalia, a 10683
misdemeanor of the fourth degree. 10684

(2) Except as provided in division (F) (3) of this section, 10685
whoever violates division (C) (2) of this section is guilty of 10686
dealing in drug paraphernalia, a misdemeanor of the second 10687
degree. 10688

(3) Whoever violates division (C) (2) of this section by 10689
selling drug paraphernalia to a juvenile is guilty of selling 10690
drug paraphernalia to juveniles, a misdemeanor of the first 10691
degree. 10692

(4) Whoever violates division (C) (3) of this section is 10693

guilty of illegal advertising of drug paraphernalia, a 10694
misdemeanor of the second degree. 10695

(G) (1) In addition to any other sanction imposed upon an 10696
offender for a violation of this section, the court may suspend 10697
for not more than five years the offender's driver's or 10698
commercial driver's license or permit. However, if the offender 10699
pleaded guilty to or was convicted of a violation of section 10700
4511.19 of the Revised Code or a substantially similar municipal 10701
ordinance or the law of another state or the United States 10702
arising out of the same set of circumstances as the violation, 10703
the court shall suspend the offender's driver's or commercial 10704
driver's license or permit for not more than five years. If the 10705
offender is a professionally licensed person, in addition to any 10706
other sanction imposed for a violation of this section, the 10707
court immediately shall comply with section 2925.38 of the 10708
Revised Code. 10709

(2) Any offender who received a mandatory suspension of 10710
the offender's driver's or commercial driver's license or permit 10711
under this section prior to ~~the effective date of this amendment~~ 10712
September 13, 2016, may file a motion with the sentencing court 10713
requesting the termination of the suspension. However, an 10714
offender who pleaded guilty to or was convicted of a violation 10715
of section 4511.19 of the Revised Code or a substantially 10716
similar municipal ordinance or law of another state or the 10717
United States that arose out of the same set of circumstances as 10718
the violation for which the offender's license or permit was 10719
suspended under this section shall not file such a motion. 10720

Upon the filing of a motion under division (G) (2) of this 10721
section, the sentencing court, in its discretion, may terminate 10722
the suspension. 10723

Sec. 2925.141. (A) As used in this section, "drug paraphernalia" has the same meaning as in section 2925.14 of the Revised Code. 10724
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(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in division (B) of section 2925.14 of the Revised Code. 10727
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(C) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana. 10732
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(D) This section does not apply to any person identified in division (D) (1) of section 2925.14 of the Revised Code, and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code. 10738
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~~(E)~~ (E) (1) Division (E) of section 2925.14 of the Revised Code applies with respect to any drug paraphernalia that was used or possessed in violation of this section. 10743
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(2) Division (B) (2) of section 2925.11 of the Revised Code applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose. 10746
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~~(F)(F)(1)~~ Whoever violates division (C) of this section is 10753
guilty of illegal use or possession of marihuana drug 10754
paraphernalia, a minor misdemeanor. 10755

(2) Arrest or conviction for a violation of division (C) 10756
of this section does not constitute a criminal record and need 10757
not be reported by the person so arrested or convicted in 10758
response to any inquiries about the person's criminal record, 10759
including any inquiries contained in any application for 10760
employment, license, or other right or privilege, or made in 10761
connection with the person's appearance as a witness. 10762

(G) (1) In addition to any other sanction imposed upon an 10763
offender for a violation of this section, the court ~~may suspend~~ 10764
~~for not more than five years the offender's driver's or~~ 10765
~~commercial driver's license or permit. However, if shall do the~~ 10766
following, if applicable: 10767

(a) If the offender pleaded guilty to or was convicted of 10768
a violation of section 4511.19 of the Revised Code or a 10769
substantially similar municipal ordinance or the law of another 10770
state or the United States arising out of the same set of 10771
circumstances as the violation, the court shall suspend the 10772
offender's driver's or commercial driver's license or permit for 10773
not more than five years. ~~If~~ 10774

(b) If the offender is a professionally licensed person, 10775
~~in addition to any other sanction imposed for a violation of~~ 10776
~~this section,~~ the court immediately shall comply with section 10777
2925.38 of the Revised Code. 10778

(2) Any offender who received a mandatory suspension of 10779
the offender's driver's or commercial driver's license or permit 10780
under this section prior to ~~the effective date of this amendment~~ 10781

September 13, 2016, may file a motion with the sentencing court 10782
requesting the termination of the suspension. However, an 10783
offender who pleaded guilty to or was convicted of a violation 10784
of section 4511.19 of the Revised Code or a substantially 10785
similar municipal ordinance or law of another state or the 10786
United States that arose out of the same set of circumstances as 10787
the violation for which the offender's license or permit was 10788
suspended under this section shall not file such a motion. 10789

Upon the filing of a motion under division (G) (2) of this 10790
section, the sentencing court, in its discretion, may terminate 10791
the suspension. 10792

Sec. 2929.01. As used in this chapter: 10793

(A) (1) "Alternative residential facility" means, subject 10794
to ~~division~~ divisions (A) (2) and (3) of this section, any 10795
facility other than an offender's home or residence in which an 10796
offender is assigned to live and that satisfies all of the 10797
following criteria: 10798

(a) It provides programs through which the offender may 10799
seek or maintain employment or may receive education, training, 10800
treatment, or habilitation. 10801

(b) It has received the appropriate license or certificate 10802
for any specialized education, training, treatment, 10803
habilitation, or other service that it provides from the 10804
government agency that is responsible for licensing or 10805
certifying that type of education, training, treatment, 10806
habilitation, or service. 10807

(2) "Alternative residential facility" does not include a 10808
community-based correctional facility, jail, halfway house, or 10809
prison. 10810

(3) "Alternative residential facility" includes a 10811
community alternative sentencing center or district community 10812
alternative sentencing center when authorized by section 307.932 10813
of the Revised Code and when the center is being used for an OVI 10814
term of confinement, as defined by that section. 10815

(B) "Basic probation supervision" means a requirement that 10816
the offender maintain contact with a person appointed to 10817
supervise the offender in accordance with sanctions imposed by 10818
the court or imposed by the parole board pursuant to section 10819
2967.28 of the Revised Code. "Basic probation supervision" 10820
includes basic parole supervision and basic post-release control 10821
supervision. 10822

(C) "Cocaine," "fentanyl-related compound," "hashish," 10823
"L.S.D.," and "unit dose" have the same meanings as in section 10824
2925.01 of the Revised Code. 10825

(D) "Community-based correctional facility" means a 10826
community-based correctional facility and program or district 10827
community-based correctional facility and program developed 10828
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 10829

(E) "Community control sanction" means a sanction that is 10830
not a prison term and that is described in section 2929.15, 10831
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 10832
that is not a jail term and that is described in section 10833
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 10834
control sanction" includes probation if the sentence involved 10835
was imposed for a felony that was committed prior to July 1, 10836
1996, or if the sentence involved was imposed for a misdemeanor 10837
that was committed prior to January 1, 2004. 10838

(F) "Controlled substance," "marihuana," "schedule I," and 10839

"schedule II" have the same meanings as in section 3719.01 of 10840
the Revised Code. 10841

(G) "Curfew" means a requirement that an offender during a 10842
specified period of time be at a designated place. 10843

(H) "Day reporting" means a sanction pursuant to which an 10844
offender is required each day to report to and leave a center or 10845
other approved reporting location at specified times in order to 10846
participate in work, education or training, treatment, and other 10847
approved programs at the center or outside the center. 10848

(I) "Deadly weapon" has the same meaning as in section 10849
2923.11 of the Revised Code. 10850

(J) "Drug and alcohol use monitoring" means a program 10851
under which an offender agrees to submit to random chemical 10852
analysis of the offender's blood, breath, or urine to determine 10853
whether the offender has ingested any alcohol or other drugs. 10854

(K) "Drug treatment program" means any program under which 10855
a person undergoes assessment and treatment designed to reduce 10856
or completely eliminate the person's physical or emotional 10857
reliance upon alcohol, another drug, or alcohol and another drug 10858
and under which the person may be required to receive assessment 10859
and treatment on an outpatient basis or may be required to 10860
reside at a facility other than the person's home or residence 10861
while undergoing assessment and treatment. 10862

(L) "Economic loss" means any economic detriment suffered 10863
by a victim as a direct and proximate result of the commission 10864
of an offense and includes any loss of income due to lost time 10865
at work because of any injury caused to the victim, any property 10866
loss, medical cost, or funeral expense incurred as a result of 10867
the commission of the offense, and the cost of any accounting or 10868

auditing done to determine the extent of loss if the cost is 10869
incurred and payable by the victim. "Economic loss" does not 10870
include non-economic loss or any punitive or exemplary damages. 10871

(M) "Education or training" includes study at, or in 10872
conjunction with a program offered by, a university, college, or 10873
technical college or vocational study and also includes the 10874
completion of primary school, secondary school, and literacy 10875
curricula or their equivalent. 10876

(N) "Firearm" has the same meaning as in section 2923.11 10877
of the Revised Code. 10878

(O) "Halfway house" means a facility licensed by the 10879
division of parole and community services of the department of 10880
rehabilitation and correction pursuant to section 2967.14 of the 10881
Revised Code as a suitable facility for the care and treatment 10882
of adult offenders. 10883

(P) "House arrest" means a period of confinement of an 10884
offender that is in the offender's home or in other premises 10885
specified by the sentencing court or by the parole board 10886
pursuant to section 2967.28 of the Revised Code and during which 10887
all of the following apply: 10888

(1) The offender is required to remain in the offender's 10889
home or other specified premises for the specified period of 10890
confinement, except for periods of time during which the 10891
offender is at the offender's place of employment or at other 10892
premises as authorized by the sentencing court or by the parole 10893
board. 10894

(2) The offender is required to report periodically to a 10895
person designated by the court or parole board. 10896

(3) The offender is subject to any other restrictions and 10897

requirements that may be imposed by the sentencing court or by 10898
the parole board. 10899

(Q) "Intensive probation supervision" means a requirement 10900
that an offender maintain frequent contact with a person 10901
appointed by the court, or by the parole board pursuant to 10902
section 2967.28 of the Revised Code, to supervise the offender 10903
while the offender is seeking or maintaining necessary 10904
employment and participating in training, education, and 10905
treatment programs as required in the court's or parole board's 10906
order. "Intensive probation supervision" includes intensive 10907
parole supervision and intensive post-release control 10908
supervision. 10909

(R) "Jail" means a jail, workhouse, minimum security jail, 10910
or other residential facility used for the confinement of 10911
alleged or convicted offenders that is operated by a political 10912
subdivision or a combination of political subdivisions of this 10913
state. 10914

(S) "Jail term" means the term in a jail that a sentencing 10915
court imposes or is authorized to impose pursuant to section 10916
2929.24 or 2929.25 of the Revised Code or pursuant to any other 10917
provision of the Revised Code that authorizes a term in a jail 10918
for a misdemeanor conviction. 10919

(T) "Mandatory jail term" means the term in a jail that a 10920
sentencing court is required to impose pursuant to division (G) 10921
of section 1547.99 of the Revised Code, division (E) of section 10922
2903.06 or division (D) of section 2903.08 of the Revised Code, 10923
division ~~(E) or (G)~~ (F) of section 2929.24 of the Revised Code, 10924
division (B) of section 4510.14 of the Revised Code, or division 10925
(G) of section 4511.19 of the Revised Code or pursuant to any 10926
other provision of the Revised Code that requires a term in a 10927

jail for a misdemeanor conviction. 10928

(U) "Delinquent child" has the same meaning as in section 10929
2152.02 of the Revised Code. 10930

(V) "License violation report" means a report that is made 10931
by a sentencing court, or by the parole board pursuant to 10932
section 2967.28 of the Revised Code, to the regulatory or 10933
licensing board or agency that issued an offender a professional 10934
license or a license or permit to do business in this state and 10935
that specifies that the offender has been convicted of or 10936
pleaded guilty to an offense that may violate the conditions 10937
under which the offender's professional license or license or 10938
permit to do business in this state was granted or an offense 10939
for which the offender's professional license or license or 10940
permit to do business in this state may be revoked or suspended. 10941

(W) "Major drug offender" means an offender who is 10942
convicted of or pleads guilty to the possession of, sale of, or 10943
offer to sell any drug, compound, mixture, preparation, or 10944
substance that consists of or contains at least one thousand 10945
grams of hashish; at least one hundred grams of cocaine; at 10946
least one thousand unit doses or one hundred grams of heroin; at 10947
least five thousand unit doses of L.S.D. or five hundred grams 10948
of L.S.D. in a liquid concentrate, liquid extract, or liquid 10949
distillate form; at least fifty grams of a controlled substance 10950
analog; at least one thousand unit doses or one hundred grams of 10951
a fentanyl-related compound; or at least one hundred times the 10952
amount of any other schedule I or II controlled substance other 10953
than marihuana that is necessary to commit a felony of the third 10954
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 10955
of the Revised Code that is based on the possession of, sale of, 10956
or offer to sell the controlled substance. 10957

(X) "Mandatory prison term" means any of the following: 10958

(1) Subject to division (X)(2) of this section, the term 10959
in prison that must be imposed for the offenses or circumstances 10960
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 10961
section 2929.13 and division (B) of section 2929.14 of the 10962
Revised Code. Except as provided in sections 2925.02, 2925.03, 10963
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 10964
maximum or another specific term is required under section 10965
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 10966
described in this division may be any prison term authorized for 10967
the level of offense except that if the offense is a felony of 10968
the first or second degree committed on or after March 22, 2019, 10969
a mandatory prison term described in this division may be one of 10970
the terms prescribed in division (A)(1)(a) or (2)(a) of section 10971
2929.14 of the Revised Code, whichever is applicable, that is 10972
authorized as the minimum term for the offense. 10973

(2) The term of sixty or one hundred twenty days in prison 10974
that a sentencing court is required to impose for a third or 10975
fourth degree felony OVI offense pursuant to division (G)(2) of 10976
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 10977
of the Revised Code or the term of one, two, three, four, or 10978
five years in prison that a sentencing court is required to 10979
impose pursuant to division (G)(2) of section 2929.13 of the 10980
Revised Code. 10981

(3) The term in prison imposed pursuant to division (A) of 10982
section 2971.03 of the Revised Code for the offenses and in the 10983
circumstances described in division (F)(11) of section 2929.13 10984
of the Revised Code or pursuant to division (B)(1)(a), (b), or 10985
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 10986
section 2971.03 of the Revised Code and that term as modified or 10987

terminated pursuant to section 2971.05 of the Revised Code. 10988

(Y) "Monitored time" means a period of time during which 10989
an offender continues to be under the control of the sentencing 10990
court or parole board, subject to no conditions other than 10991
leading a law-abiding life. 10992

(Z) "Offender" means a person who, in this state, is 10993
convicted of or pleads guilty to a felony or a misdemeanor. 10994

(AA) "Prison" means a residential facility used for the 10995
confinement of convicted felony offenders that is under the 10996
control of the department of rehabilitation and correction and 10997
includes a violation sanction center operated under authority of 10998
section 2967.141 of the Revised Code. 10999

(BB) (1) "Prison term" includes either of the following 11000
sanctions for an offender: 11001

(a) A stated prison term; 11002

(b) A term in a prison shortened by, or with the approval 11003
of, the sentencing court pursuant to section 2929.143, 2929.20, 11004
~~2967.26,~~ 5120.031, 5120.032, or 5120.073 of the Revised Code or 11005
shortened pursuant to section 2967.26 of the Revised Code. 11006

(2) With respect to a non-life felony indefinite prison 11007
term, references in any provision of law to a reduction of, or 11008
deduction from, the prison term mean a reduction in, or 11009
deduction from, the minimum term imposed as part of the 11010
indefinite term. 11011

(CC) "Repeat violent offender" means a person about whom 11012
both of the following apply: 11013

(1) The person is being sentenced for committing or for 11014
complicity in committing any of the following: 11015

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

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

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

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

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

(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender

is serving a prison term as a risk reduction sentence under 11045
sections 2929.143 and 5120.036 of the Revised Code, "stated 11046
prison term" includes any period of time by which the prison 11047
term imposed upon the offender is shortened by the offender's 11048
successful completion of all assessment and treatment or 11049
programming pursuant to those sections. 11050

(2) As used in the definition of "stated prison term" set 11051
forth in division (FF)(1) of this section, a prison term is a 11052
definite prison term imposed under section 2929.14 of the 11053
Revised Code or any other provision of law, is the minimum and 11054
maximum prison terms under a non-life felony indefinite prison 11055
term, or is a term of life imprisonment except to the extent 11056
that the use of that definition in a section of the Revised Code 11057
clearly is not intended to include a term of life imprisonment. 11058
With respect to an offender sentenced to a non-life felony 11059
indefinite prison term, references in section 2967.191 or 11060
2967.193 of the Revised Code or any other provision of law to a 11061
reduction of, or deduction from, the offender's stated prison 11062
term or to release of the offender before the expiration of the 11063
offender's stated prison term mean a reduction in, or deduction 11064
from, the minimum term imposed as part of the indefinite term or 11065
a release of the offender before the expiration of that minimum 11066
term, references in section 2929.19 or 2967.28 of the Revised 11067
Code to a stated prison term with respect to a prison term 11068
imposed for a violation of a post-release control sanction mean 11069
the minimum term so imposed, and references in any provision of 11070
law to an offender's service of the offender's stated prison 11071
term or the expiration of the offender's stated prison term mean 11072
service or expiration of the minimum term so imposed plus any 11073
additional period of incarceration under the sentence that is 11074
required under section 2967.271 of the Revised Code. 11075

(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 of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree.

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

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

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

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under

eighteen years of age, regardless of whether the offender knows 11105
the age of the child or whether the offender knows the offense 11106
is being committed within thirty feet of or within the same 11107
residential unit as the child and regardless of whether the 11108
child actually views the commission of the offense. 11109

(MM) "Family or household member" has the same meaning as 11110
in section 2919.25 of the Revised Code. 11111

(NN) "Motor vehicle" and "manufactured home" have the same 11112
meanings as in section 4501.01 of the Revised Code. 11113

(OO) "Detention" and "detention facility" have the same 11114
meanings as in section 2921.01 of the Revised Code. 11115

(PP) "Third degree felony OVI offense" means a violation 11116
of division (A) of section 4511.19 of the Revised Code that, 11117
under division (G) of that section, is a felony of the third 11118
degree. 11119

(QQ) "Random drug testing" has the same meaning as in 11120
section 5120.63 of the Revised Code. 11121

(RR) "Felony sex offense" has the same meaning as in 11122
section 2967.28 of the Revised Code. 11123

(SS) "Body armor" has the same meaning as in section 11124
2941.1411 of the Revised Code. 11125

(TT) "Electronic monitoring" means monitoring through the 11126
use of an electronic monitoring device. 11127

(UU) "Electronic monitoring device" means any of the 11128
following: 11129

(1) Any device that can be operated by electrical or 11130
battery power and that conforms with all of the following: 11131

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

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (UU) (1) (a) of this section, can transmit continuously those signals by a wireless or landline telephone connection to a central monitoring computer of the type described in division (UU) (1) (c) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the device has been turned off or altered without prior court approval or otherwise tampered with. The device is designed specifically for use in electronic monitoring, is not a converted wireless phone or another tracking device that is clearly not designed for electronic monitoring, and provides a means of text-based or voice communication with the person.

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by a wireless or landline telephone connection by a receiver of the type

described in division (UU) (1) (b) of this section and can monitor 11163
continuously the person to whom an electronic monitoring device 11164
of the type described in division (UU) (1) (a) of this section is 11165
attached. 11166

(2) Any device that is not a device of the type described 11167
in division (UU) (1) of this section and that conforms with all 11168
of the following: 11169

(a) The device includes a transmitter and receiver that 11170
can monitor and determine the location of a subject person at 11171
any time, or at a designated point in time, through the use of a 11172
central monitoring computer or through other electronic means. 11173

(b) The device includes a transmitter and receiver that 11174
can determine at any time, or at a designated point in time, 11175
through the use of a central monitoring computer or other 11176
electronic means the fact that the transmitter is turned off or 11177
altered in any manner without prior approval of the court in 11178
relation to the electronic monitoring or without prior approval 11179
of the department of rehabilitation and correction in relation 11180
to the use of an electronic monitoring device for an inmate on 11181
transitional control or otherwise is tampered with. 11182

(3) Any type of technology that can adequately track or 11183
determine the location of a subject person at any time and that 11184
is approved by the director of rehabilitation and correction, 11185
including, but not limited to, any satellite technology, voice 11186
tracking system, or retinal scanning system that is so approved. 11187

(VV) "Non-economic loss" means nonpecuniary harm suffered 11188
by a victim of an offense as a result of or related to the 11189
commission of the offense, including, but not limited to, pain 11190
and suffering; loss of society, consortium, companionship, care, 11191

assistance, attention, protection, advice, guidance, counsel, 11192
instruction, training, or education; mental anguish; and any 11193
other intangible loss. 11194

(WW) "Prosecutor" has the same meaning as in section 11195
2935.01 of the Revised Code. 11196

(XX) "Continuous alcohol monitoring" means the ability to 11197
automatically test and periodically transmit alcohol consumption 11198
levels and tamper attempts at least every hour, regardless of 11199
the location of the person who is being monitored. 11200

(YY) A person is "adjudicated a sexually violent predator" 11201
if the person is convicted of or pleads guilty to a violent sex 11202
offense and also is convicted of or pleads guilty to a sexually 11203
violent predator specification that was included in the 11204
indictment, count in the indictment, or information charging 11205
that violent sex offense or if the person is convicted of or 11206
pleads guilty to a designated homicide, assault, or kidnapping 11207
offense and also is convicted of or pleads guilty to both a 11208
sexual motivation specification and a sexually violent predator 11209
specification that were included in the indictment, count in the 11210
indictment, or information charging that designated homicide, 11211
assault, or kidnapping offense. 11212

(ZZ) An offense is "committed in proximity to a school" if 11213
the offender commits the offense in a school safety zone or 11214
within five hundred feet of any school building or the 11215
boundaries of any school premises, regardless of whether the 11216
offender knows the offense is being committed in a school safety 11217
zone or within five hundred feet of any school building or the 11218
boundaries of any school premises. 11219

(AAA) "Human trafficking" means a scheme or plan to which 11220

all of the following apply: 11221

(1) Its object is one or both of the following: 11222

(a) To subject a victim or victims to involuntary 11223
servitude, as defined in section 2905.31 of the Revised Code or 11224
to compel a victim or victims to engage in sexual activity for 11225
hire, to engage in a performance that is obscene, sexually 11226
oriented, or nudity oriented, or to be a model or participant in 11227
the production of material that is obscene, sexually oriented, 11228
or nudity oriented; 11229

(b) To facilitate, encourage, or recruit a victim who is a 11230
minor or is a person with a developmental disability, or victims 11231
who are minors or are persons with developmental disabilities, 11232
for any purpose listed in divisions (A) (2) (a) to (c) of section 11233
2905.32 of the Revised Code. 11234

(2) It involves at least two felony offenses, whether or 11235
not there has been a prior conviction for any of the felony 11236
offenses, to which all of the following apply: 11237

(a) Each of the felony offenses is a violation of section 11238
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 11239
division (A) (1) or (2) of section 2907.323, or division (B) (1), 11240
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 11241
is a violation of a law of any state other than this state that 11242
is substantially similar to any of the sections or divisions of 11243
the Revised Code identified in this division. 11244

(b) At least one of the felony offenses was committed in 11245
this state. 11246

(c) The felony offenses are related to the same scheme or 11247
plan and are not isolated instances. 11248

(BBB) "Material," "nudity," "obscene," "performance," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code. 11249
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(CCC) "Material that is obscene, sexually oriented, or nudity oriented" means any material that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity. 11252
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(DDD) "Performance that is obscene, sexually oriented, or nudity oriented" means any performance that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity. 11257
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(EEE) "Accelerant" means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire. 11262
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(FFF) "Permanent disabling harm" means serious physical harm that results in permanent injury to the intellectual, physical, or sensory functions and that permanently and substantially impairs a person's ability to meet one or more of the ordinary demands of life, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. 11265
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(GGG) "Non-life felony indefinite prison term" means a prison term imposed under division (A) (1) (a) or (2) (a) of section 2929.14 and section 2929.144 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019. 11272
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Sec. 2929.13. (A) Except as provided in division (E), (F), 11277

or (G) of this section and unless a specific sanction is 11278
required to be imposed or is precluded from being imposed 11279
pursuant to law, a court that imposes a sentence upon an 11280
offender for a felony may impose any sanction or combination of 11281
sanctions on the offender that are provided in sections 2929.14 11282
to 2929.18 of the Revised Code. 11283

If the offender is eligible to be sentenced to community 11284
control sanctions, the court shall consider the appropriateness 11285
of imposing a financial sanction pursuant to section 2929.18 of 11286
the Revised Code or a sanction of community service pursuant to 11287
section 2929.17 of the Revised Code as the sole sanction for the 11288
offense. Except as otherwise provided in this division, if the 11289
court is required to impose a mandatory prison term for the 11290
offense for which sentence is being imposed, the court also 11291
shall impose any financial sanction pursuant to section 2929.18 11292
of the Revised Code that is required for the offense and may 11293
impose any other financial sanction pursuant to that section but 11294
may not impose any additional sanction or combination of 11295
sanctions under section 2929.16 or 2929.17 of the Revised Code. 11296

If the offender is being sentenced for a fourth degree 11297
felony OVI offense or for a third degree felony OVI offense, in 11298
addition to the mandatory term of local incarceration or the 11299
mandatory prison term required for the offense by division (G) 11300
(1) or (2) of this section, the court shall impose upon the 11301
offender a mandatory fine in accordance with division (B) (3) of 11302
section 2929.18 of the Revised Code and may impose whichever of 11303
the following is applicable: 11304

(1) For a fourth degree felony OVI offense for which 11305
sentence is imposed under division (G) (1) of this section, an 11306
additional community control sanction or combination of 11307

community control sanctions under section 2929.16 or 2929.17 of 11308
the Revised Code. If the court imposes upon the offender a 11309
community control sanction and the offender violates any 11310
condition of the community control sanction, the court may take 11311
any action prescribed in division (B) of section 2929.15 of the 11312
Revised Code relative to the offender, including imposing a 11313
prison term on the offender pursuant to that division. 11314

(2) For a third or fourth degree felony OVI offense for 11315
which sentence is imposed under division (G) (2) of this section, 11316
an additional prison term as described in division (B) (4) of 11317
section 2929.14 of the Revised Code or a community control 11318
sanction as described in division (G) (2) of this section. 11319

(B) (1) (a) Except as provided in division (B) (1) (b) of this 11320
section, if an offender is convicted of or pleads guilty to a 11321
felony of the fourth or fifth degree that is not an offense of 11322
violence or that is a qualifying assault offense, the court 11323
shall sentence the offender to a community control sanction or 11324
combination of community control sanctions if all of the 11325
following apply: 11326

(i) The offender previously has not been convicted of or 11327
pleaded guilty to a felony offense. 11328

(ii) The most serious charge against the offender at the 11329
time of sentencing is a felony of the fourth or fifth degree. 11330

(iii) The offender previously has not been convicted of or 11331
pleaded guilty to a misdemeanor offense of violence that the 11332
offender committed within two years prior to the offense for 11333
which sentence is being imposed. 11334

(b) The court has discretion to impose a prison term upon 11335
an offender who is convicted of or pleads guilty to a felony of 11336

the fourth or fifth degree that is not an offense of violence or 11337
that is a qualifying assault offense if any of the following 11338
apply: 11339

(i) The offender committed the offense while having a 11340
firearm on or about the offender's person or under the 11341
offender's control. 11342

(ii) If the offense is a qualifying assault offense, the 11343
offender caused serious physical harm to another person while 11344
committing the offense, and, if the offense is not a qualifying 11345
assault offense, the offender caused physical harm to another 11346
person while committing the offense. 11347

(iii) The offender violated a term of the conditions of 11348
bond as set by the court. 11349

(iv) The offense is a sex offense that is a fourth or 11350
fifth degree felony violation of any provision of Chapter 2907. 11351
of the Revised Code. 11352

(v) In committing the offense, the offender attempted to 11353
cause or made an actual threat of physical harm to a person with 11354
a deadly weapon. 11355

(vi) In committing the offense, the offender attempted to 11356
cause or made an actual threat of physical harm to a person, and 11357
the offender previously was convicted of an offense that caused 11358
physical harm to a person. 11359

(vii) The offender held a public office or position of 11360
trust, and the offense related to that office or position; the 11361
offender's position obliged the offender to prevent the offense 11362
or to bring those committing it to justice; or the offender's 11363
professional reputation or position facilitated the offense or 11364
was likely to influence the future conduct of others. 11365

(viii) The offender committed the offense for hire or as part of an organized criminal activity. 11366
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(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 11368
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(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 11370
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(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer. 11373
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(2) If division (B)(1) of this section does not apply, except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the fourth or fifth degree, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code. 11380
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(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of 11387
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the Revised Code. 11395

(D) (1) Except as provided in division (E) or (F) of this 11396
section, for a felony of the first or second degree, for a 11397
felony drug offense that is a violation of any provision of 11398
Chapter 2925., 3719., or 4729. of the Revised Code for which a 11399
presumption in favor of a prison term is specified as being 11400
applicable, and for a violation of division (A) (4) or (B) of 11401
section 2907.05 of the Revised Code for which a presumption in 11402
favor of a prison term is specified as being applicable, it is 11403
presumed that a prison term is necessary in order to comply with 11404
the purposes and principles of sentencing under section 2929.11 11405
of the Revised Code. Division (D) (2) of this section does not 11406
apply to a presumption established under this division for a 11407
violation of division (A) (4) of section 2907.05 of the Revised 11408
Code. 11409

(2) Notwithstanding the presumption established under 11410
division (D) (1) of this section for the offenses listed in that 11411
division other than a violation of division (A) (4) or (B) of 11412
section 2907.05 of the Revised Code, the sentencing court may 11413
impose a community control sanction or a combination of 11414
community control sanctions instead of a prison term on an 11415
offender for a felony of the first or second degree or for a 11416
felony drug offense that is a violation of any provision of 11417
Chapter 2925., 3719., or 4729. of the Revised Code for which a 11418
presumption in favor of a prison term is specified as being 11419
applicable if it makes both of the following findings: 11420

(a) A community control sanction or a combination of 11421
community control sanctions would adequately punish the offender 11422
and protect the public from future crime, because the applicable 11423
factors under section 2929.12 of the Revised Code indicating a 11424

lesser likelihood of recidivism outweigh the applicable factors 11425
under that section indicating a greater likelihood of 11426
recidivism. 11427

(b) A community control sanction or a combination of 11428
community control sanctions would not demean the seriousness of 11429
the offense, because one or more factors under section 2929.12 11430
of the Revised Code that indicate that the offender's conduct 11431
was less serious than conduct normally constituting the offense 11432
are applicable, and they outweigh the applicable factors under 11433
that section that indicate that the offender's conduct was more 11434
serious than conduct normally constituting the offense. 11435

(E) (1) Except as provided in division (F) of this section, 11436
for any drug offense that is a violation of any provision of 11437
Chapter 2925. of the Revised Code and that is a felony of the 11438
third, fourth, or fifth degree, the applicability of a 11439
presumption under division (D) of this section in favor of a 11440
prison term or of division (B) or (C) of this section in 11441
determining whether to impose a prison term for the offense 11442
shall be determined as specified in section 2925.02, 2925.03, 11443
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 11444
2925.36, or 2925.37 of the Revised Code, whichever is applicable 11445
regarding the violation. 11446

(2) If an offender who was convicted of or pleaded guilty 11447
to a felony violates the conditions of a community control 11448
sanction imposed for the offense solely by reason of producing 11449
positive results on a drug test ~~or by acting pursuant to~~ 11450
~~division (B) (2) (b) of section 2925.11 of the Revised Code with~~ 11451
~~respect to a minor drug possession offense,~~ the court, as 11452
punishment for the violation of the sanction, shall not order 11453
that the offender be imprisoned unless the court determines on 11454

the record either of the following: 11455

(a) The offender had been ordered as a sanction for the 11456
felony to participate in a drug treatment program, in a drug 11457
education program, or in narcotics anonymous or a similar 11458
program, and the offender continued to use illegal drugs after a 11459
reasonable period of participation in the program. 11460

(b) The imprisonment of the offender for the violation is 11461
consistent with the purposes and principles of sentencing set 11462
forth in section 2929.11 of the Revised Code. 11463

(3) A court that sentences an offender for a drug abuse 11464
offense that is a felony of the third, fourth, or fifth degree 11465
may require that the offender be assessed by a properly 11466
credentialed professional within a specified period of time. The 11467
court shall require the professional to file a written 11468
assessment of the offender with the court. If the offender is 11469
eligible for a community control sanction and after considering 11470
the written assessment, the court may impose a community control 11471
sanction that includes addiction services and recovery supports 11472
included in a community-based continuum of care established 11473
under section 340.032 of the Revised Code. If the court imposes 11474
addiction services and recovery supports as a community control 11475
sanction, the court shall direct the level and type of addiction 11476
services and recovery supports after considering the assessment 11477
and recommendation of community addiction services providers. 11478

(F) Notwithstanding divisions (A) to (E) of this section, 11479
the court shall impose a prison term or terms under sections 11480
2929.02 to 2929.06, section 2929.14, section 2929.142, or 11481
section 2971.03 of the Revised Code and except as specifically 11482
provided in section 2929.20, ~~divisions (C) to (I) of section~~ 11483
~~2967.19,~~ or section 2967.191 of the Revised Code or when parole 11484

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,~~ division (A) (1) or (2) of section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A) (1) (b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

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

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

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

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

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape,

the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age. 11514
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(ii) The offense was committed on or after August 3, 2006. 11517

(4) A felony violation of section 2903.04, 2903.06, 11518
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 11519
or 2923.132 of the Revised Code if the section requires the 11520
imposition of a prison term; 11521

(5) A first, second, or third degree felony drug offense 11522
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 11523
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 11524
or 4729.99 of the Revised Code, whichever is applicable 11525
regarding the violation, requires the imposition of a mandatory 11526
prison term; 11527

(6) Any offense that is a first or second degree felony 11528
and that is not set forth in division (F) (1), (2), (3), or (4) 11529
of this section, if the offender previously was convicted of or 11530
pleaded guilty to aggravated murder, murder, any first or second 11531
degree felony, or an offense under an existing or former law of 11532
this state, another state, or the United States that is or was 11533
substantially equivalent to one of those offenses; 11534

(7) Any offense that is a third degree felony and either 11535
is a violation of section 2903.04 of the Revised Code or an 11536
attempt to commit a felony of the second degree that is an 11537
offense of violence and involved an attempt to cause serious 11538
physical harm to a person or that resulted in serious physical 11539
harm to a person if the offender previously was convicted of or 11540
pleaded guilty to any of the following offenses: 11541

(a) Aggravated murder, murder, involuntary manslaughter, 11542

rape, felonious sexual penetration as it existed under section 11543
2907.12 of the Revised Code prior to September 3, 1996, a felony 11544
of the first or second degree that resulted in the death of a 11545
person or in physical harm to a person, or complicity in or an 11546
attempt to commit any of those offenses; 11547

(b) An offense under an existing or former law of this 11548
state, another state, or the United States that is or was 11549
substantially equivalent to an offense listed in division (F) (7) 11550
(a) of this section that resulted in the death of a person or in 11551
physical harm to a person. 11552

(8) Any offense, other than a violation of section 2923.12 11553
of the Revised Code, that is a felony, if the offender had a 11554
firearm on or about the offender's person or under the 11555
offender's control while committing the felony, with respect to 11556
a portion of the sentence imposed pursuant to division (B) (1) (a) 11557
of section 2929.14 of the Revised Code for having the firearm; 11558

(9) Any offense of violence that is a felony, if the 11559
offender wore or carried body armor while committing the felony 11560
offense of violence, with respect to the portion of the sentence 11561
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 11562
Revised Code for wearing or carrying the body armor; 11563

(10) Corrupt activity in violation of section 2923.32 of 11564
the Revised Code when the most serious offense in the pattern of 11565
corrupt activity that is the basis of the offense is a felony of 11566
the first degree; 11567

(11) Any violent sex offense or designated homicide, 11568
assault, or kidnapping offense if, in relation to that offense, 11569
the offender is adjudicated a sexually violent predator; 11570

(12) A violation of division (A) (1) or (2) of section 11571

2921.36 of the Revised Code, or a violation of division (C) of 11572
that section involving an item listed in division (A) (1) or (2) 11573
of that section, if the offender is an officer or employee of 11574
the department of rehabilitation and correction; 11575

(13) A violation of division (A) (1) or (2) of section 11576
2903.06 of the Revised Code if the victim of the offense is a 11577
peace officer, as defined in section 2935.01 of the Revised 11578
Code, or an investigator of the bureau of criminal 11579
identification and investigation, as defined in section 2903.11 11580
of the Revised Code, with respect to the portion of the sentence 11581
imposed pursuant to division (B) (5) of section 2929.14 of the 11582
Revised Code; 11583

(14) A violation of division (A) (1) or (2) of section 11584
2903.06 of the Revised Code if the offender has been convicted 11585
of or pleaded guilty to three or more violations of division (A) 11586
~~or (B)~~ of section 4511.19 of the Revised Code or an equivalent 11587
offense, as defined in section 2941.1415 of the Revised Code, or 11588
three or more violations of any combination of those ~~divisions~~ 11589
~~and~~ offenses, with respect to the portion of the sentence 11590
imposed pursuant to division (B) (6) of section 2929.14 of the 11591
Revised Code; 11592

(15) Kidnapping, in the circumstances specified in section 11593
2971.03 of the Revised Code and when no other provision of 11594
division (F) of this section applies; 11595

(16) Kidnapping, abduction, compelling prostitution, 11596
promoting prostitution, engaging in a pattern of corrupt 11597
activity, a violation of division (A) (1) or (2) of section 11598
2907.323 of the Revised Code that involves a minor, or 11599
endangering children in violation of division (B) (1), (2), (3), 11600
(4), or (5) of section 2919.22 of the Revised Code, if the 11601

offender is convicted of or pleads guilty to a specification as 11602
described in section 2941.1422 of the Revised Code that was 11603
included in the indictment, count in the indictment, or 11604
information charging the offense; 11605

(17) A felony violation of division (A) or (B) of section 11606
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 11607
that section, and division (D) (6) of that section, require the 11608
imposition of a prison term; 11609

(18) A felony violation of section 2903.11, 2903.12, or 11610
2903.13 of the Revised Code, if the victim of the offense was a 11611
woman that the offender knew was pregnant at the time of the 11612
violation, with respect to a portion of the sentence imposed 11613
pursuant to division (B) (8) of section 2929.14 of the Revised 11614
Code; 11615

(19) (a) Any violent felony offense if the offender is a 11616
violent career criminal and had a firearm on or about the 11617
offender's person or under the offender's control during the 11618
commission of the violent felony offense and displayed or 11619
brandished the firearm, indicated that the offender possessed a 11620
firearm, or used the firearm to facilitate the offense, with 11621
respect to the portion of the sentence imposed under division 11622
(K) of section 2929.14 of the Revised Code. 11623

(b) As used in division (F) (19) (a) of this section, 11624
"violent career criminal" and "violent felony offense" have the 11625
same meanings as in section 2923.132 of the Revised Code. 11626

(20) Any violation of division (A) (1) of section 2903.11 11627
of the Revised Code if the offender used an accelerant in 11628
committing the violation and the serious physical harm to 11629
another or another's unborn caused by the violation resulted in 11630

a permanent, serious disfigurement or permanent, substantial 11631
incapacity or any violation of division (A) (2) of that section 11632
if the offender used an accelerant in committing the violation, 11633
the violation caused physical harm to another or another's 11634
unborn, and the physical harm resulted in a permanent, serious 11635
disfigurement or permanent, substantial incapacity, with respect 11636
to a portion of the sentence imposed pursuant to division (B) (9) 11637
of section 2929.14 of the Revised Code. The provisions of this 11638
division and of division (D) (2) of section 2903.11, divisions 11639
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 11640
the Revised Code shall be known as "Judy's Law." 11641

(21) Any violation of division (A) of section 2903.11 of 11642
the Revised Code if the victim of the offense suffered permanent 11643
disabling harm as a result of the offense and the victim was 11644
under ten years of age at the time of the offense, with respect 11645
to a portion of the sentence imposed pursuant to division (B) 11646
(10) of section 2929.14 of the Revised Code. 11647

(22) A felony violation of section 2925.03, 2925.05, or 11648
2925.11 of the Revised Code, if the drug involved in the 11649
violation is a fentanyl-related compound or a compound, mixture, 11650
preparation, or substance containing a fentanyl-related compound 11651
and the offender is convicted of or pleads guilty to a 11652
specification of the type described in division (B) of section 11653
2941.1410 of the Revised Code that was included in the 11654
indictment, count in the indictment, or information charging the 11655
offense, with respect to the portion of the sentence imposed 11656
under division (B) (11) of section 2929.14 of the Revised Code. 11657

(G) Notwithstanding divisions (A) to (E) of this section, 11658
if an offender is being sentenced for a fourth degree felony OVI 11659
offense or for a third degree felony OVI offense, the court 11660

shall impose upon the offender a mandatory term of local 11661
incarceration or a mandatory prison term in accordance with the 11662
following: 11663

(1) If the offender is being sentenced for a fourth degree 11664
felony OVI offense and if the offender has not been convicted of 11665
and has not pleaded guilty to a specification of the type 11666
described in section 2941.1413 of the Revised Code, the court 11667
may impose upon the offender a mandatory term of local 11668
incarceration of sixty days or one hundred twenty days as 11669
specified in division (G) (1) (d) of section 4511.19 of the 11670
Revised Code. The court shall not reduce the term pursuant to 11671
section 2929.20, division (A) (1) or (2) of section 2967.193, or 11672
any other provision of the Revised Code. The court that imposes 11673
a mandatory term of local incarceration under this division 11674
shall specify whether the term is to be served in a jail, a 11675
community-based correctional facility, a halfway house, or an 11676
alternative residential facility, and the offender shall serve 11677
the term in the type of facility specified by the court. A 11678
mandatory term of local incarceration imposed under division (G) 11679
(1) of this section is not subject to any other Revised Code 11680
provision that pertains to a prison term except as provided in 11681
division (A) (1) of this section. 11682

(2) If the offender is being sentenced for a third degree 11683
felony OVI offense, or if the offender is being sentenced for a 11684
fourth degree felony OVI offense and the court does not impose a 11685
mandatory term of local incarceration under division (G) (1) of 11686
this section, the court shall impose upon the offender a 11687
mandatory prison term of one, two, three, four, or five years if 11688
the offender also is convicted of or also pleads guilty to a 11689
specification of the type described in section 2941.1413 of the 11690
Revised Code or shall impose upon the offender a mandatory 11691

prison term of sixty days or one hundred twenty days as 11692
specified in division (G) (1) (d) or (e) of section 4511.19 of the 11693
Revised Code if the offender has not been convicted of and has 11694
not pleaded guilty to a specification of that type. ~~Subject to~~ 11695
~~divisions (C) to (I) of section 2967.19 of the Revised Code, the~~ 11696
The court shall not reduce the term pursuant to section 2929.20, 11697
~~2967.19, division (A) (1) or (2) of section 2967.193, or any~~ 11698
other provision of the Revised Code. The offender shall serve 11699
the one-, two-, three-, four-, or five-year mandatory prison 11700
term consecutively to and prior to the prison term imposed for 11701
the underlying offense and consecutively to any other mandatory 11702
prison term imposed in relation to the offense. In no case shall 11703
an offender who once has been sentenced to a mandatory term of 11704
local incarceration pursuant to division (G) (1) of this section 11705
for a fourth degree felony OVI offense be sentenced to another 11706
mandatory term of local incarceration under that division for 11707
any violation of division (A) of section 4511.19 of the Revised 11708
Code. In addition to the mandatory prison term described in 11709
division (G) (2) of this section, the court may sentence the 11710
offender to a community control sanction under section 2929.16 11711
or 2929.17 of the Revised Code, but the offender shall serve the 11712
prison term prior to serving the community control sanction. The 11713
department of rehabilitation and correction may place an 11714
offender sentenced to a mandatory prison term under this 11715
division in an intensive program prison established pursuant to 11716
section 5120.033 of the Revised Code if the department gave the 11717
sentencing judge prior notice of its intent to place the 11718
offender in an intensive program prison established under that 11719
section and if the judge did not notify the department that the 11720
judge disapproved the placement. Upon the establishment of the 11721
initial intensive program prison pursuant to section 5120.033 of 11722
the Revised Code that is privately operated and managed by a 11723

contractor pursuant to a contract entered into under section 11724
9.06 of the Revised Code, both of the following apply: 11725

(a) The department of rehabilitation and correction shall 11726
make a reasonable effort to ensure that a sufficient number of 11727
offenders sentenced to a mandatory prison term under this 11728
division are placed in the privately operated and managed prison 11729
so that the privately operated and managed prison has full 11730
occupancy. 11731

(b) Unless the privately operated and managed prison has 11732
full occupancy, the department of rehabilitation and correction 11733
shall not place any offender sentenced to a mandatory prison 11734
term under this division in any intensive program prison 11735
established pursuant to section 5120.033 of the Revised Code 11736
other than the privately operated and managed prison. 11737

(H) If an offender is being sentenced for a sexually 11738
oriented offense or child-victim oriented offense that is a 11739
felony committed on or after January 1, 1997, the judge shall 11740
require the offender to submit to a DNA specimen collection 11741
procedure pursuant to section 2901.07 of the Revised Code. 11742

(I) If an offender is being sentenced for a sexually 11743
oriented offense or a child-victim oriented offense committed on 11744
or after January 1, 1997, the judge shall include in the 11745
sentence a summary of the offender's duties imposed under 11746
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 11747
Code and the duration of the duties. The judge shall inform the 11748
offender, at the time of sentencing, of those duties and of 11749
their duration. If required under division (A) (2) of section 11750
2950.03 of the Revised Code, the judge shall perform the duties 11751
specified in that section, or, if required under division (A) (6) 11752
of section 2950.03 of the Revised Code, the judge shall perform 11753

the duties specified in that division. 11754

(J) (1) Except as provided in division (J) (2) of this 11755
section, when considering sentencing factors under this section 11756
in relation to an offender who is convicted of or pleads guilty 11757
to an attempt to commit an offense in violation of section 11758
2923.02 of the Revised Code, the sentencing court shall consider 11759
the factors applicable to the felony category of the violation 11760
of section 2923.02 of the Revised Code instead of the factors 11761
applicable to the felony category of the offense attempted. 11762

(2) When considering sentencing factors under this section 11763
in relation to an offender who is convicted of or pleads guilty 11764
to an attempt to commit a drug abuse offense for which the 11765
penalty is determined by the amount or number of unit doses of 11766
the controlled substance involved in the drug abuse offense, the 11767
sentencing court shall consider the factors applicable to the 11768
felony category that the drug abuse offense attempted would be 11769
if that drug abuse offense had been committed and had involved 11770
an amount or number of unit doses of the controlled substance 11771
that is within the next lower range of controlled substance 11772
amounts than was involved in the attempt. 11773

(K) As used in this section: 11774

(1) "Community addiction services provider" has the same 11775
meaning as in section 5119.01 of the Revised Code. 11776

(2) "Drug abuse offense" has the same meaning as in 11777
section 2925.01 of the Revised Code. 11778

(3) "Minor drug possession offense" has the same meaning 11779
as in section 2925.11 of the Revised Code. 11780

(4) "Qualifying assault offense" means a violation of 11781
section 2903.13 of the Revised Code for which the penalty 11782

provision in division (C) (8) (b) or (C) (9) (b) of that section 11783
applies. 11784

(L) At the time of sentencing an offender for any sexually 11785
oriented offense, if the offender is a tier III sex 11786
offender/child-victim offender relative to that offense and the 11787
offender does not serve a prison term or jail term, the court 11788
may require that the offender be monitored by means of a global 11789
positioning device. If the court requires such monitoring, the 11790
cost of monitoring shall be borne by the offender. If the 11791
offender is indigent, the cost of compliance shall be paid by 11792
the crime victims reparations fund. 11793

Sec. 2929.14. (A) Except as provided in division (B) (1), 11794
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 11795
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 11796
in division (D) (6) of section 2919.25 of the Revised Code and 11797
except in relation to an offense for which a sentence of death 11798
or life imprisonment is to be imposed, if the court imposing a 11799
sentence upon an offender for a felony elects or is required to 11800
impose a prison term on the offender pursuant to this chapter, 11801
the court shall impose a prison term that shall be one of the 11802
following: 11803

(1) (a) For a felony of the first degree committed on or 11804
~~after the effective date of this amendment~~ March 22, 2019, the 11805
prison term shall be an indefinite prison term with a stated 11806
minimum term selected by the court of three, four, five, six, 11807
seven, eight, nine, ten, or eleven years and a maximum term that 11808
is determined pursuant to section 2929.144 of the Revised Code, 11809
except that if the section that criminalizes the conduct 11810
constituting the felony specifies a different minimum term or 11811
penalty for the offense, the specific language of that section 11812

shall control in determining the minimum term or otherwise 11813
sentencing the offender but the minimum term or sentence imposed 11814
under that specific language shall be considered for purposes of 11815
the Revised Code as if it had been imposed under this division. 11816

(b) For a felony of the first degree committed prior to 11817
~~the effective date of this amendment~~ March 22, 2019, the prison 11818
term shall be a definite prison term of three, four, five, six, 11819
seven, eight, nine, ten, or eleven years. 11820

(2) (a) For a felony of the second degree committed on or 11821
~~after the effective date of this amendment~~ March 22, 2019, the 11822
prison term shall be an indefinite prison term with a stated 11823
minimum term selected by the court of two, three, four, five, 11824
six, seven, or eight years and a maximum term that is determined 11825
pursuant to section 2929.144 of the Revised Code, except that if 11826
the section that criminalizes the conduct constituting the 11827
felony specifies a different minimum term or penalty for the 11828
offense, the specific language of that section shall control in 11829
determining the minimum term or otherwise sentencing the 11830
offender but the minimum term or sentence imposed under that 11831
specific language shall be considered for purposes of the 11832
Revised Code as if it had been imposed under this division. 11833

(b) For a felony of the second degree committed prior to 11834
~~the effective date of this amendment~~ March 22, 2019, the prison 11835
term shall be a definite term of two, three, four, five, six, 11836
seven, or eight years. 11837

(3) (a) For a felony of the third degree that is a 11838
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 11839
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 11840
Code, that is a violation of division (A) of section 4511.19 of 11841
the Revised Code if the offender previously has been convicted 11842

of or pleaded guilty to a violation of division (A) of that 11843
section that was a felony, or that is a violation of section 11844
2911.02 or 2911.12 of the Revised Code if the offender 11845
previously has been convicted of or pleaded guilty in two or 11846
more separate proceedings to two or more violations of section 11847
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 11848
prison term shall be a definite term of twelve, eighteen, 11849
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 11850
four, or sixty months. 11851

(b) For a felony of the third degree that is not an 11852
offense for which division (A) (3) (a) of this section applies, 11853
the prison term shall be a definite term of nine, twelve, 11854
eighteen, twenty-four, thirty, or thirty-six months. 11855

(4) For a felony of the fourth degree, the prison term 11856
shall be a definite term of six, seven, eight, nine, ten, 11857
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 11858
or eighteen months. 11859

(5) For a felony of the fifth degree, the prison term 11860
shall be a definite term of six, seven, eight, nine, ten, 11861
eleven, or twelve months. 11862

(B) (1) (a) Except as provided in division (B) (1) (e) of this 11863
section, if an offender who is convicted of or pleads guilty to 11864
a felony also is convicted of or pleads guilty to a 11865
specification of the type described in section 2941.141, 11866
2941.144, or 2941.145 of the Revised Code, the court shall 11867
impose on the offender one of the following prison terms: 11868

(i) A prison term of six years if the specification is of 11869
the type described in division (A) of section 2941.144 of the 11870
Revised Code that charges the offender with having a firearm 11871

that is an automatic firearm or that was equipped with a firearm 11872
muffler or suppressor on or about the offender's person or under 11873
the offender's control while committing the offense; 11874

(ii) A prison term of three years if the specification is 11875
of the type described in division (A) of section 2941.145 of the 11876
Revised Code that charges the offender with having a firearm on 11877
or about the offender's person or under the offender's control 11878
while committing the offense and displaying the firearm, 11879
brandishing the firearm, indicating that the offender possessed 11880
the firearm, or using it to facilitate the offense; 11881

(iii) A prison term of one year if the specification is of 11882
the type described in division (A) of section 2941.141 of the 11883
Revised Code that charges the offender with having a firearm on 11884
or about the offender's person or under the offender's control 11885
while committing the offense; 11886

(iv) A prison term of nine years if the specification is 11887
of the type described in division (D) of section 2941.144 of the 11888
Revised Code that charges the offender with having a firearm 11889
that is an automatic firearm or that was equipped with a firearm 11890
muffler or suppressor on or about the offender's person or under 11891
the offender's control while committing the offense and 11892
specifies that the offender previously has been convicted of or 11893
pleaded guilty to a specification of the type described in 11894
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 11895
the Revised Code; 11896

(v) A prison term of fifty-four months if the 11897
specification is of the type described in division (D) of 11898
section 2941.145 of the Revised Code that charges the offender 11899
with having a firearm on or about the offender's person or under 11900
the offender's control while committing the offense and 11901

displaying the firearm, brandishing the firearm, indicating that 11902
the offender possessed the firearm, or using the firearm to 11903
facilitate the offense and that the offender previously has been 11904
convicted of or pleaded guilty to a specification of the type 11905
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 11906
2941.1412 of the Revised Code; 11907

(vi) A prison term of eighteen months if the specification 11908
is of the type described in division (D) of section 2941.141 of 11909
the Revised Code that charges the offender with having a firearm 11910
on or about the offender's person or under the offender's 11911
control while committing the offense and that the offender 11912
previously has been convicted of or pleaded guilty to a 11913
specification of the type described in section 2941.141, 11914
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 11915

(b) If a court imposes a prison term on an offender under 11916
division (B) (1) (a) of this section, the prison term shall not be 11917
reduced pursuant to ~~section 2967.19,~~ section 2929.20, division 11918
(A) (1) or (2) of section 2967.193, or any other provision of 11919
Chapter 2967. or Chapter 5120. of the Revised Code. Except as 11920
provided in division (B) (1) (g) of this section, a court shall 11921
not impose more than one prison term on an offender under 11922
division (B) (1) (a) of this section for felonies committed as 11923
part of the same act or transaction. 11924

(c) (i) Except as provided in division (B) (1) (e) of this 11925
section, if an offender who is convicted of or pleads guilty to 11926
a violation of section 2923.161 of the Revised Code or to a 11927
felony that includes, as an essential element, purposely or 11928
knowingly causing or attempting to cause the death of or 11929
physical harm to another, also is convicted of or pleads guilty 11930
to a specification of the type described in division (A) of 11931

section 2941.146 of the Revised Code that charges the offender 11932
with committing the offense by discharging a firearm from a 11933
motor vehicle other than a manufactured home, the court, after 11934
imposing a prison term on the offender for the violation of 11935
section 2923.161 of the Revised Code or for the other felony 11936
offense under division (A), (B) (2), or (B) (3) of this section, 11937
shall impose an additional prison term of five years upon the 11938
offender that shall not be reduced pursuant to section 2929.20, 11939
~~section 2967.19, division (A) (1) or (2) of section 2967.193~~, or 11940
any other provision of Chapter 2967. or Chapter 5120. of the 11941
Revised Code. 11942

(ii) Except as provided in division (B) (1) (e) of this 11943
section, if an offender who is convicted of or pleads guilty to 11944
a violation of section 2923.161 of the Revised Code or to a 11945
felony that includes, as an essential element, purposely or 11946
knowingly causing or attempting to cause the death of or 11947
physical harm to another, also is convicted of or pleads guilty 11948
to a specification of the type described in division (C) of 11949
section 2941.146 of the Revised Code that charges the offender 11950
with committing the offense by discharging a firearm from a 11951
motor vehicle other than a manufactured home and that the 11952
offender previously has been convicted of or pleaded guilty to a 11953
specification of the type described in section 2941.141, 11954
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 11955
the court, after imposing a prison term on the offender for the 11956
violation of section 2923.161 of the Revised Code or for the 11957
other felony offense under division (A), (B) (2), or (3) of this 11958
section, shall impose an additional prison term of ninety months 11959
upon the offender that shall not be reduced pursuant to section 11960
2929.20, ~~2967.19, division (A) (1) or (2) of section 2967.193~~, or 11961
any other provision of Chapter 2967. or Chapter 5120. of the 11962

Revised Code. 11963

(iii) A court shall not impose more than one additional 11964
prison term on an offender under division (B) (1) (c) of this 11965
section for felonies committed as part of the same act or 11966
transaction. If a court imposes an additional prison term on an 11967
offender under division (B) (1) (c) of this section relative to an 11968
offense, the court also shall impose a prison term under 11969
division (B) (1) (a) of this section relative to the same offense, 11970
provided the criteria specified in that division for imposing an 11971
additional prison term are satisfied relative to the offender 11972
and the offense. 11973

(d) If an offender who is convicted of or pleads guilty to 11974
an offense of violence that is a felony also is convicted of or 11975
pleads guilty to a specification of the type described in 11976
section 2941.1411 of the Revised Code that charges the offender 11977
with wearing or carrying body armor while committing the felony 11978
offense of violence, the court shall impose on the offender an 11979
additional prison term of two years. The prison term so imposed, 11980
~~subject to divisions (C) to (I) of section 2967.19 of the~~ 11981
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 11982
~~section 2967.19, division (A) (1) or (2) of section 2967.193,~~ or 11983
any other provision of Chapter 2967. or Chapter 5120. of the 11984
Revised Code. A court shall not impose more than one prison term 11985
on an offender under division (B) (1) (d) of this section for 11986
felonies committed as part of the same act or transaction. If a 11987
court imposes an additional prison term under division (B) (1) (a) 11988
or (c) of this section, the court is not precluded from imposing 11989
an additional prison term under division (B) (1) (d) of this 11990
section. 11991

(e) The court shall not impose any of the prison terms 11992

described in division (B) (1) (a) of this section or any of the 11993
additional prison terms described in division (B) (1) (c) of this 11994
section upon an offender for a violation of section 2923.12 or 11995
2923.123 of the Revised Code. The court shall not impose any of 11996
the prison terms described in division (B) (1) (a) or (b) of this 11997
section upon an offender for a violation of section 2923.122 11998
that involves a deadly weapon that is a firearm other than a 11999
dangerous ordnance, section 2923.16, or section 2923.121 of the 12000
Revised Code. The court shall not impose any of the prison terms 12001
described in division (B) (1) (a) of this section or any of the 12002
additional prison terms described in division (B) (1) (c) of this 12003
section upon an offender for a violation of section 2923.13 of 12004
the Revised Code unless all of the following apply: 12005

(i) The offender previously has been convicted of 12006
aggravated murder, murder, or any felony of the first or second 12007
degree. 12008

(ii) Less than five years have passed since the offender 12009
was released from prison or post-release control, whichever is 12010
later, for the prior offense. 12011

(f) (i) If an offender is convicted of or pleads guilty to 12012
a felony that includes, as an essential element, causing or 12013
attempting to cause the death of or physical harm to another and 12014
also is convicted of or pleads guilty to a specification of the 12015
type described in division (A) of section 2941.1412 of the 12016
Revised Code that charges the offender with committing the 12017
offense by discharging a firearm at a peace officer as defined 12018
in section 2935.01 of the Revised Code or a corrections officer, 12019
as defined in section 2941.1412 of the Revised Code, the court, 12020
after imposing a prison term on the offender for the felony 12021
offense under division (A), (B) (2), or (B) (3) of this section, 12022

shall impose an additional prison term of seven years upon the 12023
offender that shall not be reduced pursuant to section 2929.20, 12024
~~section 2967.19, division (A) (1) or (2) of section 2967.193,~~ or 12025
any other provision of Chapter 2967. or Chapter 5120. of the 12026
Revised Code. 12027

(ii) If an offender is convicted of or pleads guilty to a 12028
felony that includes, as an essential element, causing or 12029
attempting to cause the death of or physical harm to another and 12030
also is convicted of or pleads guilty to a specification of the 12031
type described in division (B) of section 2941.1412 of the 12032
Revised Code that charges the offender with committing the 12033
offense by discharging a firearm at a peace officer, as defined 12034
in section 2935.01 of the Revised Code, or a corrections 12035
officer, as defined in section 2941.1412 of the Revised Code, 12036
and that the offender previously has been convicted of or 12037
pleaded guilty to a specification of the type described in 12038
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 12039
the Revised Code, the court, after imposing a prison term on the 12040
offender for the felony offense under division (A), (B) (2), or 12041
(3) of this section, shall impose an additional prison term of 12042
one hundred twenty-six months upon the offender that shall not 12043
be reduced pursuant to section 2929.20, ~~2967.19,~~ division (A) (1) 12044
or (2) of section 2967.193, or any other provision of Chapter 12045
2967. or 5120. of the Revised Code. 12046

(iii) If an offender is convicted of or pleads guilty to 12047
two or more felonies that include, as an essential element, 12048
causing or attempting to cause the death or physical harm to 12049
another and also is convicted of or pleads guilty to a 12050
specification of the type described under division (B) (1) (f) of 12051
this section in connection with two or more of the felonies of 12052
which the offender is convicted or to which the offender pleads 12053

guilty, the sentencing court shall impose on the offender the 12054
prison term specified under division (B) (1) (f) of this section 12055
for each of two of the specifications of which the offender is 12056
convicted or to which the offender pleads guilty and, in its 12057
discretion, also may impose on the offender the prison term 12058
specified under that division for any or all of the remaining 12059
specifications. If a court imposes an additional prison term on 12060
an offender under division (B) (1) (f) of this section relative to 12061
an offense, the court shall not impose a prison term under 12062
division (B) (1) (a) or (c) of this section relative to the same 12063
offense. 12064

(g) If an offender is convicted of or pleads guilty to two 12065
or more felonies, if one or more of those felonies are 12066
aggravated murder, murder, attempted aggravated murder, 12067
attempted murder, aggravated robbery, felonious assault, or 12068
rape, and if the offender is convicted of or pleads guilty to a 12069
specification of the type described under division (B) (1) (a) of 12070
this section in connection with two or more of the felonies, the 12071
sentencing court shall impose on the offender the prison term 12072
specified under division (B) (1) (a) of this section for each of 12073
the two most serious specifications of which the offender is 12074
convicted or to which the offender pleads guilty and, in its 12075
discretion, also may impose on the offender the prison term 12076
specified under that division for any or all of the remaining 12077
specifications. 12078

(2) (a) If division (B) (2) (b) of this section does not 12079
apply, the court may impose on an offender, in addition to the 12080
longest prison term authorized or required for the offense or, 12081
for offenses for which division (A) (1) (a) or (2) (a) of this 12082
section applies, in addition to the longest minimum prison term 12083
authorized or required for the offense, an additional definite 12084

prison term of one, two, three, four, five, six, seven, eight, 12085
nine, or ten years if all of the following criteria are met: 12086

(i) The offender is convicted of or pleads guilty to a 12087
specification of the type described in section 2941.149 of the 12088
Revised Code that the offender is a repeat violent offender. 12089

(ii) The offense of which the offender currently is 12090
convicted or to which the offender currently pleads guilty is 12091
aggravated murder and the court does not impose a sentence of 12092
death or life imprisonment without parole, murder, terrorism and 12093
the court does not impose a sentence of life imprisonment 12094
without parole, any felony of the first degree that is an 12095
offense of violence and the court does not impose a sentence of 12096
life imprisonment without parole, or any felony of the second 12097
degree that is an offense of violence and the trier of fact 12098
finds that the offense involved an attempt to cause or a threat 12099
to cause serious physical harm to a person or resulted in 12100
serious physical harm to a person. 12101

(iii) The court imposes the longest prison term for the 12102
offense or the longest minimum prison term for the offense, 12103
whichever is applicable, that is not life imprisonment without 12104
parole. 12105

(iv) The court finds that the prison terms imposed 12106
pursuant to division (B) (2) (a) (iii) of this section and, if 12107
applicable, division (B) (1) or (3) of this section are 12108
inadequate to punish the offender and protect the public from 12109
future crime, because the applicable factors under section 12110
2929.12 of the Revised Code indicating a greater likelihood of 12111
recidivism outweigh the applicable factors under that section 12112
indicating a lesser likelihood of recidivism. 12113

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

(b) The court shall impose on an offender the longest prison term authorized or required for the offense or, for offenses for which division (A) (1) (a) or (2) (a) of this section applies, the longest minimum prison term authorized or required for the offense, and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

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

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

(iii) The offense or offenses of which the offender 12144
currently is convicted or to which the offender currently pleads 12145
guilty is aggravated murder and the court does not impose a 12146
sentence of death or life imprisonment without parole, murder, 12147
terrorism and the court does not impose a sentence of life 12148
imprisonment without parole, any felony of the first degree that 12149
is an offense of violence and the court does not impose a 12150
sentence of life imprisonment without parole, or any felony of 12151
the second degree that is an offense of violence and the trier 12152
of fact finds that the offense involved an attempt to cause or a 12153
threat to cause serious physical harm to a person or resulted in 12154
serious physical harm to a person. 12155

(c) For purposes of division (B) (2) (b) of this section, 12156
two or more offenses committed at the same time or as part of 12157
the same act or event shall be considered one offense, and that 12158
one offense shall be the offense with the greatest penalty. 12159

(d) A sentence imposed under division (B) (2) (a) or (b) of 12160
this section shall not be reduced pursuant to section 2929.20, 12161
~~section 2967.19, or division (A) (1) or (2) of section 2967.193,~~ 12162
or any other provision of Chapter 2967. or Chapter 5120. of the 12163
Revised Code. The offender shall serve an additional prison term 12164
imposed under division (B) (2) (a) or (b) of this section 12165
consecutively to and prior to the prison term imposed for the 12166
underlying offense. 12167

(e) When imposing a sentence pursuant to division (B) (2) 12168
(a) or (b) of this section, the court shall state its findings 12169
explaining the imposed sentence. 12170

(3) Except when an offender commits a violation of section 12171
2903.01 or 2907.02 of the Revised Code and the penalty imposed 12172
for the violation is life imprisonment or commits a violation of 12173

section 2903.02 of the Revised Code, if the offender commits a 12174
violation of section 2925.03 or 2925.11 of the Revised Code and 12175
that section classifies the offender as a major drug offender, 12176
if the offender commits a violation of section 2925.05 of the 12177
Revised Code and division (E)(1) of that section classifies the 12178
offender as a major drug offender, if the offender commits a 12179
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 12180
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 12181
division (C) or (D) of section 3719.172, division (E) of section 12182
4729.51, or division (J) of section 4729.54 of the Revised Code 12183
that includes the sale, offer to sell, or possession of a 12184
schedule I or II controlled substance, with the exception of 12185
marihuana, and the court imposing sentence upon the offender 12186
finds that the offender is guilty of a specification of the type 12187
described in division (A) of section 2941.1410 of the Revised 12188
Code charging that the offender is a major drug offender, if the 12189
court imposing sentence upon an offender for a felony finds that 12190
the offender is guilty of corrupt activity with the most serious 12191
offense in the pattern of corrupt activity being a felony of the 12192
first degree, or if the offender is guilty of an attempted 12193
violation of section 2907.02 of the Revised Code and, had the 12194
offender completed the violation of section 2907.02 of the 12195
Revised Code that was attempted, the offender would have been 12196
subject to a sentence of life imprisonment or life imprisonment 12197
without parole for the violation of section 2907.02 of the 12198
Revised Code, the court shall impose upon the offender for the 12199
felony violation a mandatory prison term determined as described 12200
in this division that, ~~subject to divisions (C) to (I) of~~ 12201
~~section 2967.19 of the Revised Code,~~ cannot be reduced pursuant 12202
to section 2929.20, ~~section 2967.19,~~ division (A)(1) or (2) of 12203
section 2967.193, or any other provision of Chapter 2967. or 12204
5120. of the Revised Code. The mandatory prison term shall be 12205

the maximum definite prison term prescribed in division (A) (1) 12206
(b) of this section for a felony of the first degree, except 12207
that for offenses for which division (A) (1) (a) of this section 12208
applies, the mandatory prison term shall be the longest minimum 12209
prison term prescribed in that division for the offense. 12210

(4) If the offender is being sentenced for a third or 12211
fourth degree felony OVI offense under division (G) (2) of 12212
section 2929.13 of the Revised Code, the sentencing court shall 12213
impose upon the offender a mandatory prison term in accordance 12214
with that division. In addition to the mandatory prison term, if 12215
the offender is being sentenced for a fourth degree felony OVI 12216
offense, the court, notwithstanding division (A) (4) of this 12217
section, may sentence the offender to a definite prison term of 12218
not less than six months and not more than thirty months, and if 12219
the offender is being sentenced for a third degree felony OVI 12220
offense, the sentencing court may sentence the offender to an 12221
additional prison term of any duration specified in division (A) 12222
(3) of this section. In either case, the additional prison term 12223
imposed shall be reduced by the sixty or one hundred twenty days 12224
imposed upon the offender as the mandatory prison term. The 12225
total of the additional prison term imposed under division (B) 12226
(4) of this section plus the sixty or one hundred twenty days 12227
imposed as the mandatory prison term shall equal a definite term 12228
in the range of six months to thirty months for a fourth degree 12229
felony OVI offense and shall equal one of the authorized prison 12230
terms specified in division (A) (3) of this section for a third 12231
degree felony OVI offense. If the court imposes an additional 12232
prison term under division (B) (4) of this section, the offender 12233
shall serve the additional prison term after the offender has 12234
served the mandatory prison term required for the offense. In 12235
addition to the mandatory prison term or mandatory and 12236

additional prison term imposed as described in division (B) (4) 12237
of this section, the court also may sentence the offender to a 12238
community control sanction under section 2929.16 or 2929.17 of 12239
the Revised Code, but the offender shall serve all of the prison 12240
terms so imposed prior to serving the community control 12241
sanction. 12242

If the offender is being sentenced for a fourth degree 12243
felony OVI offense under division (G) (1) of section 2929.13 of 12244
the Revised Code and the court imposes a mandatory term of local 12245
incarceration, the court may impose a prison term as described 12246
in division (A) (1) of that section. 12247

(5) If an offender is convicted of or pleads guilty to a 12248
violation of division (A) (1) or (2) of section 2903.06 of the 12249
Revised Code and also is convicted of or pleads guilty to a 12250
specification of the type described in section 2941.1414 of the 12251
Revised Code that charges that the victim of the offense is a 12252
peace officer, as defined in section 2935.01 of the Revised 12253
Code, or an investigator of the bureau of criminal 12254
identification and investigation, as defined in section 2903.11 12255
of the Revised Code, the court shall impose on the offender a 12256
prison term of five years. If a court imposes a prison term on 12257
an offender under division (B) (5) of this section, the prison 12258
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 12259
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 12260
~~section 2967.19, division (A) (1) or (2) of section 2967.193, or~~ 12261
any other provision of Chapter 2967. or Chapter 5120. of the 12262
Revised Code. A court shall not impose more than one prison term 12263
on an offender under division (B) (5) of this section for 12264
felonies committed as part of the same act. 12265

(6) If an offender is convicted of or pleads guilty to a 12266

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

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

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the

first degree committed on or after ~~the effective date of this~~ 12298
~~amendment~~ March 22, 2019, the court shall impose as the minimum 12299
prison term a mandatory term of not less than five years and not 12300
greater than eleven years; 12301

(ii) If the offense is a felony of the second or third 12302
degree, a definite prison term of not less than three years and 12303
not greater than the maximum prison term allowed for the offense 12304
by division (A) (2) (b) or (3) of this section, except that if the 12305
offense is a felony of the second degree committed on or after 12306
~~the effective date of this amendment~~ March 22, 2019, the court 12307
shall impose as the minimum prison term a mandatory term of not 12308
less than three years and not greater than eight years; 12309

(iii) If the offense is a felony of the fourth or fifth 12310
degree, a definite prison term that is the maximum prison term 12311
allowed for the offense by division (A) of section 2929.14 of 12312
the Revised Code. 12313

(b) ~~Subject to divisions (C) to (I) of section 2967.19 of~~ 12314
~~the Revised Code, the~~ The prison term imposed under division (B) 12315
(7) (a) of this section shall not be reduced pursuant to section 12316
2929.20, ~~section 2967.19,~~ division (A) (1) or (2) of section 12317
2967.193, or any other provision of Chapter 2967. of the Revised 12318
Code. A court shall not impose more than one prison term on an 12319
offender under division (B) (7) (a) of this section for felonies 12320
committed as part of the same act, scheme, or plan. 12321

(8) If an offender is convicted of or pleads guilty to a 12322
felony violation of section 2903.11, 2903.12, or 2903.13 of the 12323
Revised Code and also is convicted of or pleads guilty to a 12324
specification of the type described in section 2941.1423 of the 12325
Revised Code that charges that the victim of the violation was a 12326
woman whom the offender knew was pregnant at the time of the 12327

violation, notwithstanding the range prescribed in division (A) 12328
of this section as the definite prison term or minimum prison 12329
term for felonies of the same degree as the violation, the court 12330
shall impose on the offender a mandatory prison term that is 12331
either a definite prison term of six months or one of the prison 12332
terms prescribed in division (A) of this section for felonies of 12333
the same degree as the violation, except that if the violation 12334
is a felony of the first or second degree committed on or after 12335
~~the effective date of this amendment~~ March 22, 2019, the court 12336
shall impose as the minimum prison term under division (A) (1) (a) 12337
or (2) (a) of this section a mandatory term that is one of the 12338
terms prescribed in that division, whichever is applicable, for 12339
the offense. 12340

(9) (a) If an offender is convicted of or pleads guilty to 12341
a violation of division (A) (1) or (2) of section 2903.11 of the 12342
Revised Code and also is convicted of or pleads guilty to a 12343
specification of the type described in section 2941.1425 of the 12344
Revised Code, the court shall impose on the offender a mandatory 12345
prison term of six years if either of the following applies: 12346

(i) The violation is a violation of division (A) (1) of 12347
section 2903.11 of the Revised Code and the specification 12348
charges that the offender used an accelerant in committing the 12349
violation and the serious physical harm to another or to 12350
another's unborn caused by the violation resulted in a 12351
permanent, serious disfigurement or permanent, substantial 12352
incapacity; 12353

(ii) The violation is a violation of division (A) (2) of 12354
section 2903.11 of the Revised Code and the specification 12355
charges that the offender used an accelerant in committing the 12356
violation, that the violation caused physical harm to another or 12357

to another's unborn, and that the physical harm resulted in a 12358
permanent, serious disfigurement or permanent, substantial 12359
incapacity. 12360

(b) If a court imposes a prison term on an offender under 12361
division (B) (9) (a) of this section, the prison term shall not be 12362
reduced pursuant to section 2929.20, ~~section 2967.19, division~~ 12363
(A) (1) or (2) of section 2967.193, or any other provision of 12364
Chapter 2967. or Chapter 5120. of the Revised Code. A court 12365
shall not impose more than one prison term on an offender under 12366
division (B) (9) of this section for felonies committed as part 12367
of the same act. 12368

(c) The provisions of divisions (B) (9) and (C) (6) of this 12369
section and of division (D) (2) of section 2903.11, division (F) 12370
(20) of section 2929.13, and section 2941.1425 of the Revised 12371
Code shall be known as "Judy's Law." 12372

(10) If an offender is convicted of or pleads guilty to a 12373
violation of division (A) of section 2903.11 of the Revised Code 12374
and also is convicted of or pleads guilty to a specification of 12375
the type described in section 2941.1426 of the Revised Code that 12376
charges that the victim of the offense suffered permanent 12377
disabling harm as a result of the offense and that the victim 12378
was under ten years of age at the time of the offense, 12379
regardless of whether the offender knew the age of the victim, 12380
the court shall impose upon the offender an additional definite 12381
prison term of six years. A prison term imposed on an offender 12382
under division (B) (10) of this section shall not be reduced 12383
pursuant to section 2929.20, division (A) (1) or (2) of section 12384
2967.193, or any other provision of Chapter 2967. or Chapter 12385
5120. of the Revised Code. If a court imposes an additional 12386
prison term on an offender under this division relative to a 12387

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 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 imposes a prison term on an offender under division (B) (11) of this section, the prison term, ~~subject to divisions (C) to (I) of section 2967.19 of the Revised Code,~~ shall not be reduced pursuant to section 2929.20, ~~2967.19, or division (A) (1) or (2) of section 2967.193,~~ or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (11) of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section

for committing a felony specified in that division by 12419
discharging a firearm from a motor vehicle, or if both types of 12420
mandatory prison terms are imposed, the offender shall serve any 12421
mandatory prison term imposed under either division 12422
consecutively to any other mandatory prison term imposed under 12423
either division or under division (B) (1) (d) of this section, 12424
consecutively to and prior to any prison term imposed for the 12425
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 12426
this section or any other section of the Revised Code, and 12427
consecutively to any other prison term or mandatory prison term 12428
previously or subsequently imposed upon the offender. 12429

(b) If a mandatory prison term is imposed upon an offender 12430
pursuant to division (B) (1) (d) of this section for wearing or 12431
carrying body armor while committing an offense of violence that 12432
is a felony, the offender shall serve the mandatory term so 12433
imposed consecutively to any other mandatory prison term imposed 12434
under that division or under division (B) (1) (a) or (c) of this 12435
section, consecutively to and prior to any prison term imposed 12436
for the underlying felony under division (A), (B) (2), or (B) (3) 12437
of this section or any other section of the Revised Code, and 12438
consecutively to any other prison term or mandatory prison term 12439
previously or subsequently imposed upon the offender. 12440

(c) If a mandatory prison term is imposed upon an offender 12441
pursuant to division (B) (1) (f) of this section, the offender 12442
shall serve the mandatory prison term so imposed consecutively 12443
to and prior to any prison term imposed for the underlying 12444
felony under division (A), (B) (2), or (B) (3) of this section or 12445
any other section of the Revised Code, and consecutively to any 12446
other prison term or mandatory prison term previously or 12447
subsequently imposed upon the offender. 12448

(d) If a mandatory prison term is imposed upon an offender 12449
pursuant to division (B) (7) or (8) of this section, the offender 12450
shall serve the mandatory prison term so imposed consecutively 12451
to any other mandatory prison term imposed under that division 12452
or under any other provision of law and consecutively to any 12453
other prison term or mandatory prison term previously or 12454
subsequently imposed upon the offender. 12455

(e) If a mandatory prison term is imposed upon an offender 12456
pursuant to division (B) (11) of this section, the offender shall 12457
serve the mandatory prison term consecutively to any other 12458
mandatory prison term imposed under that division, consecutively 12459
to and prior to any prison term imposed for the underlying 12460
felony, and consecutively to any other prison term or mandatory 12461
prison term previously or subsequently imposed upon the 12462
offender. 12463

(2) If an offender who is an inmate in a jail, prison, or 12464
other residential detention facility violates section 2917.02, 12465
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 12466
(2) of section 2921.34 of the Revised Code, if an offender who 12467
is under detention at a detention facility commits a felony 12468
violation of section 2923.131 of the Revised Code, or if an 12469
offender who is an inmate in a jail, prison, or other 12470
residential detention facility or is under detention at a 12471
detention facility commits another felony while the offender is 12472
an escapee in violation of division (A) (1) or (2) of section 12473
2921.34 of the Revised Code, any prison term imposed upon the 12474
offender for one of those violations shall be served by the 12475
offender consecutively to the prison term or term of 12476
imprisonment the offender was serving when the offender 12477
committed that offense and to any other prison term previously 12478
or subsequently imposed upon the offender. 12479

(3) If a prison term is imposed for a violation of 12480
division (B) of section 2911.01 of the Revised Code, a violation 12481
of division (A) of section 2913.02 of the Revised Code in which 12482
the stolen property is a firearm or dangerous ordnance, or a 12483
felony violation of division (B) of section 2921.331 of the 12484
Revised Code, the offender shall serve that prison term 12485
consecutively to any other prison term or mandatory prison term 12486
previously or subsequently imposed upon the offender. 12487

(4) If multiple prison terms are imposed on an offender 12488
for convictions of multiple offenses, the court may require the 12489
offender to serve the prison terms consecutively if the court 12490
finds that the consecutive service is necessary to protect the 12491
public from future crime or to punish the offender and that 12492
consecutive sentences are not disproportionate to the 12493
seriousness of the offender's conduct and to the danger the 12494
offender poses to the public, and if the court also finds any of 12495
the following: 12496

(a) The offender committed one or more of the multiple 12497
offenses while the offender was awaiting trial or sentencing, 12498
was under a sanction imposed pursuant to section 2929.16, 12499
2929.17, or 2929.18 of the Revised Code, or was under post- 12500
release control for a prior offense. 12501

(b) At least two of the multiple offenses were committed 12502
as part of one or more courses of conduct, and the harm caused 12503
by two or more of the multiple offenses so committed was so 12504
great or unusual that no single prison term for any of the 12505
offenses committed as part of any of the courses of conduct 12506
adequately reflects the seriousness of the offender's conduct. 12507

(c) The offender's history of criminal conduct 12508
demonstrates that consecutive sentences are necessary to protect 12509

the public from future crime by the offender. 12510

(5) If a mandatory prison term is imposed upon an offender 12511
pursuant to division (B) (5) or (6) of this section, the offender 12512
shall serve the mandatory prison term consecutively to and prior 12513
to any prison term imposed for the underlying violation of 12514
division (A) (1) or (2) of section 2903.06 of the Revised Code 12515
pursuant to division (A) of this section or section 2929.142 of 12516
the Revised Code. If a mandatory prison term is imposed upon an 12517
offender pursuant to division (B) (5) of this section, and if a 12518
mandatory prison term also is imposed upon the offender pursuant 12519
to division (B) (6) of this section in relation to the same 12520
violation, the offender shall serve the mandatory prison term 12521
imposed pursuant to division (B) (5) of this section 12522
consecutively to and prior to the mandatory prison term imposed 12523
pursuant to division (B) (6) of this section and consecutively to 12524
and prior to any prison term imposed for the underlying 12525
violation of division (A) (1) or (2) of section 2903.06 of the 12526
Revised Code pursuant to division (A) of this section or section 12527
2929.142 of the Revised Code. 12528

(6) If a mandatory prison term is imposed on an offender 12529
pursuant to division (B) (9) of this section, the offender shall 12530
serve the mandatory prison term consecutively to and prior to 12531
any prison term imposed for the underlying violation of division 12532
(A) (1) or (2) of section 2903.11 of the Revised Code and 12533
consecutively to and prior to any other prison term or mandatory 12534
prison term previously or subsequently imposed on the offender. 12535

(7) If a mandatory prison term is imposed on an offender 12536
pursuant to division (B) (10) of this section, the offender shall 12537
serve that mandatory prison term consecutively to and prior to 12538
any prison term imposed for the underlying felonious assault. 12539

Except as otherwise provided in division (C) of this section, 12540
any other prison term or mandatory prison term previously or 12541
subsequently imposed upon the offender may be served 12542
concurrently with, or consecutively to, the prison term imposed 12543
pursuant to division (B)(10) of this section. 12544

(8) Any prison term imposed for a violation of section 12545
2903.04 of the Revised Code that is based on a violation of 12546
section 2925.03 or 2925.11 of the Revised Code or on a violation 12547
of section 2925.05 of the Revised Code that is not funding of 12548
marihuana trafficking shall run consecutively to any prison term 12549
imposed for the violation of section 2925.03 or 2925.11 of the 12550
Revised Code or for the violation of section 2925.05 of the 12551
Revised Code that is not funding of marihuana trafficking. 12552

(9) When consecutive prison terms are imposed pursuant to 12553
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 12554
division (H)(1) or (2) of this section, subject to division (C) 12555
(10) of this section, the term to be served is the aggregate of 12556
all of the terms so imposed. 12557

(10) When a court sentences an offender to a non-life 12558
felony indefinite prison term, any definite prison term or 12559
mandatory definite prison term previously or subsequently 12560
imposed on the offender in addition to that indefinite sentence 12561
that is required to be served consecutively to that indefinite 12562
sentence shall be served prior to the indefinite sentence. 12563

(11) If a court is sentencing an offender for a felony of 12564
the first or second degree, if division (A)(1)(a) or (2)(a) of 12565
this section applies with respect to the sentencing for the 12566
offense, and if the court is required under the Revised Code 12567
section that sets forth the offense or any other Revised Code 12568
provision to impose a mandatory prison term for the offense, the 12569

court shall impose the required mandatory prison term as the 12570
minimum term imposed under division (A) (1) (a) or (2) (a) of this 12571
section, whichever is applicable. 12572

(D) (1) If a court imposes a prison term, other than a term 12573
of life imprisonment, for a felony of the first degree, for a 12574
felony of the second degree, for a felony sex offense, or for a 12575
felony of the third degree that is an offense of violence and 12576
that is not a felony sex offense, it shall include in the 12577
sentence a requirement that the offender be subject to a period 12578
of post-release control after the offender's release from 12579
imprisonment, in accordance with section 2967.28 of the Revised 12580
Code. If a court imposes a sentence including a prison term of a 12581
type described in this division on or after July 11, 2006, the 12582
failure of a court to include a post-release control requirement 12583
in the sentence pursuant to this division does not negate, 12584
limit, or otherwise affect the mandatory period of post-release 12585
control that is required for the offender under division (B) of 12586
section 2967.28 of the Revised Code. Section 2929.191 of the 12587
Revised Code applies if, prior to July 11, 2006, a court imposed 12588
a sentence including a prison term of a type described in this 12589
division and failed to include in the sentence pursuant to this 12590
division a statement regarding post-release control. 12591

(2) If a court imposes a prison term for a felony of the 12592
third, fourth, or fifth degree that is not subject to division 12593
(D) (1) of this section, it shall include in the sentence a 12594
requirement that the offender be subject to a period of post- 12595
release control after the offender's release from imprisonment, 12596
in accordance with that division, if the parole board determines 12597
that a period of post-release control is necessary. Section 12598
2929.191 of the Revised Code applies if, prior to July 11, 2006, 12599
a court imposed a sentence including a prison term of a type 12600

described in this division and failed to include in the sentence 12601
pursuant to this division a statement regarding post-release 12602
control. 12603

(E) The court shall impose sentence upon the offender in 12604
accordance with section 2971.03 of the Revised Code, and Chapter 12605
2971. of the Revised Code applies regarding the prison term or 12606
term of life imprisonment without parole imposed upon the 12607
offender and the service of that term of imprisonment if any of 12608
the following apply: 12609

(1) A person is convicted of or pleads guilty to a violent 12610
sex offense or a designated homicide, assault, or kidnapping 12611
offense, and, in relation to that offense, the offender is 12612
adjudicated a sexually violent predator. 12613

(2) A person is convicted of or pleads guilty to a 12614
violation of division (A) (1) (b) of section 2907.02 of the 12615
Revised Code committed on or after January 2, 2007, and either 12616
the court does not impose a sentence of life without parole when 12617
authorized pursuant to division (B) of section 2907.02 of the 12618
Revised Code, or division (B) of section 2907.02 of the Revised 12619
Code provides that the court shall not sentence the offender 12620
pursuant to section 2971.03 of the Revised Code. 12621

(3) A person is convicted of or pleads guilty to attempted 12622
rape committed on or after January 2, 2007, and a specification 12623
of the type described in section 2941.1418, 2941.1419, or 12624
2941.1420 of the Revised Code. 12625

(4) A person is convicted of or pleads guilty to a 12626
violation of section 2905.01 of the Revised Code committed on or 12627
after January 1, 2008, and that section requires the court to 12628
sentence the offender pursuant to section 2971.03 of the Revised 12629

Code. 12630

(5) A person is convicted of or pleads guilty to 12631
aggravated murder committed on or after January 1, 2008, and 12632
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 12633
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 12634
(a) (iv) of section 2929.03, or division (A) or (B) of section 12635
2929.06 of the Revised Code requires the court to sentence the 12636
offender pursuant to division (B) (3) of section 2971.03 of the 12637
Revised Code. 12638

(6) A person is convicted of or pleads guilty to murder 12639
committed on or after January 1, 2008, and division (B) (2) of 12640
section 2929.02 of the Revised Code requires the court to 12641
sentence the offender pursuant to section 2971.03 of the Revised 12642
Code. 12643

(F) If a person who has been convicted of or pleaded 12644
guilty to a felony is sentenced to a prison term or term of 12645
imprisonment under this section, sections 2929.02 to 2929.06 of 12646
the Revised Code, section 2929.142 of the Revised Code, section 12647
2971.03 of the Revised Code, or any other provision of law, 12648
section 5120.163 of the Revised Code applies regarding the 12649
person while the person is confined in a state correctional 12650
institution. 12651

(G) If an offender who is convicted of or pleads guilty to 12652
a felony that is an offense of violence also is convicted of or 12653
pleads guilty to a specification of the type described in 12654
section 2941.142 of the Revised Code that charges the offender 12655
with having committed the felony while participating in a 12656
criminal gang, the court shall impose upon the offender an 12657
additional prison term of one, two, or three years. 12658

(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 12689
wear a real-time processing, continual tracking electronic 12690
monitoring device during the period of time specified by the 12691
court. The period of time specified by the court shall equal the 12692
duration of an additional prison term that the court could have 12693
imposed upon the offender under division (H) (2) (a) of this 12694
section. A sanction imposed under this division shall commence 12695
on the date specified by the court, provided that the sanction 12696
shall not commence until after the offender has served the 12697
prison term imposed for the felony violation of section 2907.22, 12698
2907.24, 2907.241, or 2907.25 of the Revised Code and any 12699
residential sanction imposed for the violation under section 12700
2929.16 of the Revised Code. A sanction imposed under this 12701
division shall be considered to be a community control sanction 12702
for purposes of section 2929.15 of the Revised Code, and all 12703
provisions of the Revised Code that pertain to community control 12704
sanctions shall apply to a sanction imposed under this division, 12705
except to the extent that they would by their nature be clearly 12706
inapplicable. The offender shall pay all costs associated with a 12707
sanction imposed under this division, including the cost of the 12708
use of the monitoring device. 12709

(I) At the time of sentencing, the court may recommend the 12710
offender for placement in a program of shock incarceration under 12711
section 5120.031 of the Revised Code or for placement in an 12712
intensive program prison under section 5120.032 of the Revised 12713
Code, disapprove placement of the offender in a program of shock 12714
incarceration or an intensive program prison of that nature, or 12715
make no recommendation on placement of the offender. In no case 12716
shall the department of rehabilitation and correction place the 12717
offender in a program or prison of that nature unless the 12718
department determines as specified in section 5120.031 or 12719

5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code

and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20 ~~or 2967.19~~, division (A) (1) or (2) of section 2967.193, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent career criminal" and "violent felony offense" have the same

meanings as in section 2923.132 of the Revised Code. 12780

(L) If an offender receives or received a sentence of life 12781
imprisonment without parole, a sentence of life imprisonment, a 12782
definite sentence, or a sentence to an indefinite prison term 12783
under this chapter for a felony offense that was committed when 12784
the offender was under eighteen years of age, the offender's 12785
parole eligibility shall be determined under section 2967.132 of 12786
the Revised Code. 12787

Sec. 2929.141. (A) Upon the conviction of or plea of 12788
guilty to a felony by a person on post-release control at the 12789
time of the commission of the felony, the court may terminate 12790
the term of post-release control, and the court may do either of 12791
the following regardless of whether the sentencing court or 12792
another court of this state imposed the original prison term for 12793
which the person is on post-release control: 12794

(1) In addition to any prison term for the new felony, 12795
impose a prison term for the post-release control violation. The 12796
maximum prison term for the violation shall be the greater of 12797
twelve months or the period of post-release control for the 12798
earlier felony minus any time the person has spent under post- 12799
release control for the earlier felony. In all cases, any prison 12800
term imposed for the violation shall be reduced by any prison 12801
term that is administratively imposed by the parole board as a 12802
post-release control sanction. A prison term imposed for the 12803
violation shall be served consecutively to any prison term 12804
imposed for the new felony. The imposition of a prison term for 12805
the post-release control violation shall terminate the period of 12806
post-release control for the earlier felony. 12807

(2) Impose a sanction under sections 2929.15 to 2929.18 of 12808
the Revised Code for the violation that shall be served 12809

concurrently or consecutively, as specified by the court, with 12810
any community control sanctions for the new felony. 12811

(B) If a person on post-release control was acting 12812
pursuant to division (B) (2) (b) of section 2925.11 or a related 12813
provision under section 2925.12, 2925.14, or 2925.141 of the 12814
Revised Code and in so doing violated the conditions of a post- 12815
release control sanction based on a minor drug possession 12816
offense, as defined in section 2925.11 of the Revised Code, or 12817
violated section 2925.12, division (C) (1) of section 2925.14, or 12818
section 2925.141 of the Revised Code, the court ~~may consider the~~ 12819
~~person's conduct in seeking or obtaining medical assistance for~~ 12820
~~another in good faith or for self or may consider the person~~ 12821
~~being the subject of another person seeking or obtaining medical~~ 12822
~~assistance in accordance with that division as a mitigating~~ 12823
~~factor before imposing shall not impose any of the penalties~~ 12824
described in division (A) of this section based on the 12825
violation. 12826

(C) Upon the conviction of or plea of guilty to a felony 12827
by a person on transitional control under section 2967.26 of the 12828
Revised Code at the time of the commission of the felony, the 12829
court may, in addition to any prison term for the new felony, 12830
impose a prison term not exceeding twelve months for having 12831
committed the felony while on transitional control. An 12832
additional prison term imposed pursuant to this section shall be 12833
served consecutively to any prison term imposed for the new 12834
felony. The sentencing court may impose the additional prison 12835
term authorized by this section regardless of whether the 12836
sentencing court or another court of this state imposed the 12837
original prison term for which the person is on transitional 12838
control. 12839

Sec. 2929.142. (A) Notwithstanding the definite prison 12840
terms and minimum prison terms specified in divisions (A) (1) (a) 12841
and (b) of section 2929.14 of the Revised Code for a felony of 12842
the first degree, if an offender is convicted of or pleads 12843
guilty to aggravated vehicular homicide in violation of division 12844
(A) (1) of section 2903.06 of the Revised Code, the court shall 12845
impose upon the offender a mandatory prison term of ten, eleven, 12846
twelve, thirteen, fourteen, or fifteen years, determined as 12847
specified in division (B) of this section, if any of the 12848
following apply: 12849

(1) The offender previously has been convicted of or 12850
pleaded guilty to three or more prior violations of division (A) 12851
of section 4511.19 of the Revised Code or of a substantially 12852
equivalent municipal ordinance within the previous ten years. 12853

(2) The offender previously has been convicted of or 12854
pleaded guilty to three or more prior violations of division (A) 12855
of section 1547.11 of the Revised Code or of a substantially 12856
equivalent municipal ordinance within the previous ten years. 12857

(3) The offender previously has been convicted of or 12858
pleaded guilty to three or more prior violations of division (A) 12859
(3) of section 4561.15 of the Revised Code or of a substantially 12860
equivalent municipal ordinance within the previous ten years. 12861

(4) The offender previously has been convicted of or 12862
pleaded guilty to three or more prior violations of division (A) 12863
(1) of section 2903.06 of the Revised Code. 12864

(5) The offender previously has been convicted of or 12865
pleaded guilty to three or more prior violations of division (A) 12866
(1) of section 2903.08 of the Revised Code. 12867

(6) The offender previously has been convicted of or 12868

pleaded guilty to three or more prior violations of section 12869
2903.04 of the Revised Code in circumstances in which division 12870
(D) of that section applied regarding the violations. 12871

(7) The offender previously has been convicted of or 12872
pleaded guilty to three or more violations of any combination of 12873
the offenses listed in division (A) (1), (2), (3), (4), (5), or 12874
(6) of this section. 12875

(8) The offender previously has been convicted of or 12876
pleaded guilty to a second or subsequent felony violation of 12877
division (A) of section 4511.19 of the Revised Code. 12878

(B) The mandatory prison term required under division (A) 12879
of this section shall be a definite term of ten, eleven, twelve, 12880
thirteen, fourteen, or fifteen years, except that if the 12881
aggravated vehicular homicide is committed on or after ~~the~~ 12882
~~effective date of this amendment~~ March 22, 2019, the court shall 12883
impose as the minimum prison term for the offense under division 12884
(A) (1) (a) of section 2929.14 of the Revised Code a mandatory 12885
prison term that is ten, eleven, twelve, thirteen, fourteen, or 12886
fifteen years. 12887

Sec. 2929.143. (A) When a court sentences an offender who 12888
is convicted of a felony to a term of incarceration in a state 12889
correctional institution, the court may recommend that the 12890
offender serve a risk reduction sentence under section 5120.036 12891
of the Revised Code if the court determines that a risk 12892
reduction sentence is appropriate, and all of the following 12893
apply: 12894

(1) The offense for which the offender is being sentenced 12895
is not aggravated murder, murder, complicity in committing 12896
aggravated murder or murder, an offense of violence that is a 12897

felony of the first or second degree, a sexually oriented 12898
offense, or an attempt or conspiracy to commit or complicity in 12899
committing any offense otherwise identified in this division if 12900
the attempt, conspiracy, or complicity is a felony of the first 12901
or second degree. 12902

(2) The offender's sentence to the term of incarceration 12903
does not consist solely of one or more mandatory prison terms. 12904

(3) The offender agrees to cooperate with an assessment of 12905
the offender's needs and risk of reoffending that the department 12906
of rehabilitation and correction conducts under section 5120.036 12907
of the Revised Code. 12908

(4) The offender agrees to participate in any programming 12909
or treatment that the department of rehabilitation and 12910
correction orders to address any issues raised in the assessment 12911
described in division (A) (3) of this section. 12912

(B) An offender who is serving a risk reduction sentence 12913
is not entitled to any earned credit under division (A) (1) or 12914
(2) of section 2967.193 of the Revised Code. 12915

Sec. 2929.15. (A) (1) If in sentencing an offender for a 12916
felony the court is not required to impose a prison term, a 12917
mandatory prison term, or a term of life imprisonment upon the 12918
offender, the court may directly impose a sentence that consists 12919
of one or more community control sanctions authorized pursuant 12920
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 12921
the court is sentencing an offender for a fourth degree felony 12922
OVI offense under division (G) (1) of section 2929.13 of the 12923
Revised Code, in addition to the mandatory term of local 12924
incarceration imposed under that division and the mandatory fine 12925
required by division (B) (3) of section 2929.18 of the Revised 12926

Code, the court may impose upon the offender a community control 12927
sanction or combination of community control sanctions in 12928
accordance with sections 2929.16 and 2929.17 of the Revised 12929
Code. If the court is sentencing an offender for a third or 12930
fourth degree felony OVI offense under division (G) (2) of 12931
section 2929.13 of the Revised Code, in addition to the 12932
mandatory prison term or mandatory prison term and additional 12933
prison term imposed under that division, the court also may 12934
impose upon the offender a community control sanction or 12935
combination of community control sanctions under section 2929.16 12936
or 2929.17 of the Revised Code, but the offender shall serve all 12937
of the prison terms so imposed prior to serving the community 12938
control sanction. 12939

The duration of all community control sanctions imposed on 12940
an offender under this division shall not exceed five years. If 12941
the offender absconds or otherwise leaves the jurisdiction of 12942
the court in which the offender resides without obtaining 12943
permission from the court or the offender's probation officer to 12944
leave the jurisdiction of the court, or if the offender is 12945
confined in any institution for the commission of any offense 12946
while under a community control sanction, the period of the 12947
community control sanction ceases to run until the offender is 12948
brought before the court for its further action. If the court 12949
sentences the offender to one or more nonresidential sanctions 12950
under section 2929.17 of the Revised Code, the court shall 12951
impose as a condition of the nonresidential sanctions that, 12952
during the period of the sanctions, the offender must abide by 12953
the law and must not leave the state without the permission of 12954
the court or the offender's probation officer. The court may 12955
impose any other conditions of release under a community control 12956
sanction that the court considers appropriate, including, but 12957

not limited to, requiring that the offender not ingest or be 12958
injected with a drug of abuse and submit to random drug testing 12959
as provided in division (D) of this section to determine whether 12960
the offender ingested or was injected with a drug of abuse and 12961
requiring that the results of the drug test indicate that the 12962
offender did not ingest or was not injected with a drug of 12963
abuse. 12964

(2) (a) If a court sentences an offender to any community 12965
control sanction or combination of community control sanctions 12966
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 12967
the Revised Code, the court shall place the offender under the 12968
general control and supervision of a department of probation in 12969
the county that serves the court for purposes of reporting to 12970
the court a violation of any condition of the sanctions, any 12971
condition of release under a community control sanction imposed 12972
by the court, a violation of law, or the departure of the 12973
offender from this state without the permission of the court or 12974
the offender's probation officer. Alternatively, if the offender 12975
resides in another county and a county department of probation 12976
has been established in that county or that county is served by 12977
a multicounty probation department established under section 12978
2301.27 of the Revised Code, the court may request the court of 12979
common pleas of that county to receive the offender into the 12980
general control and supervision of that county or multicounty 12981
department of probation for purposes of reporting to the court a 12982
violation of any condition of the sanctions, any condition of 12983
release under a community control sanction imposed by the court, 12984
a violation of law, or the departure of the offender from this 12985
state without the permission of the court or the offender's 12986
probation officer, subject to the jurisdiction of the trial 12987
judge over and with respect to the person of the offender, and 12988

to the rules governing that department of probation. 12989

If there is no department of probation in the county that 12990
serves the court, the court shall place the offender, regardless 12991
of the offender's county of residence, under the general control 12992
and supervision of the adult parole authority, unless the court 12993
has entered into an agreement with the authority as described in 12994
division (B) or (C) of section 2301.32 of the Revised Code, or 12995
under an entity authorized under division (B) of section 2301.27 12996
of the Revised Code to provide probation and supervisory 12997
services to counties for purposes of reporting to the court a 12998
violation of any of the sanctions, any condition of release 12999
under a community control sanction imposed by the court, a 13000
violation of law, or the departure of the offender from this 13001
state without the permission of the court or the offender's 13002
probation officer. 13003

(b) If the court imposing sentence on an offender 13004
sentences the offender to any community control sanction or 13005
combination of community control sanctions authorized pursuant 13006
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 13007
if the offender violates any condition of the sanctions, 13008
violates any condition of release under a community control 13009
sanction imposed by the court, violates any law, or departs the 13010
state without the permission of the court or the offender's 13011
probation officer, the public or private person or entity that 13012
operates or administers the sanction or the program or activity 13013
that comprises the sanction shall report the violation or 13014
departure directly to the sentencing court, or shall report the 13015
violation or departure to the county or multicounty department 13016
of probation with general control and supervision over the 13017
offender under division (A) (2) (a) of this section or the officer 13018
of that department who supervises the offender, or, if there is 13019

no such department with general control and supervision over the 13020
offender under that division, to the adult parole authority 13021
unless the court has entered into an agreement with the 13022
authority as described in division (B) or (C) of section 2301.32 13023
of the Revised Code, or to an entity authorized under division 13024
(B) of section 2301.27 of the Revised Code to provide probation 13025
and supervisory services to the county. If the public or private 13026
person or entity that operates or administers the sanction or 13027
the program or activity that comprises the sanction reports the 13028
violation or departure to the county or multicounty department 13029
of probation, the adult parole authority, or any other entity 13030
providing probation and supervisory services to the county, the 13031
department's, authority's, or other entity's officers may treat 13032
the offender as if the offender were on probation and in 13033
violation of the probation, and shall report the violation of 13034
the condition of the sanction, any condition of release under a 13035
community control sanction imposed by the court, the violation 13036
of law, or the departure from the state without the required 13037
permission to the sentencing court. 13038

(3) If an offender who is eligible for community control 13039
sanctions under this section admits to being drug addicted or 13040
the court has reason to believe that the offender is drug 13041
addicted, and if the offense for which the offender is being 13042
sentenced was related to the addiction, the court may require 13043
that the offender be assessed by a properly credentialed 13044
professional within a specified period of time and shall require 13045
the professional to file a written assessment of the offender 13046
with the court. If a court imposes treatment and recovery 13047
support services as a community control sanction, the court 13048
shall direct the level and type of treatment and recovery 13049
support services after consideration of the written assessment, 13050

if available at the time of sentencing, and recommendations of 13051
the professional and other treatment and recovery support 13052
services providers. 13053

(4) If an assessment completed pursuant to division (A) (3) 13054
of this section indicates that the offender is addicted to drugs 13055
or alcohol, the court may include in any community control 13056
sanction imposed for a violation of section 2925.02, 2925.03, 13057
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 13058
2925.36, or 2925.37 of the Revised Code a requirement that the 13059
offender participate in alcohol and drug addiction services and 13060
recovery supports certified under section 5119.36 of the Revised 13061
Code or offered by a properly credentialed community addiction 13062
services provider. 13063

(B) (1) ~~If~~ Except as provided in division (B) (2) of this 13064
section, if the conditions of a community control sanction 13065
imposed for a felony are violated or if the offender violates a 13066
law or leaves the state without the permission of the court or 13067
the offender's probation officer, the sentencing court may 13068
impose on the violator one or more of the following penalties: 13069

(a) A longer time under the same sanction if the total 13070
time under the sanctions does not exceed the five-year limit 13071
specified in division (A) of this section; 13072

(b) A more restrictive sanction under section 2929.16, 13073
2929.17, or 2929.18 of the Revised Code, including but not 13074
limited to, a new term in a community-based correctional 13075
facility, halfway house, or jail pursuant to division (A) (6) of 13076
section 2929.16 of the Revised Code; 13077

(c) A prison term on the offender pursuant to section 13078
2929.14 of the Revised Code and division (B) (3) of this section, 13079

provided that a prison term imposed under this division is 13080
subject to the following limitations and rules, as applicable: 13081

(i) If the prison term is imposed for any technical 13082
violation of the conditions of a community control sanction 13083
imposed for a felony of the fifth degree, the prison term shall 13084
not exceed ninety days, provided that if the remaining period of 13085
community control at the time of the violation or the remaining 13086
period of the reserved prison sentence at that time is less than 13087
ninety days, the prison term shall not exceed the length of the 13088
remaining period of community control or the remaining period of 13089
the reserved prison sentence. If the court imposes a prison term 13090
as described in this division, division (B) (2) (b) of this 13091
section applies. 13092

(ii) If the prison term is imposed for any technical 13093
violation of the conditions of a community control sanction 13094
imposed for a felony of the fourth degree that is not an offense 13095
of violence and is not a sexually oriented offense, the prison 13096
term shall not exceed one hundred eighty days, provided that if 13097
the remaining period of the community control at the time of the 13098
violation or the remaining period of the reserved prison 13099
sentence at that time is less than one hundred eighty days, the 13100
prison term shall not exceed the length of the remaining period 13101
of community control or the remaining period of the reserved 13102
prison sentence. If the court imposes a prison term as described 13103
in this division, division (B) (2) (b) of this section applies. 13104

(iii) A court is not limited in the number of times it may 13105
sentence an offender to a prison term under division (B) (1) (c) 13106
of this section for a violation of the conditions of a community 13107
control sanction or for a violation of a law or leaving the 13108
state without the permission of the court or the offender's 13109

probation officer. If an offender who is under a community 13110
control sanction violates the conditions of the sanction or 13111
violates a law or leaves the state without the permission of the 13112
court or the offender's probation officer, is sentenced to a 13113
prison term for the violation or conduct, is released from the 13114
term after serving it, and subsequently violates the conditions 13115
of the sanction or violates a law or leaves the state without 13116
the permission of the court or the offender's probation officer, 13117
the court may impose a new prison term sanction on the offender 13118
under division (B) (1) (c) of this section for the subsequent 13119
violation or conduct. 13120

(2) (a) If an offender was acting pursuant to division (B) 13121
(2) (b) of section 2925.11 or a related provision of section 13122
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 13123
doing violated the conditions of a community control sanction 13124
based on a minor drug possession offense, as defined in section 13125
2925.11 of the Revised Code, or violated section 2925.12, 13126
division (C) (1) of section 2925.14, or section 2925.141 of the 13127
Revised Code, the sentencing court ~~may consider the offender's~~ 13128
~~conduct in seeking or obtaining medical assistance for another~~ 13129
~~in good faith or for self or may consider the offender being the~~ 13130
~~subject of another person seeking or obtaining medical~~ 13131
~~assistance in accordance with that division as a mitigating~~ 13132
~~factor before imposing shall not impose any of the penalties~~ 13133
described in division (B) (1) of this section based on the 13134
violation. 13135

(b) If a court imposes a prison term on an offender under 13136
division (B) (1) (c) (i) or (ii) of this section for a technical 13137
violation of the conditions of a community control sanction, one 13138
of the following is applicable with respect to the time that the 13139
offender spends in prison under the term: 13140

(i) Subject to division (B) (2) (b) (ii) of this section, it shall be credited against the offender's community control sanction that was being served at the time of the violation, and the remaining time under that community control sanction shall be reduced by the time that the offender spends in prison under the prison term. By determination of the court, the offender upon release from the prison term either shall continue serving the remaining time under the community control sanction, as reduced under this division, or shall have the community control sanction terminated.

(ii) If, at the time a prison term is imposed for a technical violation, the offender was serving a residential community control sanction imposed under section 2929.16 of the Revised Code, the time spent serving the residential community control sanction shall be credited against the offender's reserved prison sentence, and the remaining time under that residential community control sanction and under the reserved prison sentence shall be reduced by the time that the offender spends in prison under the prison term. By determination of the court, the offender upon release from the prison term either shall continue serving the remaining time under the residential community control sanction, as reduced under this division, or shall have the residential community control sanction terminated.

(3) The prison term, if any, imposed on a violator pursuant to this division and division (B) (1) of this section shall be within the range of prison terms described in this division and shall not exceed a prison term from the range of terms specified in the notice provided to the offender at the sentencing hearing pursuant to division (B) (4) of section 2929.19 of the Revised Code. The court may reduce the longer

period of time that the offender is required to spend under the 13172
longer sanction, the more restrictive sanction, or a prison term 13173
imposed pursuant to division (B)(1) of this section by the time 13174
the offender successfully spent under the sanction that was 13175
initially imposed. Except as otherwise specified in this 13176
division, the prison term imposed under this division and 13177
division (B)(1) of this section shall be within the range of 13178
prison terms available as a definite term for the offense for 13179
which the sanction that was violated was imposed. If the offense 13180
for which the sanction that was violated was imposed is a felony 13181
of the first or second degree committed on or after March 22, 13182
2019, the prison term so imposed under this division shall be 13183
within the range of prison terms available as a minimum term for 13184
the offense under division (A)(1)(a) or (2)(a) of section 13185
2929.14 of the Revised Code. 13186

(C) If an offender, for a significant period of time, 13187
fulfills the conditions of a sanction imposed pursuant to 13188
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 13189
exemplary manner, the court may reduce the period of time under 13190
the sanction or impose a less restrictive sanction, but the 13191
court shall not permit the offender to violate any law or permit 13192
the offender to leave the state without the permission of the 13193
court or the offender's probation officer. 13194

(D)(1) If a court under division (A)(1) of this section 13195
imposes a condition of release under a community control 13196
sanction that requires the offender to submit to random drug 13197
testing, the department of probation, the adult parole 13198
authority, or any other entity that has general control and 13199
supervision of the offender under division (A)(2)(a) of this 13200
section may cause the offender to submit to random drug testing 13201
performed by a laboratory or entity that has entered into a 13202

contract with any of the governmental entities or officers 13203
authorized to enter into a contract with that laboratory or 13204
entity under section 341.26, 753.33, or 5120.63 of the Revised 13205
Code. 13206

(2) If no laboratory or entity described in division (D) 13207
(1) of this section has entered into a contract as specified in 13208
that division, the department of probation, the adult parole 13209
authority, or any other entity that has general control and 13210
supervision of the offender under division (A)(2)(a) of this 13211
section shall cause the offender to submit to random drug 13212
testing performed by a reputable public laboratory to determine 13213
whether the individual who is the subject of the drug test 13214
ingested or was injected with a drug of abuse. 13215

(3) A laboratory or entity that has entered into a 13216
contract pursuant to section 341.26, 753.33, or 5120.63 of the 13217
Revised Code shall perform the random drug tests under division 13218
(D)(1) of this section in accordance with the applicable 13219
standards that are included in the terms of that contract. A 13220
public laboratory shall perform the random drug tests under 13221
division (D)(2) of this section in accordance with the standards 13222
set forth in the policies and procedures established by the 13223
department of rehabilitation and correction pursuant to section 13224
5120.63 of the Revised Code. An offender who is required under 13225
division (A)(1) of this section to submit to random drug testing 13226
as a condition of release under a community control sanction and 13227
whose test results indicate that the offender ingested or was 13228
injected with a drug of abuse shall pay the fee for the drug 13229
test if the department of probation, the adult parole authority, 13230
or any other entity that has general control and supervision of 13231
the offender requires payment of a fee. A laboratory or entity 13232
that performs the random drug testing on an offender under 13233

division (D) (1) or (2) of this section shall transmit the 13234
results of the drug test to the appropriate department of 13235
probation, the adult parole authority, or any other entity that 13236
has general control and supervision of the offender under 13237
division (A) (2) (a) of this section. 13238

(E) As used in this section, "technical violation" means a 13239
violation of the conditions of a community control sanction 13240
imposed for a felony of the fifth degree, or for a felony of the 13241
fourth degree that is not an offense of violence and is not a 13242
sexually oriented offense, and to which neither of the following 13243
applies: 13244

(1) The violation consists of a new criminal offense that 13245
is a felony or that is a misdemeanor other than a minor 13246
misdemeanor, and the violation is committed while under the 13247
community control sanction. 13248

(2) The violation consists of or includes the offender's 13249
articulated or demonstrated refusal to participate in the 13250
community control sanction imposed on the offender or any of its 13251
conditions, and the refusal demonstrates to the court that the 13252
offender has abandoned the objects of the community control 13253
sanction or condition. 13254

Sec. 2929.20. (A) As used in this section: 13255

(1) (a) Except as provided in division (A) (1) (b) of this 13256
section, "eligible offender" means any person who, on or after 13257
April 7, 2009, is serving a stated prison term that includes one 13258
or more nonmandatory prison terms. A person may be an eligible 13259
offender and also may be an eighty per cent-qualifying offender 13260
or, during a declared state of emergency, a state of emergency- 13261
qualifying offender. 13262

(b) "Eligible offender" does not include any person who, 13263
on or after April 7, 2009, is serving a stated prison term for 13264
any of the following criminal offenses that was a felony and was 13265
committed while the person held a public office in this state: 13266

(i) A violation of section 2921.02, 2921.03, 2921.05, 13267
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 13268
Code; 13269

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 13270
2921.12 of the Revised Code, when the conduct constituting the 13271
violation was related to the duties of the offender's public 13272
office or to the offender's actions as a public official holding 13273
that public office; 13274

(iii) A violation of an existing or former municipal 13275
ordinance or law of this or any other state or the United States 13276
that is substantially equivalent to any violation listed in 13277
division (A) (1) (b) (i) of this section; 13278

(iv) A violation of an existing or former municipal 13279
ordinance or law of this or any other state or the United States 13280
that is substantially equivalent to any violation listed in 13281
division (A) (1) (b) (ii) of this section, when the conduct 13282
constituting the violation was related to the duties of the 13283
offender's public office or to the offender's actions as a 13284
public official holding that public office; 13285

(v) A conspiracy to commit, attempt to commit, or 13286
complicity in committing any offense listed in division (A) (1) 13287
(b) (i) or described in division (A) (1) (b) (iii) of this section; 13288

(vi) A conspiracy to commit, attempt to commit, or 13289
complicity in committing any offense listed in division (A) (1) 13290
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 13291

if the conduct constituting the offense that was the subject of 13292
the conspiracy, that would have constituted the offense 13293
attempted, or constituting the offense in which the offender was 13294
complicit was or would have been related to the duties of the 13295
offender's public office or to the offender's actions as a 13296
public official holding that public office. 13297

(2) "State of emergency-qualifying offender" means any 13298
inmate to whom all of the following apply: 13299

(a) The inmate is serving a stated prison term during a 13300
state of emergency that is declared by the governor as a direct 13301
response to a pandemic or public health emergency. 13302

(b) The geographical area covered by the declared state of 13303
emergency includes the location at which the inmate is serving 13304
the stated prison term described in division (A)(2)(a) of this 13305
section. 13306

(c) There is a direct nexus between the emergency that is 13307
the basis of the governor's declaration of the state of 13308
emergency and the circumstances of, and need for release of, the 13309
inmate. 13310

(3)(a) "Eighty per cent-qualifying offender" means an 13311
offender who is serving a stated prison term of one year or 13312
more, who has commenced service of that stated prison term, who 13313
is not serving a stated prison term that includes a 13314
disqualifying prison term or a stated prison term that consists 13315
solely of one or more restricting prison terms, and to whom 13316
either of the following applies: 13317

(i) If the offender is serving a stated prison term of one 13318
year or more that includes one or more restricting prison terms 13319
and one or more eligible prison terms, the offender has fully 13320

served all restricting prison terms and has served eighty per cent of that stated prison term that remains to be served after all restricting prison terms have been fully served; 13321
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(ii) If the offender is serving a stated prison term of one year or more that consists solely of one or more eligible prison terms, the offender has served eighty per cent of that stated prison term. 13324
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(b) For purposes of determining whether an offender is an eighty per cent-qualifying offender under division (A) (3) (a) of this section: 13328
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(i) If the offender's stated prison term includes consecutive prison terms, any restricting prison terms shall be deemed served prior to any eligible prison terms that run consecutively to the restricting prison terms, and the eligible prison terms are deemed to commence after all of the restricting prison terms have been fully served. 13331
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(ii) An offender serving a stated prison term of one year or more that includes a mandatory prison term that is not a disqualifying prison term and is not a restricting prison term is not automatically disqualified from being an eighty per cent-qualifying offender as a result of the offender's service of that mandatory term for release from prison under this section, and the offender may be eligible for release from prison in accordance with this division and division (O) of this section. 13337
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(4) "Nonmandatory prison term" means a prison term that is not a mandatory prison term. 13345
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~~(3)~~(5) "Public office" means any elected federal, state, or local government office in this state. 13347
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~~(4)~~(6) "Victim's representative" has the same meaning as 13349

in section 2930.01 of the Revised Code. 13350

~~(5)~~(7) "Imminent danger of death," "medically 13351
incapacitated," and "terminal illness" have the same meanings as 13352
in section 2967.05 of the Revised Code. 13353

~~(6)~~(8) "Aggregated nonmandatory prison term or terms" 13354
means the aggregate of the following: 13355

(a) All nonmandatory definite prison terms; 13356

(b) With respect to any non-life felony indefinite prison 13357
term, all nonmandatory minimum prison terms imposed as part of 13358
the non-life felony indefinite prison term or terms. 13359

(9) "Deadly weapon" and "dangerous ordnance" have the same 13360
meanings as in section 2923.11 of the Revised Code. 13361

(10) "Disqualifying prison term" means any of the 13362
following: 13363

(a) A prison term imposed for aggravated murder, murder, 13364
voluntary manslaughter, involuntary manslaughter, felonious 13365
assault, kidnapping, rape, aggravated arson, aggravated 13366
burglary, or aggravated robbery; 13367

(b) A prison term imposed for complicity in, an attempt to 13368
commit, or conspiracy to commit any offense listed in division 13369
(A) (10) (a) of this section; 13370

(c) A prison term of life imprisonment, including any term 13371
of life imprisonment that has parole eligibility; 13372

(d) A prison term imposed for any felony other than 13373
carrying a concealed weapon an essential element of which is any 13374
conduct or failure to act expressly involving any deadly weapon 13375
or dangerous ordnance; 13376

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree; 13377
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(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code; 13380
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(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 13383
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(h) A prison term imposed for any sexually oriented offense. 13385
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(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 13387
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(12) "Restricting prison term" means any of the following: 13390

(a) A mandatory prison term imposed under division (B)(1)(a), (B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 13391
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(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A)(12)(a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 13395
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(c) A prison term imposed for trafficking in persons; 13401

(d) A prison term imposed for any offense that is described in division (A)(12)(d)(i) of this section if division (A)(12)(d)(ii) of this section applies to the offender: 13402
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13404

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A)(10)(a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A)(10)(a) or (b) of this section if the attempt is a felony of the first or second degree, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to any other offense described in this division. 13405
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(ii) The offender previously was convicted of or pleaded guilty to any offense listed in division (A)(10) or (A)(12)(d)(i) of this section. 13415
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(13) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 13418
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(14) "Stated prison term of one year or more" means a definite prison term of one year or more imposed as a stated prison term, or a minimum prison term of one year or more imposed as part of a stated prison term that is a non-life felony indefinite prison term. 13420
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(B) On the motion of an eligible offender, on the motion of a state of emergency-qualifying offender made during the declared state of emergency, or ~~upon~~ on its own motion with respect to an eligible offender or with respect to a state of emergency-qualifying offender during the declared state of emergency, the sentencing court may reduce the ~~eligible~~ offender's aggregated nonmandatory prison term or terms through a judicial release under this section. 13425
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(C) An eligible offender may file a motion for judicial 13433

release with the sentencing court, or a state of emergency- 13434
qualifying offender may file a motion for judicial release with 13435
the sentencing court during the declared state of emergency, 13436
within the following applicable periods: 13437

(1) If the aggregated nonmandatory prison term or terms is 13438
less than two years, the eligible offender or state of 13439
emergency-qualifying offender may file the motion at any time 13440
after the offender is delivered to a state correctional 13441
institution or, if the prison term includes a mandatory prison 13442
term or terms, at any time after the expiration of all mandatory 13443
prison terms. 13444

(2) If the aggregated nonmandatory prison term or terms is 13445
at least two years but less than five years, the eligible 13446
offender or state of emergency-qualifying offender may file the 13447
motion not earlier than one hundred eighty days after the 13448
offender is delivered to a state correctional institution or, if 13449
the prison term includes a mandatory prison term or terms, not 13450
earlier than one hundred eighty days after the expiration of all 13451
mandatory prison terms. 13452

(3) If the aggregated nonmandatory prison term or terms is 13453
five years, the eligible offender or state of emergency- 13454
qualifying offender may file the motion not earlier than the 13455
date on which the ~~eligible~~ offender has served four years of the 13456
offender's stated prison term or, if the prison term includes a 13457
mandatory prison term or terms, not earlier than four years 13458
after the expiration of all mandatory prison terms. 13459

(4) If the aggregated nonmandatory prison term or terms is 13460
more than five years but not more than ten years, the eligible 13461
offender or state of emergency-qualifying offender may file the 13462
motion not earlier than the date on which the ~~eligible~~ offender 13463

has served five years of the offender's stated prison term or, 13464
if the prison term includes a mandatory prison term or terms, 13465
not earlier than five years after the expiration of all 13466
mandatory prison terms. 13467

(5) If the aggregated nonmandatory prison term or terms is 13468
more than ten years, the eligible offender or state of 13469
emergency-qualifying offender may file the motion not earlier 13470
than the later of the date on which the offender has served one- 13471
half of the offender's stated prison term or the date specified 13472
in division (C) (4) of this section. 13473

~~(D)~~ (6) With respect to a state of emergency-qualifying 13474
offender, if the offender's prison term does not include a 13475
mandatory prison term or terms, or if the offender's prison term 13476
includes one or more mandatory prison terms and the offender has 13477
completed the mandatory prison term or terms, the state of 13478
emergency-qualifying offender may file the motion at any time 13479
during the offender's aggregated nonmandatory prison term or 13480
terms, provided that time also is during the declared state of 13481
emergency. 13482

(D) (1) (a) Upon receipt of a timely motion for judicial 13483
release filed by an eligible offender or a state of emergency- 13484
qualifying offender under division (C) of this section, or upon 13485
the sentencing court's own motion made within the appropriate 13486
time specified in that division, the court may deny the motion 13487
without a hearing or schedule a hearing on the motion. The court 13488
may grant the motion without a hearing for an offender under 13489
consideration for judicial release as a state of emergency- 13490
qualifying offender, but the court shall not grant the motion 13491
without a hearing for an offender under consideration as an 13492
eligible offender. If a court denies a motion without a hearing, 13493

the court later may consider judicial release for that eligible offender or that state of emergency-qualifying offender on a subsequent motion ~~filed by that eligible offender unless~~. For an offender under consideration for judicial release as an eligible offender, but not for one under consideration as a state of emergency-qualifying offender, the court denies ~~may deny~~ the motion with prejudice. If a court denies a motion with prejudice, the court may later consider judicial release on its own motion. ~~If~~ For an offender under consideration for judicial release as a state of emergency-qualifying offender, the court shall not deny a motion with prejudice. For an offender under consideration for judicial release as an eligible offender, but not for one under consideration as a state of emergency-qualifying offender, if a court denies a motion after a hearing, the court shall not consider a subsequent motion for that offender based on the offender's classification as an eligible offender. The court may hold multiple hearings for any offender under consideration for judicial release as a state of emergency-qualifying offender, but shall hold only one hearing for any offender under consideration as an eligible offender.

~~A~~ (b) If an offender is under consideration for judicial release as an eligible offender and the motion is denied, and if the offender at that time also is or subsequently becomes a state of emergency-qualifying offender, the denial does not limit or affect any right of the offender to file a motion under this section for consideration for judicial release as a state of emergency-qualifying offender or for the court on its own motion to consider the offender for judicial release as a state of emergency-qualifying offender.

If an offender is under consideration for judicial release as a state of emergency-qualifying offender and the motion is

denied, and if the offender at that time also is or subsequently 13525
becomes an eligible offender, the denial does not limit or 13526
affect any right of the offender to file a motion under this 13527
section for consideration for judicial release as an eligible 13528
offender or for the court on its own motion to consider the 13529
offender for judicial release as an eligible offender. 13530

(2) (a) With respect to a motion for judicial release filed 13531
by an offender as an eligible offender or made by the court on 13532
its own motion for an offender as an eligible offender, a 13533
hearing under this section shall be conducted in open court not 13534
less than thirty or more than sixty days after the motion is 13535
filed, provided that the court may delay the hearing for one 13536
hundred eighty additional days. If the court holds a hearing, 13537
the court shall enter a ruling on the motion within ten days 13538
after the hearing. If the court denies the motion without a 13539
hearing, the court shall enter its ruling on the motion within 13540
sixty days after the motion is filed. 13541

(b) With respect to a motion for judicial release filed by 13542
an offender as a state of emergency-qualifying offender or made 13543
by the court on its own motion for an offender as a state of 13544
emergency-qualifying offender, the court shall notify the 13545
prosecuting attorney of the county in which the offender was 13546
indicted and may order the prosecuting attorney to respond to 13547
the motion in writing within ten days. The prosecuting attorney 13548
shall notify the victim pursuant to the Ohio Constitution. The 13549
prosecuting attorney shall include in the response any statement 13550
that the victim wants to be represented to the court. The court 13551
shall consider any response from the prosecuting attorney and 13552
any statement from the victim in its ruling on the motion. After 13553
receiving the response from the prosecuting attorney, the court 13554
either shall order a hearing consistent with divisions (E) to 13555

(I) of this section as soon as possible, or shall enter its 13556
ruling on the motion for judicial release as soon as possible. 13557
If the court conducts a hearing, the hearing shall be conducted 13558
in open court or by a virtual, telephonic, or other form of 13559
remote hearing. If the court holds a hearing, the court shall 13560
enter a ruling on the motion within ten days after the hearing. 13561
If the court denies the motion without a hearing, the court 13562
shall enter its ruling on the motion within ten days after the 13563
motion is filed or after it receives the response from the 13564
prosecuting attorney. 13565

(E) If a court schedules a hearing under ~~division (D)~~ 13566
divisions (D) (1) and (2) (a) of this section or under divisions 13567
(D) (1) and (2) (b) of this section, the court shall notify the 13568
subject eligible offender or state of emergency-qualifying 13569
offender and the head of the state correctional institution in 13570
which ~~the eligible~~ that subject offender is confined prior to 13571
the hearing. The head of the state correctional institution 13572
immediately shall notify the appropriate person at the 13573
department of rehabilitation and correction of the hearing, and 13574
the department within twenty-four hours after receipt of the 13575
notice, shall post on the database it maintains pursuant to 13576
section 5120.66 of the Revised Code the subject offender's name 13577
and all of the information specified in division (A) (1) (c) (i) of 13578
that section. If the court schedules a hearing for judicial 13579
release, the court promptly shall give notice of the hearing to 13580
the prosecuting attorney of the county in which the subject 13581
eligible offender or state of emergency-qualifying offender was 13582
indicted. Upon receipt of the notice from the court, the 13583
prosecuting attorney shall do whichever of the following is 13584
applicable: 13585

(1) Subject to division (E) (2) of this section, notify the 13586

victim of the offense or the victim's representative pursuant to 13587
the Ohio Constitution and division (B) of section 2930.16 of 13588
the Revised Code; 13589

(2) If the offense was an offense of violence that is a 13590
felony of the first, second, or third degree, except as 13591
otherwise provided in this division, pursuant to the Ohio 13592
Constitution, notify the victim or the victim's representative 13593
of the hearing regardless of whether the victim or victim's 13594
representative has requested the notification. ~~The Except when~~ 13595
notice to the victim is required under the Ohio Constitution, 13596
the notice of the hearing shall not be given under this division 13597
to a victim or victim's representative if the victim or victim's 13598
representative has requested pursuant to division (B) (2) of 13599
section 2930.03 of the Revised Code that the victim or the 13600
victim's representative not be provided the notice. If notice is 13601
to be provided to a victim or victim's representative under this 13602
division, the prosecuting attorney may give the notice by any 13603
reasonable means, including regular mail, telephone, and 13604
electronic mail, in accordance with division (D) (1) of section 13605
2930.16 of the Revised Code. If the notice is based on an 13606
offense committed prior to March 22, 2013, the notice also shall 13607
include the opt-out information described in division (D) (1) of 13608
section 2930.16 of the Revised Code. The prosecuting attorney, 13609
in accordance with division (D) (2) of section 2930.16 of the 13610
Revised Code, shall keep a record of all attempts to provide the 13611
notice, and of all notices provided, under this division. 13612
Division (E) (2) of this section, and the notice-related 13613
provisions of division (K) of this section, division (D) (1) of 13614
section 2930.16, division (H) of section 2967.12, division (E) 13615
(1) (b) of section 2967.19 as it existed prior to the effective 13616
date of this amendment, division (A) (3) (b) of section 2967.26, 13617

division (D)(1) of section 2967.28, and division (A)(2) of 13618
section 5149.101 of the Revised Code enacted in the act in which 13619
division (E)(2) of this section was enacted, shall be known as 13620
"Roberta's Law." 13621

(F) Upon an offender's successful completion of 13622
rehabilitative activities, the head of the state correctional 13623
institution may notify the sentencing court of the successful 13624
completion of the activities. 13625

(G) Prior to the date of the hearing on a motion for 13626
judicial release made by an eligible offender, by a state of 13627
emergency-qualifying offender, or by a court on its own under 13628
this section, the head of the state correctional institution in 13629
which the ~~eligible-subject~~ offender is confined shall send to 13630
the court an institutional summary report on the ~~eligible-~~ 13631
offender's conduct in the institution and in any institution 13632
from which the ~~eligible-~~ offender may have been transferred. Upon 13633
the request of the prosecuting attorney of the county in which 13634
the ~~eligible-subject~~ offender was indicted or of any law 13635
enforcement agency, the head of the state correctional 13636
institution, at the same time the person sends the institutional 13637
summary report to the court, also shall send a copy of the 13638
report to the requesting prosecuting attorney and law 13639
enforcement agencies. The institutional summary report shall 13640
cover the ~~eligible-subject~~ offender's participation in school, 13641
vocational training, work, treatment, and other rehabilitative 13642
activities and any disciplinary action taken against the 13643
~~eligible-subject~~ offender. The report shall be made part of the 13644
record of the hearing. A presentence investigation report is not 13645
required for judicial release. 13646

(H) If the court grants a hearing on a motion for judicial 13647

release made by an eligible offender, by a state of emergency- 13648
qualifying offender, or by a court on its own under this 13649
section, the ~~eligible-subject~~ offender shall attend the hearing 13650
if ordered to do so by the court. Upon receipt of a copy of the 13651
journal entry containing the order, the head of the state 13652
correctional institution in which the ~~eligible-subject~~ offender 13653
is incarcerated shall deliver the ~~eligible-subject~~ offender to 13654
the sheriff of the county in which the hearing is to be held. 13655
The sheriff shall convey the ~~eligible-subject~~ offender to and 13656
from the hearing. 13657

(I) At the hearing on a motion for judicial release under 13658
this section made by an eligible offender, by a state of 13659
emergency-qualifying offender, or by a court on its own, the 13660
court shall afford the ~~eligible-subject~~ offender and the 13661
~~eligible~~-offender's attorney an opportunity to present written 13662
and, if present, oral information relevant to the motion. The 13663
court shall afford a similar opportunity to the prosecuting 13664
attorney, the victim or the victim's representative, and any 13665
other person the court determines is likely to present 13666
additional relevant information. The court shall consider any 13667
statement of a victim made pursuant to section 2930.14 or 13668
2930.17 of the Revised Code, any victim impact statement 13669
prepared pursuant to section 2947.051 of the Revised Code, and 13670
any report made under division (G) of this section. The court 13671
may consider any written statement of any person submitted to 13672
the court pursuant to division (L) of this section. 13673

If the motion alleges that the offender who is the subject 13674
of the motion is an eligible offender and the court makes an 13675
initial determination that the offender satisfies the criteria 13676
for being an eligible offender, or if the motion alleges that 13677
the offender who is the subject of the motion is a state of 13678

emergency-qualifying offender and the court makes an initial 13679
determination that the offender satisfies the criteria for being 13680
a state of emergency-qualifying offender, the court shall 13681
determine whether to grant the motion. After ruling on the 13682
motion, the court shall notify the victim of the ruling in 13683
accordance with sections 2930.03 and 2930.16 of the Revised 13684
Code. 13685

(J) (1) A court shall not grant a judicial release under 13686
this section to an ~~eligible~~ offender who is imprisoned for a 13687
felony of the first or second degree and who is under 13688
consideration as an eligible offender, or to an ~~eligible~~ 13689
offender who committed an offense under Chapter 2925. or 3719. 13690
of the Revised Code, who is under consideration as an eligible 13691
offender, and for whom there was a presumption under section 13692
2929.13 of the Revised Code in favor of a prison term, unless 13693
the court, with reference to factors under section 2929.12 of 13694
the Revised Code, finds both of the following: 13695

(a) That a sanction other than a prison term would 13696
adequately punish the offender and protect the public from 13697
future criminal violations by the ~~eligible~~ offender because the 13698
applicable factors indicating a lesser likelihood of recidivism 13699
outweigh the applicable factors indicating a greater likelihood 13700
of recidivism; 13701

(b) That a sanction other than a prison term would not 13702
demean the seriousness of the offense because factors indicating 13703
that the ~~eligible~~ offender's conduct in committing the offense 13704
was less serious than conduct normally constituting the offense 13705
outweigh factors indicating that the eligible offender's conduct 13706
was more serious than conduct normally constituting the offense. 13707

(2) A court that grants a judicial release ~~to an eligible~~ 13708

~~offender~~ under division (J) (1) of this section to an offender 13709
who is under consideration as an eligible offender shall specify 13710
on the record both findings required in that division and also 13711
shall list all the factors described in that division that were 13712
presented at the hearing. 13713

(3) (a) Subject to division (J) (3) (b) of this section, a 13714
court shall grant a judicial release under this section to an 13715
offender who is under consideration as a state of emergency- 13716
qualifying offender if the court determines that the risks posed 13717
by incarceration to the health and safety of the offender, 13718
because of the nature of the declared state of emergency, 13719
outweigh the risk to public safety if the offender were to be 13720
released from incarceration. 13721

(b) A court shall not grant a judicial release under this 13722
section to an offender who is imprisoned for a felony of the 13723
first or second degree and is under consideration for judicial 13724
release as a state of emergency-qualifying offender unless the 13725
court, with reference to the factors specified under section 13726
2929.12 of the Revised Code, finds both of the criteria set 13727
forth in divisions (J) (1) (a) and (b) of this section. 13728

(K) If the court grants a motion for judicial release 13729
under this section, the court shall order the release of the 13730
eligible offender or state of emergency-qualifying offender, 13731
shall place the ~~eligible~~ offender under an appropriate community 13732
control sanction, under appropriate conditions, and under the 13733
supervision of the department of probation serving the court and 13734
shall reserve the right to reimpose the sentence that it reduced 13735
if the offender violates the sanction. If the court reimposes 13736
the reduced sentence, it may do so either concurrently with, or 13737
consecutive to, any new sentence imposed ~~upon~~ on the eligible 13738

offender or state of emergency-qualifying offender as a result 13739
of the violation that is a new offense. Except as provided in 13740
division ~~(R) (2)~~ (N) (5) (b) of this section, the period of 13741
community control shall be no longer than five years. The court, 13742
in its discretion, may reduce the period of community control by 13743
the amount of time the ~~eligible~~ offender spent in jail or prison 13744
for the offense and in prison. If the court made any findings 13745
pursuant to division (J) (1) of this section, the court shall 13746
serve a copy of the findings upon counsel for the parties within 13747
fifteen days after the date on which the court grants the motion 13748
for judicial release. 13749

If the court grants a motion for judicial release, the 13750
court shall notify the appropriate person at the department of 13751
rehabilitation and correction, and the department shall post 13752
notice of the release on the database it maintains pursuant to 13753
section 5120.66 of the Revised Code. The court also shall notify 13754
the prosecuting attorney of the county in which the eligible 13755
offender or state of emergency-qualifying offender was indicted 13756
that the motion has been granted. ~~Unless~~ When notice to the 13757
victim is required under the Ohio Constitution, the prosecuting 13758
attorney shall notify the victim of the judicial release. In all 13759
other cases, unless the victim or the victim's representative 13760
has requested pursuant to division (B) (2) of section 2930.03 of 13761
the Revised Code that the victim or victim's representative not 13762
be provided the notice, the prosecuting attorney shall notify 13763
the victim or the victim's representative of the judicial 13764
release in any manner, and in accordance with the same 13765
procedures, pursuant to which the prosecuting attorney is 13766
authorized to provide notice of the hearing pursuant to division 13767
(E) (2) of this section. If the notice is based on an offense 13768
committed prior to March 22, 2013, the notice to the victim or 13769

victim's representative also shall include the opt-out 13770
information described in division (D) (1) of section 2930.16 of 13771
the Revised Code. 13772

(L) In addition to and independent of the right of a 13773
victim to make a statement pursuant to section 2930.14, 2930.17, 13774
or 2946.051 of the Revised Code and any right of a person to 13775
present written information or make a statement pursuant to 13776
division (I) of this section, any person may submit to the 13777
court, at any time prior to the hearing on the ~~offender's~~ motion 13778
for judicial release of the eligible offender or state of 13779
emergency-qualifying offender, a written statement concerning 13780
the effects of the offender's crime or crimes, the circumstances 13781
surrounding the crime or crimes, the manner in which the crime 13782
or crimes were perpetrated, and the person's opinion as to 13783
whether the offender should be released. 13784

~~(M)~~ (M) (1) The changes to this section that are made on 13785
September 30, 2011, apply to any judicial release decision made 13786
on or after September 30, 2011, for any eligible offender, 13787
subject to division (M) (2) of this section. 13788

~~(N)~~ (2) The changes to this section that are made on the 13789
effective date of this amendment apply to any judicial release 13790
application, and any judicial release decision, made on or after 13791
the effective date of this amendment for any eligible offender 13792
or state of emergency-qualifying offender. 13793

(N) (1) Notwithstanding the eligibility requirements 13794
specified in ~~division (A)~~ divisions (A) (1) and (2) of this 13795
section and the filing time frames specified in division (C) of 13796
this section and notwithstanding the findings required under 13797
division ~~(J)~~ (J) (1) and the eligibility criteria specified in 13798
division (J) (3) of this section, the sentencing court, upon the 13799

court's own motion and after considering whether the release of
the offender into society would create undue risk to public
safety, may grant a judicial release to an offender who is not
serving a life sentence at any time during the offender's
imposed sentence when the director of rehabilitation and
correction certifies to the sentencing court through the chief
medical officer for the department of rehabilitation and
correction that the offender is in imminent danger of death, is
medically incapacitated, or is suffering from a terminal
illness.

~~(0)~~(2) The director of rehabilitation and correction shall
not certify any offender under division ~~(N)~~(N) ~~(1)~~ of this
section who is serving a death sentence.

~~(P)~~(3) A motion made by the court under division ~~(N)~~(N) ~~(1)~~
of this section is subject to the notice, hearing, and other
procedural requirements specified in divisions (D), (E), (G),
(H), (I), (K), and (L) of this section, including notice to the
victim, except for the following:

~~(1)~~(a) The court may waive the offender's appearance at
any hearing scheduled by the court if the offender's condition
makes it impossible for the offender to participate meaningfully
in the proceeding.

~~(2)~~(b) The court may grant the motion without a hearing,
provided that the prosecuting attorney and victim or victim's
representative to whom notice of the hearing was provided under
division (E) of this section indicate that they do not wish to
participate in the hearing or present information relevant to
the motion.

(c) The provisions of divisions (D) (2) (a) and (b) of this

section requiring a court to issue an order granting a judicial 13829
release if the court does not take certain actions within a 13830
specified period of time do not apply regarding the motion. 13831

~~(Q)~~(4) The court may request health care records from the 13832
department of rehabilitation and correction to verify the 13833
certification made under division ~~(N)~~(N) (1) of this section. 13834

~~(R)~~(1)(5) (a) If the court grants judicial release under 13835
division ~~(N)~~(N) (1) of this section, the court shall do all of 13836
the following: 13837

~~(a)~~(i) Order the release of the offender; 13838

~~(b)~~(ii) Place the offender under an appropriate community 13839
control sanction, under appropriate conditions; 13840

~~(c)~~(iii) Place the offender under the supervision of the 13841
department of probation serving the court or under the 13842
supervision of the adult parole authority. 13843

~~(2)~~(b) The court, in its discretion, may revoke the 13844
judicial release if the offender violates the community control 13845
sanction described in division ~~(R)~~(1)(N) (5) (a) of this section. 13846
The period of that community control is not subject to the five- 13847
year limitation described in division (K) of this section and 13848
shall not expire earlier than the date on which all of the 13849
offender's mandatory prison terms expire. 13850

~~(S)~~(6) If the health of an offender who is released under 13851
division ~~(N)~~(N) (1) of this section improves so that the offender 13852
is no longer terminally ill, medically incapacitated, or in 13853
imminent danger of death, the court shall, upon the court's own 13854
motion, revoke the judicial release. The court shall not grant 13855
the motion without a hearing unless the offender waives a 13856
hearing. If a hearing is held, the court shall afford the 13857

offender and the offender's attorney an opportunity to present 13858
written and, if the offender or the offender's attorney is 13859
present, oral information relevant to the motion. The court 13860
shall afford a similar opportunity to the prosecuting attorney, 13861
the victim or the victim's representative, and any other person 13862
the court determines is likely to present additional relevant 13863
information. If a hearing is held, the prosecuting attorney 13864
shall notify the victim pursuant to the Ohio Constitution. A 13865
court that grants a motion under this division shall specify its 13866
findings on the record. 13867

(O) (1) Separate from and independent of the provisions of 13868
divisions (A) to (N) of this section, the director of the 13869
department of rehabilitation and correction may recommend in 13870
writing to the sentencing court that the court consider 13871
releasing from prison, through a judicial release, any offender 13872
who is confined in a state correctional institution and who is 13873
an eighty per cent-qualifying offender. The director may file 13874
such a recommendation for judicial release by submitting to the 13875
sentencing court a notice, in writing, of the recommendation 13876
within the applicable period specified in division (A) (3) of 13877
this section for qualifying as an eighty per cent-qualifying 13878
offender. 13879

The director shall include with any notice submitted to 13880
the sentencing court under this division an institutional 13881
summary report that covers the offender's participation while 13882
confined in a state correctional institution in school, 13883
training, work, treatment, and other rehabilitative activities 13884
and any disciplinary action taken against the offender while so 13885
confined. The director shall include with the notice any other 13886
documentation requested by the court, if available. 13887

If the director submits a notice under this division 13888
recommending judicial release, the department promptly shall 13889
provide to the prosecuting attorney of the county in which the 13890
offender was indicted a copy of the written notice and 13891
recommendation, a copy of the institutional summary report, and 13892
any other information provided to the court, and shall provide a 13893
copy of the institutional summary report to any law enforcement 13894
agency that requests the report. The department also shall 13895
provide written notice of the submission of the director's 13896
notice to any victim of the offender or victim's representative, 13897
in the same manner as is specified in divisions (E) (1) and (2) 13898
of this section with respect to notices of hearings. 13899

(2) A recommendation for judicial release in a notice 13900
submitted by the director under division (O) (1) of this section 13901
is subject to the notice, hearing, and other procedural 13902
requirements specified in divisions (E), (H), (I), and (L) of 13903
this section, including notice to the victim pursuant to the 13904
Ohio Constitution, except as otherwise specified in divisions 13905
(O) (3) to (5) of this section, provided that references in 13906
divisions (E), (H), (I), (K), and (L) of this section to "the 13907
motion" shall be construed for purposes of division (O) of this 13908
section as being references to the notice and recommendation 13909
specified in division (O) (1) of this section. 13910

(3) The director's submission of a notice under division 13911
(O) (1) of this section constitutes a recommendation by the 13912
director that the court strongly consider a judicial release of 13913
the offender consistent with the purposes and principles of 13914
sentencing set forth in sections 2929.11 and 2929.13 of the 13915
Revised Code and establishes a rebuttable presumption that the 13916
offender shall be released through a judicial release in 13917
accordance with the recommendation. The presumption of release 13918

may be rebutted only as described in division (O)(5) of this 13919
section. Only an offender recommended by the director under 13920
division (O)(1) of this section may be considered for a judicial 13921
release under division (O) of this section. 13922

(4) Upon receipt of a notice recommending judicial release 13923
submitted by the director under division (O)(1) of this section, 13924
the court shall schedule a hearing to consider the 13925
recommendation for the judicial release of the offender who is 13926
the subject of the notice. The hearing shall be conducted in 13927
open court not less than thirty or more than sixty days after 13928
the notice is submitted. The court shall inform the department 13929
and the prosecuting attorney of the county in which the offender 13930
who is the subject of the notice was indicted of the date, time, 13931
and location of the hearing. Upon receipt of the notice from the 13932
court, the prosecuting attorney shall comply with division (E) 13933
of this section, including providing notice to the victim 13934
pursuant to the Ohio Constitution, and the department shall post 13935
the information specified in that division. 13936

(5) When a court schedules a hearing under division (O)(4) 13937
of this section, at the hearing, the court shall consider all of 13938
the following in determining whether to grant the offender 13939
judicial release under division (O) of this section: 13940

(a) The institutional summary report submitted under 13941
division (O)(1) of this section; 13942

(b) The inmate's academic, vocational education programs, 13943
or alcohol or drug treatment programs; or involvement in 13944
meaningful activity; 13945

(c) The inmate's assignments and whether the inmate 13946
consistently performed each work assignment to the satisfaction 13947

of the department staff responsible for supervising the inmate's 13948
work; 13949

(d) The inmate transferred to and actively participated in 13950
core curriculum programming at a reintegration center prison; 13951

(e) The inmate's disciplinary history; 13952

(f) The inmate's security level; 13953

(g) All other information, statements, reports, and 13954
documentation described in division (I) of this section. 13955

(6) If the court that receives a notice recommending 13956
judicial release submitted by the director under division (O) (1) 13957
of this section makes an initial determination that the offender 13958
satisfies the criteria for being an eighty per cent-qualifying 13959
offender, the court then shall determine whether to grant the 13960
offender judicial release. In making the second determination, 13961
the court shall grant the offender judicial release unless the 13962
prosecuting attorney proves to the court, by a preponderance of 13963
the evidence, that the legitimate interests of the government in 13964
maintaining the offender's confinement outweigh the interests of 13965
the offender in being released from that confinement. If the 13966
court grants a judicial release under this division, division 13967
(K) of this section applies regarding the judicial release, 13968
including notice to the victim pursuant to the Ohio 13969
Constitution, provided that references in division (K) of this 13970
section to "the motion" shall be construed for purposes of the 13971
judicial release granted under this division as being references 13972
to the notice and recommendation specified in division (O) (1) of 13973
this section. 13974

The court shall enter its ruling on the notice 13975
recommending judicial release submitted by the director under 13976

division (O) (1) of this section within ten days after the 13977
hearing is conducted. After ruling on whether to grant the 13978
offender judicial release under division (O) of this section, 13979
the court shall notify the offender, the prosecuting attorney, 13980
and the department of rehabilitation and correction of its 13981
decision, and shall notify the victim of its decision in 13982
accordance with the Ohio Constitution and sections 2930.03 and 13983
2930.16 of the Revised Code. If the court does not enter a 13984
ruling on the notice within ten days after the hearing is 13985
conducted as required under this division, the court shall enter 13986
an order granting the judicial release and shall proceed as if 13987
the court, within the ten-day period, had entered a ruling on 13988
the notice granting the judicial release. 13989

(P) All notices to a victim of an offense provided under 13990
division (D), (E), (K), (N), or (O) of this section shall be 13991
provided in accordance with the Ohio Constitution. 13992

Sec. 2929.24. (A) Except as provided in section 2929.22 or 13993
2929.23 of the Revised Code or division (E) ~~or (F)~~ of this 13994
section and unless another term is required or authorized 13995
pursuant to law, if the sentencing court imposing a sentence 13996
upon an offender for a misdemeanor elects or is required to 13997
impose a jail term on the offender pursuant to this chapter, the 13998
court shall impose a definite jail term that shall be one of the 13999
following: 14000

(1) For a misdemeanor of the first degree, not more than 14001
one hundred eighty days; 14002

(2) For a misdemeanor of the second degree, not more than 14003
ninety days; 14004

(3) For a misdemeanor of the third degree, not more than 14005

sixty days; 14006

(4) For a misdemeanor of the fourth degree, not more than 14007
thirty days. 14008

(B) (1) A court that sentences an offender to a jail term 14009
under this section may permit the offender to serve the sentence 14010
in intermittent confinement or may authorize a limited release 14011
of the offender as provided in division (B) of section 2929.26 14012
of the Revised Code. The court retains jurisdiction over every 14013
offender sentenced to jail to modify the jail sentence imposed 14014
at any time, but the court shall not reduce any mandatory jail 14015
term. 14016

(2) (a) If a prosecutor, as defined in section 2935.01 of 14017
the Revised Code, has filed a notice with the court that the 14018
prosecutor wants to be notified about a particular case and if 14019
the court is considering modifying the jail sentence of the 14020
offender in that case, the court shall notify the prosecutor 14021
that the court is considering modifying the jail sentence of the 14022
offender in that case. The prosecutor may request a hearing 14023
regarding the court's consideration of modifying the jail 14024
sentence of the offender in that case, and, if the prosecutor 14025
requests a hearing, the court shall notify the eligible offender 14026
of the hearing. 14027

(b) If the prosecutor requests a hearing regarding the 14028
court's consideration of modifying the jail sentence of the 14029
offender in that case, the court shall hold the hearing before 14030
considering whether or not to release the offender from the 14031
offender's jail sentence. 14032

(C) If a court sentences an offender to a jail term under 14033
this section and the court assigns the offender to a county jail 14034

that has established a county jail industry program pursuant to 14035
section 5147.30 of the Revised Code, the court shall specify, as 14036
part of the sentence, whether the offender may be considered for 14037
participation in the program. During the offender's term in the 14038
county jail, the court retains jurisdiction to modify its 14039
specification regarding the offender's participation in the 14040
county jail industry program. 14041

(D) If a person is sentenced to a jail term pursuant to 14042
this section, the court may impose as part of the sentence 14043
pursuant to section 2929.28 of the Revised Code a reimbursement 14044
sanction, and, if the local detention facility in which the term 14045
is to be served is covered by a policy adopted pursuant to 14046
section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 14047
753.16, 2301.56, or 2947.19 of the Revised Code and section 14048
2929.37 of the Revised Code, both of the following apply: 14049

(1) The court shall specify both of the following as part 14050
of the sentence: 14051

(a) If the person is presented with an itemized bill 14052
pursuant to section 2929.37 of the Revised Code for payment of 14053
the costs of confinement, the person is required to pay the bill 14054
in accordance with that section. 14055

(b) If the person does not dispute the bill described in 14056
division (D)(1)(a) of this section and does not pay the bill by 14057
the times specified in section 2929.37 of the Revised Code, the 14058
clerk of the court may issue a certificate of judgment against 14059
the person as described in that section. 14060

(2) The sentence automatically includes any certificate of 14061
judgment issued as described in division (D)(1)(b) of this 14062
section. 14063

~~(E) If an offender who is convicted of or pleads guilty to a violation of division (B) of section 4511.19 of the Revised Code also is convicted of or also pleads guilty to a specification of the type described in section 2941.1416 of the Revised Code and if the court imposes a jail term on the offender for the underlying offense, the court shall impose upon the offender an additional definite jail term of not more than six months. The additional jail term shall not be reduced pursuant to any provision of the Revised Code. The offender shall serve the additional jail term consecutively to and prior to the jail term imposed for the underlying offense and consecutively to any other mandatory term imposed in relation to the offense.~~

~~(F)(1)(E)(1)~~ If an offender is convicted of or pleads guilty to a misdemeanor violation of section 2907.23, 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 jail term on the offender for the misdemeanor violation, the court may impose upon the offender an additional definite jail term as follows:

(a) Subject to division ~~(F)(1)(b)~~ (E)(1)(b) of this section, an additional definite jail term of not more than sixty days;

(b) If the offender previously has been convicted of or pleaded guilty to one or more misdemeanor or felony 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 definite jail term of not more than one hundred

twenty days. 14094

(2) In lieu of imposing an additional definite jail term 14095
under division ~~(F)(1)~~ (E)(1) of this section, the court may 14096
directly impose on the offender a sanction that requires the 14097
offender to wear a real-time processing, continual tracking 14098
electronic monitoring device during the period of time specified 14099
by the court. The period of time specified by the court shall 14100
equal the duration of an additional jail term that the court 14101
could have imposed upon the offender under division ~~(F)(1)~~ (E) 14102
(1) of this section. A sanction imposed under this division 14103
shall commence on the date specified by the court, provided that 14104
the sanction shall not commence until after the offender has 14105
served the jail term imposed for the misdemeanor violation of 14106
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 14107
Code and any residential sanction imposed for the violation 14108
under section 2929.26 of the Revised Code. A sanction imposed 14109
under this division shall be considered to be a community 14110
control sanction for purposes of section 2929.25 of the Revised 14111
Code, and all provisions of the Revised Code that pertain to 14112
community control sanctions shall apply to a sanction imposed 14113
under this division, except to the extent that they would by 14114
their nature be clearly inapplicable. The offender shall pay all 14115
costs associated with a sanction imposed under this division, 14116
including the cost of the use of the monitoring device. 14117

~~(G)~~ (F) If an offender is convicted of or pleads guilty to 14118
a misdemeanor violation of section 2903.13 of the Revised Code 14119
and also is convicted of or pleads guilty to a specification of 14120
the type described in section 2941.1423 of the Revised Code that 14121
charges that the victim of the violation was a woman whom the 14122
offender knew was pregnant at the time of the violation, the 14123
court shall impose on the offender a mandatory jail term that is 14124

a definite term of at least thirty days. 14125

~~(H)~~ (G) If a court sentences an offender to a jail term 14126
under this section, the sentencing court retains jurisdiction 14127
over the offender and the jail term. Upon motion of either party 14128
or upon the court's own motion, the court, in the court's sole 14129
discretion and as the circumstances warrant, may substitute one 14130
or more community control sanctions under section 2929.26 or 14131
2929.27 of the Revised Code for any jail days that are not 14132
mandatory jail days. 14133

Sec. 2929.25. (A) (1) Except as provided in sections 14134
2929.22 and 2929.23 of the Revised Code or when a jail term is 14135
required by law, in sentencing an offender for a misdemeanor, 14136
other than a minor misdemeanor, the sentencing court may do 14137
either of the following: 14138

(a) Directly impose a sentence that consists of one or 14139
more community control sanctions authorized by section 2929.26, 14140
2929.27, or 2929.28 of the Revised Code. The court may impose 14141
any other conditions of release under a community control 14142
sanction that the court considers appropriate. If the court 14143
imposes a jail term upon the offender, the court may impose any 14144
community control sanction or combination of community control 14145
sanctions in addition to the jail term. 14146

(b) Impose a jail term under section 2929.24 of the 14147
Revised Code from the range of jail terms authorized under that 14148
section for the offense, suspend all or a portion of the jail 14149
term imposed, and place the offender under a community control 14150
sanction or combination of community control sanctions 14151
authorized under section 2929.26, 2929.27, or 2929.28 of the 14152
Revised Code. 14153

(2) The duration of all community control sanctions 14154
imposed upon an offender and in effect for an offender at any 14155
time shall not exceed five years. 14156

(3) At sentencing, if a court directly imposes a community 14157
control sanction or combination of community control sanctions 14158
pursuant to division (A) (1) (a) or (B) of this section, the court 14159
shall state the duration of the community control sanctions 14160
imposed and shall notify the offender that if any of the 14161
conditions of the community control sanctions are violated the 14162
court may do any of the following: 14163

(a) Impose a longer time under the same community control 14164
sanction if the total time under all of the offender's community 14165
control sanctions does not exceed the five-year limit specified 14166
in division (A) (2) of this section; 14167

(b) Impose a more restrictive community control sanction 14168
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 14169
but the court is not required to impose any particular sanction 14170
or sanctions; 14171

(c) Impose a definite jail term from the range of jail 14172
terms authorized for the offense under section 2929.24 of the 14173
Revised Code. 14174

(B) If a court sentences an offender to any community 14175
control sanction or combination of community control sanctions 14176
pursuant to division (A) (1) (a) of this section, the sentencing 14177
court retains jurisdiction over the offender and the period of 14178
community control for the duration of the period of community 14179
control. Upon the motion of either party or on the court's own 14180
motion, the court, in the court's sole discretion and as the 14181
circumstances warrant, may modify the community control 14182

sanctions or conditions of release previously imposed, 14183
substitute a community control sanction or condition of release 14184
for another community control sanction or condition of release 14185
previously imposed, or impose an additional community control 14186
sanction or condition of release. 14187

(C) (1) If a court sentences an offender to any community 14188
control sanction or combination of community control sanctions 14189
authorized under section 2929.26, 2929.27, or 2929.28 of the 14190
Revised Code, the court shall place the offender under the 14191
general control and supervision of the court or of a department 14192
of probation in the jurisdiction that serves the court for 14193
purposes of reporting to the court a violation of any of the 14194
conditions of the sanctions imposed. If the offender resides in 14195
another jurisdiction and a department of probation has been 14196
established to serve the municipal court or county court in that 14197
jurisdiction, the sentencing court may request the municipal 14198
court or the county court to receive the offender into the 14199
general control and supervision of that department of probation 14200
for purposes of reporting to the sentencing court a violation of 14201
any of the conditions of the sanctions imposed. The sentencing 14202
court retains jurisdiction over any offender whom it sentences 14203
for the duration of the sanction or sanctions imposed. 14204

(2) The sentencing court shall require as a condition of 14205
any community control sanction that the offender abide by the 14206
law and not leave the state without the permission of the court 14207
or the offender's probation officer. In the interests of doing 14208
justice, rehabilitating the offender, and ensuring the 14209
offender's good behavior, the court may impose additional 14210
requirements on the offender. The offender's compliance with the 14211
additional requirements also shall be a condition of the 14212
community control sanction imposed upon the offender. 14213

(D) (1) If the court imposing sentence upon an offender 14214
sentences the offender to any community control sanction or 14215
combination of community control sanctions authorized under 14216
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 14217
the offender violates any of the conditions of the sanctions, 14218
the public or private person or entity that supervises or 14219
administers the program or activity that comprises the sanction 14220
shall report the violation directly to the sentencing court or 14221
to the department of probation or probation officer with general 14222
control and supervision over the offender. If the public or 14223
private person or entity reports the violation to the department 14224
of probation or probation officer, the department or officer 14225
shall report the violation to the sentencing court. 14226

(2) ~~If~~ Except as provided in division (D) (3) of this 14227
section, if an offender violates any condition of a community 14228
control sanction, the sentencing court may impose upon the 14229
violator one or more of the following penalties: 14230

(a) A longer time under the same community control 14231
sanction if the total time under all of the community control 14232
sanctions imposed on the violator does not exceed the five-year 14233
limit specified in division (A) (2) of this section; 14234

(b) A more restrictive community control sanction; 14235

(c) A combination of community control sanctions, 14236
including a jail term. 14237

(3) If an offender was acting pursuant to division (B) (2) 14238
(b) of section 2925.11 or a related provision under section 14239
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 14240
doing violated the conditions of a community control sanction 14241
based on a minor drug possession offense, as defined in section 14242

2925.11 of the Revised Code, or violated section 2925.12, 14243
division (C) (1) of section 2925.14, or section 2925.141 of the 14244
Revised Code, the sentencing court ~~may consider the offender's~~ 14245
~~conduct in seeking or obtaining medical assistance for another~~ 14246
~~in good faith or for self or may consider the offender being the~~ 14247
~~subject of another person seeking or obtaining medical~~ 14248
~~assistance in accordance with that division as a mitigating~~ 14249
~~factor before imposing~~ shall not impose any of the penalties 14250
described in division (D) (2) of this section based on the 14251
violation. 14252

(4) If the court imposes a jail term upon a violator 14253
pursuant to division (D) (2) of this section, the total time 14254
spent in jail for the misdemeanor offense and the violation of a 14255
condition of the community control sanction shall not exceed the 14256
maximum jail term available for the offense for which the 14257
sanction that was violated was imposed. The court may reduce the 14258
longer period of time that the violator is required to spend 14259
under the longer sanction or the more restrictive sanction 14260
imposed under division (D) (2) of this section by all or part of 14261
the time the violator successfully spent under the sanction that 14262
was initially imposed. 14263

(E) Except as otherwise provided in this division, if an 14264
offender, for a significant period of time, fulfills the 14265
conditions of a community control sanction imposed pursuant to 14266
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 14267
exemplary manner, the court may reduce the period of time under 14268
the community control sanction or impose a less restrictive 14269
community control sanction. Fulfilling the conditions of a 14270
community control sanction does not relieve the offender of a 14271
duty to make restitution under section 2929.28 of the Revised 14272
Code. 14273

Sec. 2930.03. (A) A person or entity required or 14274
authorized under this chapter to give notice to a victim shall 14275
give the notice to the victim by any means reasonably calculated 14276
to provide prompt actual notice. Except when a provision 14277
requires that notice is to be given in a specific manner, a 14278
notice may be oral or written. 14279

(B) (1) Except for receipt of the initial information and 14280
notice required to be given to a victim under divisions (A) and 14281
(B) of section 2930.04, section 2930.05, and divisions (A) and 14282
(B) of section 2930.06 of the Revised Code and the notice 14283
required to be given to a victim under division (D) of section 14284
2930.16 of the Revised Code, a victim who wishes to receive any 14285
notice authorized by this chapter shall make a request for the 14286
notice to the prosecutor or the custodial agency that is to 14287
provide the notice, as specified in this chapter. If the victim 14288
does not make a request as described in this division, the 14289
prosecutor or custodial agency is not required to provide any 14290
notice described in this chapter other than the initial 14291
information and notice required to be given to a victim under 14292
divisions (A) and (B) of section 2930.04, section 2930.05, and 14293
divisions (A) and (B) of section 2930.06 of the Revised Code and 14294
the notice required to be given to a victim under division (D) 14295
of section 2930.16 of the Revised Code. 14296

(2) A victim who does not wish to receive any of the 14297
notices required to be given to a victim under division (E) (2) 14298
or (K) of section 2929.20, division (D) of section 2930.16, 14299
division (H) of section 2967.12, ~~division (E) (1) (b) of section~~ 14300
~~2967.19,~~ division (A) (3) (b) of section 2967.26, division (D) (1) 14301
of section 2967.28, or division (A) (2) of section 5149.101 of 14302
the Revised Code shall make a request to the prosecutor or 14303
custodial agency that is to provide the particular notice that 14304

the notice not be provided to the victim. Unless the victim
makes a request as described in this division, the prosecutor or
custodial agency shall provide the notices required to be given
to a victim under division (E) (2) or (K) of section 2929.20,
division (D) 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, division (D) (1) of section 2967.28, or
division (A) (2) of section 5149.101 of the Revised Code in any
manner, and in accordance with the procedures, specified in the
particular division. This division also applies to a victim's
representative or a member of a victim's immediate family that
is authorized to receive any of the notices specified in this
division.

(C) A person or agency that is required to furnish notice
under this chapter shall give the notice to the victim at the
address or telephone number provided to the person or agency by
the victim. A victim who requests to receive notice under this
chapter as described in division (B) of this section shall
inform the person or agency of the name, address, or telephone
number of the victim and of any change to that information.

(D) A person or agency that has furnished information to a
victim in accordance with any requirement or authorization under
this chapter shall notify the victim promptly of any significant
changes to that information.

(E) Divisions (A) to (D) of this section do not apply
regarding a notice that a prosecutor is required to provide
under section 2930.061 of the Revised Code. A prosecutor
required to provide notice under that section shall provide the
notice as specified in that section.

Sec. 2930.06. (A) The prosecutor in a case, to the extent

practicable, shall confer with the victim in the case before 14335
pretrial diversion is granted to the defendant or alleged 14336
juvenile offender in the case, before amending or dismissing an 14337
indictment, information, or complaint against that defendant or 14338
alleged juvenile offender, before agreeing to a negotiated plea 14339
for that defendant or alleged juvenile offender, before a trial 14340
of that defendant by judge or jury, or before the juvenile court 14341
conducts an adjudicatory hearing for that alleged juvenile 14342
offender. If the juvenile court disposes of a case prior to the 14343
prosecutor's involvement in the case, the court or a court 14344
employee shall notify the victim in the case that the alleged 14345
juvenile offender will be granted pretrial diversion, the 14346
complaint against that alleged juvenile offender will be amended 14347
or dismissed, or the court will conduct an adjudicatory hearing 14348
for that alleged juvenile offender. If the prosecutor fails to 14349
confer with the victim at any of those times, the court, if 14350
informed of the failure, shall note on the record the failure 14351
and the prosecutor's reasons for the failure. A prosecutor's 14352
failure to confer with a victim as required by this division and 14353
a court's failure to provide the notice as required by this 14354
division do not affect the validity of an agreement between the 14355
prosecutor and the defendant or alleged juvenile offender in the 14356
case, a pretrial diversion of the defendant or alleged juvenile 14357
offender, an amendment or dismissal of an indictment, 14358
information, or complaint filed against the defendant or alleged 14359
juvenile offender, a plea entered by the defendant or alleged 14360
juvenile defender, an admission entered by the defendant or 14361
alleged juvenile offender, or any other disposition in the case. 14362
A court shall not dismiss a criminal complaint, charge, 14363
information, or indictment or a delinquent child complaint 14364
solely at the request of the victim and over the objection of 14365
the prosecuting attorney, village solicitor, city director of 14366

law, or other chief legal officer responsible for the 14367
prosecution of the case. 14368

(B) After a prosecution in a case has been commenced, the 14369
prosecutor or a designee of the prosecutor other than a court or 14370
court employee, to the extent practicable, promptly shall give 14371
the victim all of the following information, except that, if the 14372
juvenile court disposes of a case prior to the prosecutor's 14373
involvement in the case, the court or a court employee, to the 14374
extent practicable, promptly shall give the victim all of the 14375
following information: 14376

(1) The name of the crime or specified delinquent act with 14377
which the defendant or alleged juvenile offender in the case has 14378
been charged and the name of the defendant or alleged juvenile 14379
offender; 14380

(2) The file number of the case; 14381

(3) A brief statement regarding the procedural steps in a 14382
criminal prosecution or delinquency proceeding involving a crime 14383
or specified delinquent act similar to the crime or specified 14384
delinquent act with which the defendant or alleged juvenile 14385
offender has been charged and the right of the victim to be 14386
present during all proceedings held throughout the prosecution 14387
of the case; 14388

(4) A summary of the rights of a victim under this 14389
chapter; 14390

(5) Procedures the victim or the prosecutor may follow if 14391
the victim becomes subject to threats or intimidation by the 14392
defendant, alleged juvenile offender, or any other person; 14393

(6) The name and business telephone number of a person to 14394
contact for further information with respect to the case; 14395

(7) The right of the victim to have a victim's representative exercise the victim's rights under this chapter in accordance with section 2930.02 of the Revised Code and the procedure by which a victim's representative may be designated;

(8) Notice that any notification under division (C) of this section, sections 2930.07 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim only if the victim asks to receive the notification and that notice under division (E) (2) or (K) of section 2929.20, division (D) 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, division (D) (1) of section 2967.28, or division (A) (2) of section 5149.101 of the Revised Code will be given unless the victim asks that the notification not be provided.

(C) Upon the request of the victim, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim notice of the date, time, and place of any scheduled criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case.

(D) A victim who requests notice under division (C) of this section and who elects pursuant to division (B) of section 2930.03 of the Revised Code to receive any further notice from the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court under this chapter shall keep the prosecutor or the court informed of the victim's current address and telephone number until the case is dismissed or terminated, the defendant is acquitted or sentenced, the delinquent child complaint is dismissed, the

defendant is adjudicated a delinquent child, or the appellate 14426
process is completed, whichever is the final disposition in the 14427
case. 14428

(E) If a defendant is charged with the commission of a 14429
misdemeanor offense that is not identified in division (A) (2) of 14430
section 2930.01 of the Revised Code and if a police report or a 14431
complaint, indictment, or information that charges the 14432
commission of that offense and provides the basis for a criminal 14433
prosecution of that defendant identifies one or more individuals 14434
as individuals against whom that offense was committed, after a 14435
prosecution in the case has been commenced, the prosecutor or a 14436
designee of the prosecutor other than a court or court employee, 14437
to the extent practicable, promptly shall notify each of the 14438
individuals so identified in the report, complaint, indictment, 14439
or information that, if the defendant is convicted of or pleads 14440
guilty to the offense, the individual may make an oral or 14441
written statement to the court hearing the case regarding the 14442
sentence to be imposed upon the defendant and that the court 14443
must consider any statement so made that is relevant. Before 14444
imposing sentence in the case, the court shall permit the 14445
individuals so identified in the report, complaint, indictment, 14446
or information to make an oral or written statement. Division 14447
(A) of section 2930.14 of the Revised Code applies regarding any 14448
statement so made. The court shall consider a statement so made, 14449
in accordance with division (B) of that section and division (D) 14450
of section 2929.22 of the Revised Code. 14451

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 14452
in a case who has requested to receive notice under this section 14453
shall be given notice of the incarceration of the defendant. If 14454
an alleged juvenile offender is committed to the temporary 14455
custody of a school, camp, institution, or other facility 14456

operated for the care of delinquent children or to the legal 14457
custody of the department of youth services, a victim in a case 14458
who has requested to receive notice under this section shall be 14459
given notice of the commitment. Promptly after sentence is 14460
imposed upon the defendant or the commitment of the alleged 14461
juvenile offender is ordered, the prosecutor in the case shall 14462
notify the victim of the date on which the defendant will be 14463
released, or initially will be eligible for release, from 14464
confinement or the prosecutor's reasonable estimate of that date 14465
or the date on which the alleged juvenile offender will have 14466
served the minimum period of commitment or the prosecutor's 14467
reasonable estimate of that date. The prosecutor also shall 14468
notify the victim of the name of the custodial agency of the 14469
defendant or alleged juvenile offender and tell the victim how 14470
to contact that custodial agency. If the custodial agency is the 14471
department of rehabilitation and correction, the prosecutor 14472
shall notify the victim of the services offered by the office of 14473
victims' services pursuant to section 5120.60 of the Revised 14474
Code. If the custodial agency is the department of youth 14475
services, the prosecutor shall notify the victim of the services 14476
provided by the office of victims' services within the release 14477
authority of the department pursuant to section 5139.55 of the 14478
Revised Code and the victim's right pursuant to section 5139.56 14479
of the Revised Code to submit a written request to the release 14480
authority to be notified of actions the release authority takes 14481
with respect to the alleged juvenile offender. The victim shall 14482
keep the custodial agency informed of the victim's current 14483
address and telephone number. 14484

(B) (1) Upon the victim's request or in accordance with 14485
division (D) of this section, the prosecutor promptly shall 14486
notify the victim of any hearing for judicial release of the 14487

defendant pursuant to section 2929.20 of the Revised Code, ~~of~~ 14488
~~any hearing for release of the defendant pursuant to section~~ 14489
~~2967.19 of the Revised Code,~~ or of any hearing for judicial 14490
release or early release of the alleged juvenile offender 14491
pursuant to section 2151.38 of the Revised Code and of the 14492
victim's right to make a statement under those sections. The 14493
court shall notify the victim of its ruling in each of those 14494
hearings and on each of those applications. 14495

(2) If an offender is sentenced to a prison term pursuant 14496
to division (A) (3) or (B) of section 2971.03 of the Revised 14497
Code, upon the request of the victim of the crime or in 14498
accordance with division (D) of this section, the prosecutor 14499
promptly shall notify the victim of any hearing to be conducted 14500
pursuant to section 2971.05 of the Revised Code to determine 14501
whether to modify the requirement that the offender serve the 14502
entire prison term in a state correctional facility in 14503
accordance with division (C) of that section, whether to 14504
continue, revise, or revoke any existing modification of that 14505
requirement, or whether to terminate the prison term in 14506
accordance with division (D) of that section. The court shall 14507
notify the victim of any order issued at the conclusion of the 14508
hearing. 14509

(C) Upon the victim's request made at any time before the 14510
particular notice would be due or in accordance with division 14511
(D) of this section, the custodial agency of a defendant or 14512
alleged juvenile offender shall give the victim any of the 14513
following notices that is applicable: 14514

(1) At least sixty days before the adult parole authority 14515
recommends a pardon or commutation of sentence for the defendant 14516
or at least sixty days prior to a hearing before the adult 14517

parole authority regarding a grant of parole to the defendant, 14518
notice of the victim's right to submit a statement regarding the 14519
impact of the defendant's release in accordance with section 14520
2967.12 of the Revised Code and, if applicable, of the victim's 14521
right to appear at a full board hearing of the parole board to 14522
give testimony as authorized by section 5149.101 of the Revised 14523
Code; and at least sixty days prior to a hearing before the 14524
department regarding a determination of whether the inmate must 14525
be released under division (C) or (D) (2) of section 2967.271 of 14526
the Revised Code if the inmate is serving a non-life felony 14527
indefinite prison term, notice of the fact that the inmate will 14528
be having a hearing regarding a possible grant of release, the 14529
date of any hearing regarding a possible grant of release, and 14530
the right of any person to submit a written statement regarding 14531
the pending action; 14532

(2) At least sixty days before the defendant is 14533
transferred to transitional control under section 2967.26 of the 14534
Revised Code, notice of the pendency of the transfer and of the 14535
victim's right under that section to submit a statement 14536
regarding the impact of the transfer; 14537

(3) At least sixty days before the release authority of 14538
the department of youth services holds a release review, release 14539
hearing, or discharge review for the alleged juvenile offender, 14540
notice of the pendency of the review or hearing, of the victim's 14541
right to make an oral or written statement regarding the impact 14542
of the crime upon the victim or regarding the possible release 14543
or discharge, and, if the notice pertains to a hearing, of the 14544
victim's right to attend and make statements or comments at the 14545
hearing as authorized by section 5139.56 of the Revised Code; 14546

(4) Prompt notice of the defendant's or alleged juvenile 14547

offender's escape from a facility of the custodial agency in 14548
which the defendant was incarcerated or in which the alleged 14549
juvenile offender was placed after commitment, of the 14550
defendant's or alleged juvenile offender's absence without leave 14551
from a mental health or developmental disabilities facility or 14552
from other custody, and of the capture of the defendant or 14553
alleged juvenile offender after an escape or absence; 14554

(5) Notice of the defendant's or alleged juvenile 14555
offender's death while in confinement or custody; 14556

(6) Notice of the filing of a petition by the director of 14557
rehabilitation and correction pursuant to section ~~2967.19~~ 14558
2929.20 of the Revised Code requesting the early release of the 14559
defendant pursuant to a judicial release under that section ~~of~~ 14560
~~the defendant~~; 14561

(7) Notice of the defendant's or alleged juvenile 14562
offender's release from confinement or custody and the terms and 14563
conditions of the release. 14564

(D) (1) If a defendant is incarcerated for the commission 14565
of aggravated murder, murder, or an offense of violence that is 14566
a felony of the first, second, or third degree or is under a 14567
sentence of life imprisonment or if an alleged juvenile offender 14568
has been charged with the commission of an act that would be 14569
aggravated murder, murder, or an offense of violence that is a 14570
felony of the first, second, or third degree or be subject to a 14571
sentence of life imprisonment if committed by an adult, except 14572
as otherwise provided in this division, the notices described in 14573
divisions (B) and (C) of this section shall be given regardless 14574
of whether the victim has requested the notification. The 14575
notices described in divisions (B) and (C) of this section shall 14576
not be given under this division to a victim if the victim has 14577

requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim not be provided the notice. Regardless of whether the victim has requested that the notices described in division (C) of this section be provided or not be provided, the custodial agency shall give notice similar to those notices to the prosecutor in the case, to the sentencing court, to the law enforcement agency that arrested the defendant or alleged juvenile offender if any officer of that agency was a victim of the offense, and to any member of the victim's immediate family who requests notification. If the notice given under this division to the victim is based on an offense committed prior to March 22, 2013, and if the prosecutor or custodial agency has not previously successfully provided any notice to the victim under this division or division (B) or (C) of this section with respect to that offense and the offender who committed it, the notice also shall inform the victim that the victim may request that the victim 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. If the notice given under this division to the victim pertains to a hearing regarding a grant of a parole to the defendant, the notice also shall inform the victim that the victim, a member of the victim's immediate family, or the victim's representative may request a victim conference, as described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim under this division but the attempt is unsuccessful because the

prosecutor or custodial agency is unable to locate the victim, 14609
is unable to provide the notice by its chosen method because it 14610
cannot determine the mailing address, telephone number, or 14611
electronic mail address at which to provide the notice, or, if 14612
the notice is sent by mail, the notice is returned, the 14613
prosecutor or custodial agency shall make another attempt to 14614
provide the notice to the victim. If the second attempt is 14615
unsuccessful, the prosecutor or custodial agency shall make at 14616
least one more attempt to provide the notice. If the notice is 14617
based on an offense committed prior to March 22, 2013, in each 14618
attempt to provide the notice to the victim, the notice shall 14619
include the opt-out information described in the preceding 14620
paragraph. The prosecutor or custodial agency, in accordance 14621
with division (D) (2) of this section, shall keep a record of all 14622
attempts to provide the notice, and of all notices provided, 14623
under this division. 14624

Division (D) (1) of this section, and the notice-related 14625
provisions of divisions (E) (2) and (K) of section 2929.20, 14626
division (H) of section 2967.12, division (E) (1) (b) of section 14627
2967.19 as it existed prior to the effective date of this 14628
amendment, division (A) (3) (b) of section 2967.26, division (D) 14629
(1) of section 2967.28, and division (A) (2) of section 5149.101 14630
of the Revised Code enacted in the act in which division (D) (1) 14631
of this section was enacted, shall be known as "Roberta's Law." 14632

(2) Each prosecutor and custodial agency that attempts to 14633
give any notice to which division (D) (1) of this section applies 14634
shall keep a record of all attempts to give the notice. The 14635
record shall indicate the person who was to be the recipient of 14636
the notice, the date on which the attempt was made, the manner 14637
in which the attempt was made, and the person who made the 14638
attempt. If the attempt is successful and the notice is given, 14639

the record shall indicate that fact. The record shall be kept in 14640
a manner that allows public inspection of attempts and notices 14641
given to persons other than victims without revealing the names, 14642
addresses, or other identifying information relating to victims. 14643
The record of attempts and notices given to victims is not a 14644
public record, but the prosecutor or custodial agency shall 14645
provide upon request a copy of that record to a prosecuting 14646
attorney, judge, law enforcement agency, or member of the 14647
general assembly. The record of attempts and notices given to 14648
persons other than victims is a public record. A record kept 14649
under this division may be indexed by offender name, or in any 14650
other manner determined by the prosecutor or the custodial 14651
agency. Each prosecutor or custodial agency that is required to 14652
keep a record under this division shall determine the procedures 14653
for keeping the record and the manner in which it is to be kept, 14654
subject to the requirements of this division. 14655

(E) The adult parole authority shall adopt rules under 14656
Chapter 119. of the Revised Code providing for a victim 14657
conference, upon request of the victim, a member of the victim's 14658
immediate family, or the victim's representative, prior to a 14659
parole hearing in the case of a prisoner who is incarcerated for 14660
the commission of aggravated murder, murder, or an offense of 14661
violence that is a felony of the first, second, or third degree 14662
or is under a sentence of life imprisonment. The rules shall 14663
provide for, but not be limited to, all of the following: 14664

(1) Subject to division (E) (3) of this section, attendance 14665
by the victim, members of the victim's immediate family, the 14666
victim's representative, and, if practicable, other individuals; 14667

(2) Allotment of up to one hour for the conference; 14668

(3) A specification of the number of persons specified in 14669

division (E) (1) of this section who may be present at any single 14670
victim conference, if limited by the department pursuant to 14671
division (F) of this section. 14672

(F) The department may limit the number of persons 14673
specified in division (E) (1) of this section who may be present 14674
at any single victim conference, provided that the department 14675
shall not limit the number of persons who may be present at any 14676
single conference to fewer than three. If the department limits 14677
the number of persons who may be present at any single victim 14678
conference, the department shall permit and schedule, upon 14679
request of the victim, a member of the victim's immediate 14680
family, or the victim's representative, multiple victim 14681
conferences for the persons specified in division (E) (1) of this 14682
section. 14683

(G) As used in this section, "victim's immediate family" 14684
has the same meaning as in section 2967.12 of the Revised Code. 14685

Sec. 2930.17. (A) In determining whether to grant a 14686
judicial release to a defendant from a prison term pursuant to 14687
section 2929.20 of the Revised Code at a time before the 14688
defendant's stated prison term expires, ~~in determining whether~~ 14689
~~to grant a release to an offender from a prison term pursuant to~~ 14690
~~section 2967.19 of the Revised Code at a time before the~~ 14691
~~offender's stated prison term expires,~~ or in determining whether 14692
to grant a judicial release or early release to an alleged 14693
juvenile offender from a commitment to the department of youth 14694
services pursuant to section 2151.38 of the Revised Code, the 14695
court shall permit a victim of a crime or specified delinquent 14696
act for which the defendant or alleged juvenile offender was 14697
incarcerated or committed to make a statement, in addition to 14698
any other statement made under this chapter, concerning the 14699

effects of that crime or specified delinquent act on the victim, 14700
the circumstances surrounding the crime or specified delinquent 14701
act, the manner in which the crime or specified delinquent act 14702
was perpetrated, and the victim's opinion whether the defendant 14703
or alleged juvenile offender should be released. The victim may 14704
make the statement in writing or orally, at the court's 14705
discretion. The court shall give the defendant or alleged 14706
juvenile offender and either the adult parole authority or the 14707
department of youth services, whichever is applicable, a copy of 14708
any written impact statement made by the victim under this 14709
division. 14710

(B) In deciding whether to grant a judicial release or 14711
early release to the defendant or alleged juvenile offender, the 14712
court shall consider a statement made by the victim under 14713
division (A) of this section or section 2930.14 or 2947.051 of 14714
the Revised Code. 14715

Sec. 2935.01. As used in this chapter: 14716

(A) "Magistrate" has the same meaning as in section 14717
2931.01 of the Revised Code. 14718

(B) "Peace officer" includes, except as provided in 14719
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 14720
marshal; deputy marshal; member of the organized police 14721
department of any municipal corporation, including a member of 14722
the organized police department of a municipal corporation in an 14723
adjoining state serving in Ohio under a contract pursuant to 14724
section 737.04 of the Revised Code; member of a police force 14725
employed by a metropolitan housing authority under division (D) 14726
of section 3735.31 of the Revised Code; member of a police force 14727
employed by a regional transit authority under division (Y) of 14728
section ~~306.05~~306.35 of the Revised Code; state university law 14729

enforcement officer appointed under section 3345.04 of the Revised Code; enforcement agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of taxation to whom investigation powers have been delegated under section 5743.45 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; police constable of any township; police officer of a township or joint police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code; an assistant house of representatives sergeant at arms; the senate sergeant at arms; an assistant

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senate sergeant at arms; officer or employee of the bureau of 14762
criminal identification and investigation established pursuant 14763
to section 109.51 of the Revised Code who has been awarded a 14764
certificate by the executive director of the Ohio peace officer 14765
training commission attesting to the officer's or employee's 14766
satisfactory completion of an approved state, county, municipal, 14767
or department of natural resources peace officer basic training 14768
program and who is providing assistance upon request to a law 14769
enforcement officer or emergency assistance to a peace officer 14770
pursuant to section 109.54 or 109.541 of the Revised Code; a 14771
state fire marshal law enforcement officer described in division 14772
(A) (23) of section 109.71 of the Revised Code; a gaming agent, 14773
as defined in section 3772.01 of the Revised Code; and, for the 14774
purpose of arrests within those areas, for the purposes of 14775
Chapter 5503. of the Revised Code, and the filing of and service 14776
of process relating to those offenses witnessed or investigated 14777
by them, the superintendent and troopers of the state highway 14778
patrol. 14779

(C) "Prosecutor" includes the county prosecuting attorney 14780
and any assistant prosecutor designated to assist the county 14781
prosecuting attorney, and, in the case of courts inferior to 14782
courts of common pleas, includes the village solicitor, city 14783
director of law, or similar chief legal officer of a municipal 14784
corporation, any such officer's assistants, or any attorney 14785
designated by the prosecuting attorney of the county to appear 14786
for the prosecution of a given case. 14787

(D) "Offense," except where the context specifically 14788
indicates otherwise, includes felonies, misdemeanors, and 14789
violations of ordinances of municipal corporations and other 14790
public bodies authorized by law to adopt penal regulations. 14791

(E) "Tier one offense" means a violation of section 14792
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 14793
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 14794
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 14795
2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 14796
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 14797
Code. 14798

Sec. 2935.10. (A) Upon the filing of an affidavit or 14799
complaint as provided by section 2935.09 of the Revised Code, if 14800
it charges the commission of a felony, such judge, clerk, or 14801
magistrate, unless he the judge, clerk, or magistrate has reason 14802
to believe that it was not filed in good faith, or the claim is 14803
not meritorious, shall forthwith issue a warrant for the arrest 14804
of the person charged in the affidavit, and directed to a peace 14805
officer; otherwise he the judge, clerk, or magistrate shall 14806
forthwith refer the matter to the prosecuting attorney or other 14807
attorney charged by law with prosecution for investigation prior 14808
to the issuance of warrant. 14809

(B) If the offense charged is a misdemeanor or violation 14810
of a municipal ordinance, such judge, clerk, or magistrate may: 14811

(1) Issue a warrant for the arrest of such person, 14812
directed to any officer named in section 2935.03 of the Revised 14813
Code but in cases of ordinance violation only to a police 14814
officer or marshal or deputy marshal of the municipal 14815
corporation; 14816

(2) Issue summons, to be served by a peace officer, 14817
bailiff, or court constable, commanding the person against whom 14818
the affidavit or complaint was filed to appear forthwith, or at 14819
a fixed time in the future, before such court or magistrate. 14820
Such summons shall be served in the same manner as in civil 14821

cases. 14822

(C) If the affidavit is filed by, or the complaint is 14823
filed pursuant to an affidavit executed by, a peace officer who 14824
has, at ~~his~~ the officer's discretion, at the time of commission 14825
of the alleged offense, notified the person to appear before the 14826
court or magistrate at a specific time set by such officer, no 14827
process need be issued unless the defendant fails to appear at 14828
the scheduled time. 14829

(D) Any person charged with a misdemeanor or violation of 14830
a municipal ordinance may give bail as provided in sections 14831
2937.22 to 2937.46 of the Revised Code, for ~~his~~ the person's 14832
appearance, regardless of whether a warrant, summons, or notice 14833
to appear has been issued. 14834

(E) Any warrant, summons, or any notice issued by the 14835
peace officer shall state the substance of the charge against 14836
the person arrested or directed to appear. 14837

(F) When the offense charged is a misdemeanor, and the 14838
warrant or summons issued pursuant to this section is not served 14839
within two years of the date of issue, a judge or magistrate may 14840
order such warrant or summons withdrawn and the case closed, 14841
when it does not appear that the ends of justice require keeping 14842
the case open. 14843

(G) (1) Any warrant issued for a tier one offense shall be 14844
entered, by the law enforcement agency requesting the warrant 14845
and within forty-eight hours of receipt of the warrant, into the 14846
law enforcement automated data system created by section 5503.10 14847
of the Revised Code, and known as LEADS, and the appropriate 14848
database of the national crime information center (NCIC) 14849
maintained by the federal bureau of investigation. 14850

(2) All warrants issued for tier one offenses shall be 14851
entered, by the law enforcement agency that receives the warrant 14852
with a full extradition radius as defined by the Ohio LEADS 14853
administrator, into the law enforcement automated data system 14854
created by section 5503.10 of the Revised Code, and known as 14855
LEADS. 14856

Sec. 2939.21. (A) Once every three months, the grand 14857
jurors shall visit the county jail, examine its condition, and 14858
inquire into the discipline and treatment of the prisoners, 14859
their habits, diet, and accommodations. ~~They~~ 14860

(B) (1) If a multicounty correctional center or 14861
multicounty-municipal correctional center is established as 14862
described in section 307.93 of the Revised Code to serve two or 14863
more counties, once every three months, the grand jurors of any 14864
or all of the counties served by the center may visit the 14865
facility, examine its contents, and inquire into the discipline 14866
and treatment of the prisoners, their habits, diet, and 14867
accommodations. Only one visit by grand jurors may be made under 14868
this division during any three-month period. 14869

(2) If a municipal-county correctional center is 14870
established as described in section 307.93 of the Revised Code 14871
to serve a county, once every three months, the grand jurors of 14872
the county may visit the facility, examine its contents, and 14873
inquire into the discipline and treatment of the prisoners, 14874
their habits, diet, and accommodations. 14875

(C) When grand jurors visit a jail under division (A), (B) 14876
(1), or (B) (2) of this section, they shall report on ~~these~~ the 14877
matters specified in the particular division to the court of 14878
common pleas of the county served by the grand jurors in 14879
writing. The clerk of the court of common pleas shall forward a 14880

copy of the report to the department of rehabilitation and 14881
correction. 14882

Sec. 2941.1413. (A) Imposition of a mandatory additional 14883
prison term of one, two, three, four, or five years upon an 14884
offender under division (G) (2) of section 2929.13 of the Revised 14885
Code is precluded unless the indictment, count in the 14886
indictment, or information charging a felony violation of 14887
division (A) of section 4511.19 of the Revised Code specifies 14888
that ~~the~~ either: 14889

(1) The offender, within twenty years of the offense, 14890
previously has been convicted of or pleaded guilty to five or 14891
more equivalent offenses; 14892

(2) The offender previously has been convicted of or 14893
pleaded guilty to a specification of the type described in this 14894
section. The 14895

(B) The specification shall be stated at the end of the 14896
body of the indictment, count, or information and shall be 14897
stated in substantially the following form: 14898

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 14899
Grand Jurors (or insert the person's or the prosecuting 14900
attorney's name when appropriate) further find and specify that 14901
(set forth that the offender, within twenty years of committing 14902
the offense, previously had been convicted of or pleaded guilty 14903
to five or more equivalent offenses or previously has been 14904
convicted of or pleaded guilty to a specification of the type 14905
described in section 2941.1413 of the Revised Code)." 14906

~~(B)~~ (C) As used in ~~division (A) of this section,~~ 14907
"equivalent offense" has the same meaning as in section 4511.181 14908
of the Revised Code. 14909

Sec. 2941.1415. (A) Imposition of a three-year mandatory 14910
prison term upon an offender under division (B) (6) of section 14911
2929.14 of the Revised Code is precluded unless the offender is 14912
convicted of or pleads guilty to violating division (A) (1) or 14913
(2) of section 2903.06 of the Revised Code and unless the 14914
indictment, count in the indictment, or information charging the 14915
offense specifies that the offender previously has been 14916
convicted of or pleaded guilty to three or more violations of 14917
division (A) ~~or (B)~~ of section 4511.19 of the Revised Code or an 14918
equivalent offense, or three or more violations of any 14919
combination of those ~~divisions and~~ offenses. The specification 14920
shall be stated at the end of the body of the indictment, count, 14921
or information and shall be stated in substantially the 14922
following form: 14923

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 14924
Grand Jurors (or insert the person's or the prosecuting 14925
attorney's name when appropriate) further find and specify that 14926
(set forth that the offender previously has been convicted of or 14927
pleaded guilty to three or more violations of division (A) ~~or~~ 14928
~~(B)~~ of section 4511.19 of the Revised Code or an equivalent 14929
offense, or three or more violations of any combination of those 14930
~~divisions and~~ offenses)." 14931

(B) The specification described in division (A) of this 14932
section may be used in a delinquent child proceeding in the 14933
manner and for the purpose described in section 2152.17 of the 14934
Revised Code. 14935

(C) As used in this section, "equivalent offense" has the 14936
same meaning as in section 4511.181 of the Revised Code. 14937

Sec. 2941.1421. (A) Imposition of an additional prison 14938
term of one, two, three, four, five, or six months under 14939

division (H) (2) (a) (i) of section 2929.14 of the Revised Code, an 14940
additional prison term of one, two, three, four, five, six, 14941
seven, eight, nine, ten, eleven, or twelve months under division 14942
(H) (2) (a) (ii) of section 2929.14 of the Revised Code, an 14943
additional definite jail term of not more than sixty days under 14944
division ~~(F) (1) (a)~~ (E) (1) (a) of section 2929.24 of the Revised 14945
Code, or an additional definite jail term of not more than one 14946
hundred twenty days under division ~~(F) (1) (b)~~ (E) (1) (b) of 14947
section 2929.24 of the Revised Code is precluded unless the 14948
indictment, count in the indictment, or information charging a 14949
felony violation of section 2907.22, 2907.24, 2907.241, or 14950
2907.25 of the Revised Code or a misdemeanor violation of 14951
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 14952
Code, whichever is applicable, specifies that the violation was 14953
committed in proximity to a school. The specification shall be 14954
stated at the end of the body of the indictment, count, or 14955
information and shall be in substantially the following form: 14956

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 14957
Grand Jurors (or insert the person's or the prosecuting 14958
attorney's name when appropriate) further find and specify that 14959
(set forth that the specified offense was committed in proximity 14960
to a school). 14961

(B) As used in this section, "committed in proximity to a 14962
school" has the same meaning as in section 2929.01 of the 14963
Revised Code. 14964

Sec. 2941.1423. Imposition of a mandatory prison term 14965
under division (B) (8) of section 2929.14 of the Revised Code or 14966
a mandatory jail term under division ~~(F)~~ (E) of section 2929.24 14967
of the Revised Code is precluded unless the offender is 14968
convicted of or pleads guilty to a violation of section 2903.11, 14969

2903.12, or 2903.13 of the Revised Code and unless the 14970
indictment, count in the indictment, or information charging the 14971
offense specifies the victim of the offense was a woman whom the 14972
offender knew was pregnant at the time of the offense. The 14973
specification shall be stated at the end of the body of the 14974
indictment, count, or information and shall be stated in 14975
substantially the following form: 14976

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 14977
Grand Jurors (or insert the person's or prosecuting attorney's 14978
name when appropriate) further find and specify that (set forth 14979
that the victim of the offense was a woman whom the defendant 14980
knew was pregnant at the time of the offense)." 14981

Sec. 2945.71. (A) Subject to division (D) of this section, 14982
a person against whom a charge is pending in a court not of 14983
record, or against whom a charge of minor misdemeanor is pending 14984
in a court of record, shall be brought to trial within thirty 14985
days after the person's arrest or the service of summons. 14986

(B) Subject to division (D) of this section, a person 14987
against whom a charge of misdemeanor, other than a minor 14988
misdemeanor, is pending in a court of record, shall be brought 14989
to trial as follows: 14990

(1) Within forty-five days after the person's arrest or 14991
the service of summons, if the offense charged is a misdemeanor 14992
of the third or fourth degree, or other misdemeanor for which 14993
the maximum penalty is imprisonment for not more than sixty 14994
days; 14995

(2) Within ninety days after the person's arrest or the 14996
service of summons, if the offense charged is a misdemeanor of 14997
the first or second degree, or other misdemeanor for which the 14998

maximum penalty is imprisonment for more than sixty days. 14999

(C) A person against whom a charge of felony is pending: 15000

(1) Notwithstanding any provisions to the contrary in 15001
Criminal Rule 5(B), shall be accorded a preliminary hearing 15002
within fifteen consecutive days after the person's arrest if the 15003
accused is not held in jail in lieu of bail on the pending 15004
charge or within ten consecutive days after the person's arrest 15005
if the accused is held in jail in lieu of bail on the pending 15006
charge; 15007

(2) ~~Shall Except as provided in division (C) of section~~ 15008
2945.73 of the Revised Code, shall be brought to trial within 15009
two hundred seventy days after the person's arrest. 15010

(D) A person against whom one or more charges of different 15011
degrees, whether felonies, misdemeanors, or combinations of 15012
felonies and misdemeanors, all of which arose out of the same 15013
act or transaction, are pending shall be brought to trial on all 15014
of the charges within the time period required for the highest 15015
degree of offense charged, as determined under divisions (A), 15016
(B), and (C) of this section. 15017

(E) For purposes of computing time under divisions (A), 15018
(B), (C) (2), and (D) of this section, each day during which the 15019
accused is held in jail in lieu of bail on the pending charge 15020
shall be counted as three days. This division does not apply for 15021
purposes of computing time under division (C) (1) of this section 15022
or for purposes of computing the fourteen-day period specified 15023
in section 2945.73 of the Revised Code. 15024

(F) This section shall not be construed to modify in any 15025
way section 2941.401 or sections 2963.30 to 2963.35 of the 15026
Revised Code. 15027

Sec. 2945.73. (A) A charge of felony shall be dismissed if 15028
the accused is not accorded a preliminary hearing within the 15029
time required by sections 2945.71 and 2945.72 of the Revised 15030
Code. Such a dismissal has the same effect as a nolle prosequi. 15031

(B) (1) Upon motion made at or prior to the commencement of 15032
trial, a person charged with ~~an offense~~ a misdemeanor shall be 15033
discharged if ~~he~~ the person is not brought to trial within the 15034
time required by sections 2945.71 and 2945.72 of the Revised 15035
Code. Such a discharge is a bar to any further criminal 15036
proceedings against the person based on the same conduct. 15037

~~(C)~~ (2) Regardless of whether a longer time limit may be 15038
provided by sections 2945.71 and 2945.72 of the Revised Code, a 15039
person charged with misdemeanor shall be discharged if ~~he~~ the 15040
person is held in jail in lieu of bond awaiting trial on the 15041
pending charge: 15042

~~(1)~~ (a) For a total period equal to the maximum term of 15043
imprisonment which may be imposed for the most serious 15044
misdemeanor charged; 15045

~~(2)~~ (b) For a total period equal to the term of 15046
imprisonment allowed in lieu of payment of the maximum fine 15047
which may be imposed for the most serious misdemeanor charged, 15048
when the offense or offenses charged constitute minor 15049
misdemeanors. 15050

~~(D)~~ When a charge of ~~(3)~~ A discharge under division (B) (2) 15051
of this section is a bar to any further criminal proceedings 15052
against the person based on the same conduct. 15053

~~(C)~~ (1) A person charged with a felony is dismissed 15054
~~pursuant to division (A) of this section, such dismissal has the~~ 15055
~~same effect as a nolle prosequi. When an accused is discharged~~ 15056

~~pursuant to division (B) or (C) of this section, such discharge~~ 15057
~~is a bar to any further criminal proceedings against him based~~ 15058
~~on the same conduct, who is not brought to trial within the time~~ 15059
required by sections 2945.71 and 2945.72 of the Revised Code, is 15060
eligible for release from detention. The court may release the 15061
person from any detention in connection with the charges pending 15062
trial and may impose any terms or conditions on the release that 15063
the court considers appropriate. 15064

(2) Upon motion made at or before the commencement of 15065
trial, but not sooner than fourteen days before the day the 15066
person would become eligible for release pursuant to division 15067
(C)(1) of this section, the charges shall be dismissed with 15068
prejudice unless the person is brought to trial on those charges 15069
within fourteen days after the motion is filed and served on the 15070
prosecuting attorney. If no motion is filed, the charges shall 15071
be dismissed with prejudice unless the person is brought to 15072
trial on those charges within fourteen days after it is 15073
determined by the court that the time for trial required by 15074
sections 2945.71 and 2945.72 of the Revised Code has expired. If 15075
it is determined by the court that the time for trial required 15076
by sections 2945.71 and 2945.73 of the Revised Code has expired, 15077
no additional charges arising from the same facts and 15078
circumstances as the original charges may be added during the 15079
fourteen-day period specified under this division. The fourteen- 15080
day period specified under this division may be extended at the 15081
request of the accused or on account of the fault or misconduct 15082
of the accused. 15083

Sec. 2950.151. (A) As used in this section, "eligible 15084
offender" means either of the following: 15085

(1) An offender who was convicted of or pleaded guilty to 15086

a violation of section 2907.04 of the Revised Code to whom all 15087
of the following apply: 15088

(a) The sentencing court found the offender to be at low 15089
risk of reoffending based on a presentence investigation report 15090
that included a risk assessment, assessed by the single 15091
validated risk assessment tool selected by the department of 15092
rehabilitation and correction under section 5120.114 of the 15093
Revised Code; 15094

(b) The sentencing court imposed a community control 15095
sanction or combination of community control sanctions instead 15096
of a prison term and the offender has fulfilled every condition 15097
of every community control sanction imposed by the sentencing 15098
court; 15099

(c) The offender was under twenty-one years of age at the 15100
time of committing the offense; 15101

(d) The offender has not otherwise been convicted of or 15102
pleaded guilty to another violation of section 2907.04 of the 15103
Revised Code or any sexually oriented offense or child-victim 15104
oriented offense other than the violation of section 2907.04 of 15105
the Revised Code; 15106

(e) The minor with whom the offender engaged in sexual 15107
conduct was at least fourteen years of age at the time of the 15108
offense and consented to the sexual conduct, with no evidence of 15109
coercion, force, or threat of force; 15110

(f) The offender was not in a position of authority, 15111
including a position of a type described in divisions (A) (5) to 15112
(13) of section 2907.03 of the Revised Code, over the minor with 15113
whom the offender engaged in sexual conduct. 15114

(2) An offender who was convicted of or pleaded guilty to 15115

a violation of any former law of this state, any existing or 15116
former municipal ordinance or law of another state or the United 15117
States, any existing or former law applicable in a military 15118
court or in an Indian trial court, or any existing or former law 15119
of any nation other than the United States that is or was 15120
substantially equivalent to a violation of section 2907.04 of 15121
the Revised Code and to whom all of the factors described in 15122
divisions (A) (1) (a) to (f) of this section apply. For purposes 15123
of this division: 15124

(a) The reference in division (A) (1) (b) of this section to 15125
a community control sanction shall be construed as including ~~non-~~ 15126
~~prison~~ nonprison sanctions under the law of the jurisdiction in 15127
which the offender was convicted of or pleaded guilty to the 15128
violation that is or was substantially equivalent to a violation 15129
of section 2907.04 of the Revised Code; 15130

(b) The reference in division (A) (1) (d) of this section to 15131
the violations specified in that division shall be construed as 15132
including substantially equivalent violations under the law of 15133
the jurisdiction in which the offender was convicted of or 15134
pleaded guilty to the violation that is or was substantially 15135
equivalent to a violation of section 2907.04 of the Revised 15136
Code. 15137

(B) Upon completion of all community control sanctions 15138
imposed by the sentencing court for the violation of section 15139
2907.04 of the Revised Code or the violation of the 15140
substantially equivalent law or ordinance, whichever is 15141
applicable, an eligible offender may petition the appropriate 15142
court specified in division (C) of this section to review the 15143
effectiveness of the offender's participation in community 15144
control sanctions and to determine whether to terminate the 15145

offender's duty to comply with sections 2950.04, 2950.05, and 15146
2950.06 of the Revised Code, reclassify the offender as a tier I 15147
sex offender/child-victim offender, or continue the offender's 15148
current classification. 15149

(C) Except as otherwise provided in this division, the 15150
eligible offender shall file the petition described in division 15151
(B) of this section in the court in which the eligible offender 15152
was convicted of or pleaded guilty to the offense. If the 15153
eligible offender was convicted of or pleaded guilty to the 15154
offense in a jurisdiction other than this state, the eligible 15155
offender shall file the petition in whichever of the following 15156
courts is applicable: 15157

(1) If the eligible offender is a resident of this state, 15158
in the court of common pleas of the county in which the offender 15159
resides; 15160

(2) If the eligible offender is not a resident of this 15161
state, in the court of common pleas of the county in which the 15162
offender has registered pursuant to section 2950.04 of the 15163
Revised Code. If the offender has registered addresses of that 15164
nature in more than one county, the offender may file a petition 15165
in the court of only one of those counties. 15166

(D) An eligible offender who files a petition under 15167
division (B) of this section shall include all of the following 15168
with the petition: 15169

(1) A certified copy of the judgment entry and any other 15170
documentation of the sentence given for the offense for which 15171
the eligible offender was convicted or pleaded guilty; 15172

(2) Documentation of the date of discharge from probation 15173
supervision or other supervision, if applicable; 15174

(3) Evidence that the eligible offender has completed a sex offender treatment program certified by the department of rehabilitation and correction pursuant to section 2950.16 of the Revised Code in the county where the offender was sentenced if the completion of such a program is ordered by the court, or, if completion of such a program is ordered by the court and such a program is not available in the county of sentencing, in another county;

(4) Any other evidence necessary to show that the offender meets the qualifications listed in division (A) of this section;

(5) Evidence that the eligible offender has been rehabilitated to a satisfactory degree by successful completion of community control sanctions.

(E) An eligible offender may obtain, at the offender's expense, a risk assessment or professional opinion, recommending relief under this section, from a licensed clinical psychologist, social worker, or other professional certified in sex offender treatment. The professional opinion or risk assessment may be submitted with the petition as additional evidence of rehabilitation.

(F) Upon the filing of a petition under division (B) of this section, the court shall schedule a hearing to review the eligible offender's petition and all evidence of rehabilitation accompanying the petition. The court shall notify the offender and the prosecutor of the county in which the petition is filed of the date, time, and place of the hearing. Upon receipt of the notice, the prosecutor shall notify the victim of the date, time, and place of the hearing. The victim may submit a written statement to the prosecutor regarding any knowledge the victim has of the eligible offender's conduct while subject to the

duties imposed by sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At least seven days before the hearing date, the prosecutor may file an objection to the petition with the court and serve a copy of the objection to the petition on the eligible offender or the eligible offender's attorney. In addition to considering the evidence and information included with the petition as described in division (D) of this section and any risk assessment or professional opinion submitted as described in division (E) of this section, in determining the type of order to enter in response to the petition, the court shall consider any objections submitted by the prosecutor and any written statement submitted by the victim. After the hearing, the court shall enter one of the following orders:

(1) An order to terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code;

(2) If the offender is classified a tier II sex offender/child-victim offender, an order to reclassify the offender from a tier II sex offender/child-victim offender classification to a tier I sex offender/child-victim offender classification;

(3) If the offender is classified a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender, an order to continue the offender's classification as a tier I sex offender/child-victim offender or tier II sex offender/child-victim offender, whichever is applicable, required to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(G) After issuing an order pursuant to division (F) of this section, the court shall provide a copy of the order to the eligible offender and the bureau of criminal identification and

investigation. The bureau, upon receipt of the copy, shall 15235
promptly notify the sheriff with whom the offender most recently 15236
registered under section 2950.04 or 2950.05 of the Revised Code 15237
of the court's order. 15238

(H) (1) An order issued under division (F) (2) or (3) of 15239
this section shall remain in effect for the duration of the 15240
eligible offender's duty to comply with sections 2950.04, 15241
2950.05, and 2950.06 of the Revised Code under the 15242
reclassification or continuation, whichever is applicable, as 15243
specified in section 2950.07 of the Revised Code, except that an 15244
eligible offender may refile a petition under this section at 15245
the time prescribed under division (H) (2) of this section. An 15246
order issued under division (F) (2) or (3) of this section shall 15247
not increase the duration of the offender's duty to comply with 15248
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 15249

(2) After the eligible offender's initial petition filed 15250
under this section, if the court entered an order continuing the 15251
offender's classification or reclassifying the offender, the 15252
offender may file a second petition not earlier than three years 15253
after the court entered the first order. After the second 15254
petition, the offender may file one subsequent petition not 15255
earlier than five years after the most recent order continuing 15256
the offender's classification or reclassifying the offender. A 15257
petition filed under this division shall comply with the 15258
requirements described in divisions (C), (D), and (E) of this 15259
section. 15260

(3) Upon the filing of a second or subsequent petition by 15261
an eligible offender pursuant to division (H) (2) of this 15262
section, the court shall schedule a hearing to review any 15263
previous order entered under this section, consider all of the 15264

documents previously submitted, and evaluate any new evidence of 15265
rehabilitation presented with the petition. The court shall 15266
notify the offender and the prosecutor of the county in which 15267
the petition is filed of the date, time, and place of the 15268
hearing. Upon receipt of the notice, the prosecutor shall notify 15269
the victim of the date, time, and place of the hearing. The 15270
victim may submit a written statement to the prosecutor 15271
regarding any knowledge the victim has of the eligible 15272
offender's conduct while subject to the duties imposed by 15273
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At 15274
least seven days before the hearing date, the prosecutor may 15275
file an objection to the petition with the court and serve a 15276
copy of the objection to the petition on the eligible offender 15277
or the eligible offender's attorney. In addition to reviewing 15278
any previous order, considering the documents previously 15279
submitted, and evaluating any new evidence of rehabilitation 15280
presented with the petition as described in this division, in 15281
determining whether to deny the petition or the type of order to 15282
enter in response to the petition, the court shall consider any 15283
objections submitted by the prosecutor and any written statement 15284
submitted by the victim. After the hearing on the petition, the 15285
court may deny the petition or enter either of the following 15286
orders: 15287

(a) If the previous order continued the offender's 15288
classification as a tier II sex offender/child-victim offender, 15289
an order to reclassify the offender as a tier I sex 15290
offender/child-victim offender or terminate the offender's duty 15291
to comply with sections 2950.04, 2950.05, and 2950.06 of the 15292
Revised Code; 15293

(b) If the previous order reclassified the offender as a 15294
tier I sex offender/child-victim offender or continued the 15295

offender's classification as a tier I sex offender/child-victim 15296
offender, an order to terminate the offender's duty to comply 15297
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 15298

Sec. 2950.99. (A) (1) (a) Except as otherwise provided in 15299
division (A) (1) (b) of this section, whoever violates a 15300
prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of 15301
the Revised Code shall be punished as follows: 15302

(i) If the most serious sexually oriented offense that was 15303
the basis of the registration, notice of intent to reside, 15304
change of address notification, or address verification 15305
requirement that was violated under the prohibition is 15306
aggravated murder or murder if committed by an adult or a 15307
comparable category of offense committed in another 15308
jurisdiction, the offender is guilty of a felony of the first 15309
degree. 15310

(ii) If the most serious sexually oriented offense or 15311
child-victim oriented offense that was the basis of the 15312
registration, notice of intent to reside, change of address 15313
notification, or address verification requirement that was 15314
violated under the prohibition is a felony of the first, second, 15315
third, or fourth degree if committed by an adult or a comparable 15316
category of offense committed in another jurisdiction, the 15317
offender is guilty of a felony of the same degree as the most 15318
serious sexually oriented offense or child-victim oriented 15319
offense that was the basis of the registration, notice of intent 15320
to reside, change of address, or address verification 15321
requirement that was violated under the prohibition, or, if the 15322
most serious sexually oriented offense or child-victim oriented 15323
offense that was the basis of the registration, notice of intent 15324
to reside, change of address, or address verification 15325

requirement that was violated under the prohibition is a 15326
comparable category of offense committed in another 15327
jurisdiction, the offender is guilty of a felony of the same 15328
degree as that offense committed in the other jurisdiction would 15329
constitute if committed in this state. 15330

(iii) If the most serious sexually oriented offense or 15331
child-victim oriented offense that was the basis of the 15332
registration, notice of intent to reside, change of address 15333
notification, or address verification requirement that was 15334
violated under the prohibition is a felony of the fifth degree 15335
or a misdemeanor if committed by an adult or a comparable 15336
category of offense committed in another jurisdiction, the 15337
offender is guilty of a felony of the fourth degree. 15338

(b) If the offender previously has been convicted of or 15339
pleaded guilty to, or previously has been adjudicated a 15340
delinquent child for committing, a violation of a prohibition in 15341
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 15342
Code, whoever violates a prohibition in section 2950.04, 15343
2950.041, 2950.05, or 2950.06 of the Revised Code shall be 15344
punished as follows: 15345

(i) If the most serious sexually oriented offense that was 15346
the basis of the registration, notice of intent to reside, 15347
change of address notification, or address verification 15348
requirement that was violated under the prohibition is 15349
aggravated murder or murder if committed by an adult or a 15350
comparable category of offense committed in another 15351
jurisdiction, the offender is guilty of a felony of the first 15352
degree. 15353

(ii) If the most serious sexually oriented offense or 15354
child-victim oriented offense that was the basis of the 15355

registration, notice of intent to reside, change of address 15356
notification, or address verification requirement that was 15357
violated under the prohibition is a felony of the first, second, 15358
or third degree if committed by an adult or a comparable 15359
category of offense committed in another jurisdiction, the 15360
offender is guilty of a felony of the same degree as the most 15361
serious sexually oriented offense or child-victim oriented 15362
offense that was the basis of the registration, notice of intent 15363
to reside, change of address, or address verification 15364
requirement that was violated under the prohibition, or, if the 15365
most serious sexually oriented offense or child-victim oriented 15366
offense that was the basis of the registration, notice of intent 15367
to reside, change of address, or address verification 15368
requirement that was violated under the prohibition is a 15369
comparable category of offense committed in another 15370
jurisdiction, the offender is guilty of a felony of the same 15371
degree as that offense committed in the other jurisdiction would 15372
constitute if committed in this state. 15373

(iii) If the most serious sexually oriented offense or 15374
child-victim oriented offense that was the basis of the 15375
registration, notice of intent to reside, change of address 15376
notification, or address verification requirement that was 15377
violated under the prohibition is a felony of the fourth or 15378
fifth degree if committed by an adult or a comparable category 15379
of offense committed in another jurisdiction, the offender is 15380
guilty of a felony of the third degree. 15381

(iv) If the most serious sexually oriented offense or 15382
child-victim oriented offense that was the basis of the 15383
registration, notice of intent to reside, change of address 15384
notification, or address verification requirement that was 15385
violated under the prohibition is a misdemeanor if committed by 15386

an adult or a comparable category of offense committed in 15387
another jurisdiction, the offender is guilty of a felony of the 15388
fourth degree. 15389

(2) (a) In addition to any penalty or sanction imposed 15390
under division (A) (1) of this section or any other provision of 15391
law for a violation of a prohibition in section 2950.04, 15392
2950.041, 2950.05, or 2950.06 of the Revised Code, if the 15393
offender or delinquent child is subject to a community control 15394
sanction, is on parole, is subject to one or more post-release 15395
control sanctions, or is subject to any other type of supervised 15396
release at the time of the violation, the violation shall 15397
constitute a violation of the terms and conditions of the 15398
community control sanction, parole, post-release control 15399
sanction, or other type of supervised release. 15400

(b) In addition to any penalty or sanction imposed under 15401
division (A) (1) (b) (i), (ii), or (iii) of this section or any 15402
other provision of law for a violation of a prohibition in 15403
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 15404
Code, if the offender previously has been convicted of or 15405
pleaded guilty to, or previously has been adjudicated a 15406
delinquent child for committing, a violation of a prohibition in 15407
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 15408
Code when the most serious sexually oriented offense or child- 15409
victim oriented offense that was the basis of the requirement 15410
that was violated under the prohibition is a felony if committed 15411
by an adult or a comparable category of offense committed in 15412
another jurisdiction, the court imposing a sentence upon the 15413
offender shall impose a definite prison term of no less than 15414
three years. The definite prison term imposed under this 15415
section, ~~subject to divisions (C) to (I) of section 2967.19 of~~ 15416
~~the Revised Code,~~ shall not be reduced to less than three years 15417

pursuant to any provision of Chapter 2967. or any other 15418
provision of the Revised Code. 15419

(3) As used in division (A)(1) of this section, 15420
"comparable category of offense committed in another 15421
jurisdiction" means a sexually oriented offense or child-victim 15422
oriented offense that was the basis of the registration, notice 15423
of intent to reside, change of address notification, or address 15424
verification requirement that was violated, that is a violation 15425
of an existing or former law of another state or the United 15426
States, an existing or former law applicable in a military court 15427
or in an Indian tribal court, or an existing or former law of 15428
any nation other than the United States, and that, if it had 15429
been committed in this state, would constitute or would have 15430
constituted aggravated murder or murder for purposes of division 15431
(A)(1)(a)(i) of this section, a felony of the first, second, 15432
third, or fourth degree for purposes of division (A)(1)(a)(ii) 15433
of this section, a felony of the fifth degree or a misdemeanor 15434
for purposes of division (A)(1)(a)(iii) of this section, 15435
aggravated murder or murder for purposes of division (A)(1)(b) 15436
(i) of this section, a felony of the first, second, or third 15437
degree for purposes of division (A)(1)(b)(ii) of this section, a 15438
felony of the fourth or fifth degree for purposes of division 15439
(A)(1)(b)(iii) of this section, or a misdemeanor for purposes of 15440
division (A)(1)(b)(iv) of this section. 15441

(B) If a person violates a prohibition in section 2950.04, 15442
2950.041, 2950.05, or 2950.06 of the Revised Code that applies 15443
to the person as a result of the person being adjudicated a 15444
delinquent child and being classified a juvenile offender 15445
registrant or an out-of-state juvenile offender registrant, both 15446
of the following apply: 15447

(1) If the violation occurs while the person is under 15448
eighteen years of age, the person is subject to proceedings 15449
under Chapter 2152. of the Revised Code based on the violation. 15450

(2) If the violation occurs while the person is eighteen 15451
years of age or older, the person is subject to criminal 15452
prosecution based on the violation. 15453

(C) Whoever violates division (C) of section 2950.13 of 15454
the Revised Code is guilty of a misdemeanor of the first degree. 15455

Sec. 2951.02. ~~(A)~~(A) (1) During the period of a misdemeanor 15456
offender's community control sanction or during the period of a 15457
felony offender's nonresidential sanction, authorized probation 15458
officers who are engaged within the scope of their supervisory 15459
duties or responsibilities may search, with or without a 15460
warrant, the person of the offender, the place of residence of 15461
the offender, and a motor vehicle, another item of tangible or 15462
intangible personal property, or other real property in which 15463
the offender has a right, title, or interest or for which the 15464
offender has the express or implied permission of a person with 15465
a right, title, or interest to use, occupy, or possess if ~~the~~ 15466
any of the following apply: 15467

(a) The probation officers have reasonable grounds to 15468
believe that the offender is not abiding by the law or otherwise 15469
is not complying with the conditions of the misdemeanor 15470
offender's community control sanction or the conditions of the 15471
felony offender's nonresidential sanction. ~~if~~ 15472

(b) If the offender is a felony offender, the court 15473
requires the offender's consent to searches as part of the terms 15474
and conditions of community control, and the offender agreed to 15475
those terms and conditions. 15476

(c) If the offender is a felony offender, the offender 15477
otherwise provides consent for the search. 15478

(2) If a felony offender who is sentenced to a 15479
nonresidential sanction is under the general control and 15480
supervision of the adult parole authority, as described in 15481
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 15482
parole authority field officers with supervisory 15483
responsibilities over the felony offender shall have the same 15484
search authority relative to the felony offender during the 15485
period of the sanction that is described under ~~this division~~ (A) 15486
(1) of this section for probation officers. ~~The court that~~ 15487
~~places the~~ 15488

(3) If a misdemeanor offender is placed under a community 15489
control sanction pursuant to section 2929.25 of the Revised Code 15490
or ~~that sentences the~~ if a felony offender is sentenced to a 15491
nonresidential sanction pursuant to section 2929.17 of the 15492
Revised Code, the court that places the misdemeanor offender 15493
under the sanction or sentences the felony offender to the 15494
sanction shall provide the offender with a written notice that 15495
informs the offender that authorized probation officers or adult 15496
parole authority field officers with supervisory 15497
responsibilities over the offender who are engaged within the 15498
scope of their supervisory duties or responsibilities may 15499
conduct ~~those~~ the types of searches described in divisions (A) 15500
(1) and (2) of this section during the period of community 15501
control sanction or the nonresidential sanction if ~~they~~ any of 15502
the following apply: 15503

(a) The officers have reasonable grounds to believe that 15504
the offender is not abiding by the law or otherwise is not 15505
complying with the conditions of the offender's community 15506

control sanction or nonresidential sanction. 15507

(b) If the offender is a felony offender, the court 15508
requires the offender's consent to searches as part of the terms 15509
and conditions of community control, and the offender agreed to 15510
those terms and conditions. 15511

(c) If the offender is a felony offender, the offender 15512
otherwise provides consent for the search. 15513

(B) If an offender is convicted of or pleads guilty to a 15514
misdemeanor, the court may require the offender, as a condition 15515
of the offender's sentence of a community control sanction, to 15516
perform supervised community service work in accordance with 15517
this division. If an offender is convicted of or pleads guilty 15518
to a felony, the court, pursuant to sections 2929.15 and 2929.17 15519
of the Revised Code, may impose a sanction that requires the 15520
offender to perform supervised community service work in 15521
accordance with this division. The supervised community service 15522
work shall be under the authority of health districts, park 15523
districts, counties, municipal corporations, townships, other 15524
political subdivisions of the state, or agencies of the state or 15525
any of its political subdivisions, or under the authority of 15526
charitable organizations that render services to the community 15527
or its citizens, in accordance with this division. The court may 15528
require an offender who is ordered to perform the work to pay to 15529
it a reasonable fee to cover the costs of the offender's 15530
participation in the work, including, but not limited to, the 15531
costs of procuring a policy or policies of liability insurance 15532
to cover the period during which the offender will perform the 15533
work. 15534

A court may permit any offender convicted of a felony or a 15535
misdemeanor to satisfy the payment of a fine imposed for the 15536

offense pursuant to section 2929.18 or 2929.28 of the Revised Code by performing supervised community service work as described in this division if the offender requests an opportunity to satisfy the payment by this means and if the court determines that the offender is financially unable to pay the fine.

After imposing a term of community service, the court may modify the sentence to authorize a reasonable contribution to the appropriate general fund as provided in division (B) of section 2929.27 of the Revised Code.

The supervised community service work that may be imposed under this division shall be subject to the following limitations:

(1) The court shall fix the period of the work and, if necessary, shall distribute it over weekends or over other appropriate times that will allow the offender to continue at the offender's occupation or to care for the offender's family. The period of the work as fixed by the court shall not exceed in the aggregate the number of hours of community service imposed by the court pursuant to section 2929.17 or 2929.27 of the Revised Code.

(2) An agency, political subdivision, or charitable organization must agree to accept the offender for the work before the court requires the offender to perform the work for the entity. A court shall not require an offender to perform supervised community service work for an agency, political subdivision, or charitable organization at a location that is an unreasonable distance from the offender's residence or domicile, unless the offender is provided with transportation to the location where the work is to be performed.

(3) A court may enter into an agreement with a county department of job and family services for the management, placement, and supervision of offenders eligible for community service work in work activities, developmental activities, and alternative work activities under sections 5107.40 to 5107.69 of the Revised Code. If a court and a county department of job and family services have entered into an agreement of that nature, the clerk of that court is authorized to pay directly to the county department all or a portion of the fees collected by the court pursuant to this division in accordance with the terms of its agreement.

(4) Community service work that a court requires under this division shall be supervised by an official of the agency, political subdivision, or charitable organization for which the work is performed or by a person designated by the agency, political subdivision, or charitable organization. The official or designated person shall be qualified for the supervision by education, training, or experience, and periodically shall report, in writing, to the court and to the offender's probation officer concerning the conduct of the offender in performing the work.

(5) The total of any period of supervised community service work imposed on an offender under division (B) of this section plus the period of all other sanctions imposed pursuant to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code for a felony, or pursuant to sections 2929.25, 2929.26, 2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall not exceed five years.

(C) (1) If an offender is convicted of a violation of section 4511.19 of the Revised Code or a substantially similar

municipal ordinance, the court may require, as a condition of a 15597
community control sanction, that the offender operate only a 15598
motor vehicle equipped with an ignition interlock device that is 15599
certified pursuant to section 4510.43 of the Revised Code. 15600

(2) If a court requires an offender, as a condition of a 15601
community control sanction pursuant to division (C)(1) of this 15602
section, to operate only a motor vehicle equipped with an 15603
ignition interlock device that is certified pursuant to section 15604
4510.43 of the Revised Code, the offender immediately shall 15605
surrender the offender's driver's or commercial driver's license 15606
or permit to the court. Upon the receipt of the offender's 15607
license or permit, the court shall issue an order authorizing 15608
the offender to operate a motor vehicle equipped with a 15609
certified ignition interlock device and deliver the offender's 15610
license or permit to the registrar of motor vehicles. The court 15611
also shall give the offender a copy of its order for purposes of 15612
obtaining a restricted license. 15613

(3) An offender shall present to the registrar or to a 15614
deputy registrar the copy of the order issued under division (C) 15615
of this section and a certificate affirming the installation of 15616
an ignition interlock device that is in a form established by 15617
the director of public safety and that is signed by the person 15618
who installed the device. Upon presentation of the order and 15619
certificate, the registrar or deputy registrar shall issue a 15620
restricted license to the offender, unless the offender's 15621
driver's license or commercial driver's license or permit is 15622
suspended under any other provision of law and limited driving 15623
privileges have not been granted with regard to that suspension. 15624
The restricted license shall be identical to the surrendered 15625
license, except that it shall have printed on its face a 15626
statement that the offender is prohibited from operating a motor 15627

vehicle that is not equipped with an ignition interlock device 15628
that is certified pursuant to section 4510.43 of the Revised 15629
Code. The registrar shall deliver the offender's surrendered 15630
license or permit to the court upon receipt of a court order 15631
requiring it to do so, or reissue the offender's license or 15632
permit under section 4510.52 of the Revised Code if the 15633
registrar destroyed the offender's license or permit under that 15634
section. The offender shall surrender the restricted license to 15635
the court upon receipt of the offender's surrendered license or 15636
permit. 15637

(4) If an offender violates a requirement of the court 15638
imposed under division (C)(1) of this section, the court may 15639
impose a class seven suspension of the offender's driver's or 15640
commercial driver's license or permit or nonresident operating 15641
privilege from the range specified in division (A)(7) of section 15642
4510.02 of the Revised Code. On a second or subsequent 15643
violation, the court may impose a class four suspension of the 15644
offender's driver's or commercial driver's license or permit or 15645
nonresident operating privilege from the range specified in 15646
division (A)(4) of section 4510.02 of the Revised Code. 15647

Sec. 2951.041. (A)(1) If an offender is charged with a 15648
criminal offense, including but not limited to a violation of 15649
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 15650
of the Revised Code, and the court has reason to believe that 15651
drug or alcohol usage by the offender was a factor leading to 15652
the criminal offense with which the offender is charged or that, 15653
at the time of committing that offense, the offender had a 15654
mental illness, was a person with an intellectual disability, or 15655
was a victim of a violation of section 2905.32 or 2907.21 of the 15656
Revised Code and that the mental illness, status as a person 15657
with an intellectual disability, or fact that the offender was a 15658

victim of a violation of section 2905.32 or 2907.21 of the Revised Code was a factor leading to the offender's criminal behavior, the court may accept, prior to the entry of a guilty plea, the offender's request for intervention in lieu of conviction. The request shall include a statement from the offender as to whether the offender is alleging that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged or is alleging that, at the time of committing that offense, the offender had a mental illness, was a person with an intellectual disability, or was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code and that the mental illness, status as a person with an intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code was a factor leading to the criminal offense with which the offender is charged. The request also shall include a waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. Unless an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may reject an offender's request without a hearing. If the court elects to consider an offender's request or the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court shall conduct a hearing to determine whether the offender is eligible under this section for intervention in lieu of conviction and shall stay all criminal proceedings pending the outcome of the hearing. If the court schedules a hearing, the court shall order an assessment of the offender for the purpose

of determining the offender's program eligibility for 15691
intervention in lieu of conviction and recommending an 15692
appropriate intervention plan. 15693

If the offender alleges that drug or alcohol usage by the 15694
offender was a factor leading to the criminal offense with which 15695
the offender is charged, the court may order that the offender 15696
be assessed by a community addiction services provider or a 15697
properly credentialed professional for the purpose of 15698
determining the offender's program eligibility for intervention 15699
in lieu of conviction and recommending an appropriate 15700
intervention plan. The community addiction services provider or 15701
the properly credentialed professional shall provide a written 15702
assessment of the offender to the court. 15703

(2) The victim notification provisions of division (C) of 15704
section 2930.06 of the Revised Code apply in relation to any 15705
hearing held under division (A) (1) of this section. 15706

(B) An offender is eligible for intervention in lieu of 15707
conviction if the court finds all of the following: 15708

(1) The offender previously has not been convicted of or 15709
pleaded guilty to any felony offense of violence. 15710

(2) The offense is not a felony of the first, second, or 15711
third degree, is not an offense of violence, is not a felony sex 15712
offense, is not a violation of division (A) (1) or (2) of section 15713
2903.06 of the Revised Code, is not a violation of division (A) 15714
(1) of section 2903.08 of the Revised Code, is not a violation 15715
of division (A) of section 4511.19 of the Revised Code or a 15716
municipal ordinance that is substantially similar to that 15717
division, and is not an offense for which a sentencing court is 15718
required to impose a mandatory prison term. 15719

(3) The offender is not charged with a violation of 15720
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 15721
charged with a violation of section 2925.03 of the Revised Code 15722
that is a felony of the first, second, third, or fourth degree, 15723
and is not charged with a violation of section 2925.11 of the 15724
Revised Code that is a felony of the first or second degree. 15725

(4) If an offender alleges that drug or alcohol usage by 15726
the offender was a factor leading to the criminal offense with 15727
which the offender is charged, the court has ordered that the 15728
offender be assessed by a community addiction services provider 15729
or a properly credentialed professional for the purpose of 15730
determining the offender's program eligibility for intervention 15731
in lieu of conviction and recommending an appropriate 15732
intervention plan, the offender has been assessed by a community 15733
addiction services provider of that nature or a properly 15734
credentialed professional in accordance with the court's order, 15735
and the community addiction services provider or properly 15736
credentialed professional has filed the written assessment of 15737
the offender with the court. 15738

(5) If an offender alleges that, at the time of committing 15739
the criminal offense with which the offender is charged, the 15740
offender had a mental illness, was a person with an intellectual 15741
disability, or was a victim of a violation of section 2905.32 or 15742
2907.21 of the Revised Code and that the mental illness, status 15743
as a person with an intellectual disability, or fact that the 15744
offender was a victim of a violation of section 2905.32 or 15745
2907.21 of the Revised Code was a factor leading to that 15746
offense, the offender has been assessed by a psychiatrist, 15747
psychologist, independent social worker, licensed professional 15748
clinical counselor, or independent marriage and family therapist 15749
for the purpose of determining the offender's program 15750

eligibility for intervention in lieu of conviction and 15751
recommending an appropriate intervention plan. 15752

(6) The offender's drug usage, alcohol usage, mental 15753
illness, or intellectual disability, or the fact that the 15754
offender was a victim of a violation of section 2905.32 or 15755
2907.21 of the Revised Code, whichever is applicable, was a 15756
factor leading to the criminal offense with which the offender 15757
is charged, intervention in lieu of conviction would not demean 15758
the seriousness of the offense, and intervention would 15759
substantially reduce the likelihood of any future criminal 15760
activity. 15761

(7) The alleged victim of the offense was not sixty-five 15762
years of age or older, permanently and totally disabled, under 15763
thirteen years of age, or a peace officer engaged in the 15764
officer's official duties at the time of the alleged offense. 15765

(8) If the offender is charged with a violation of section 15766
2925.24 of the Revised Code, the alleged violation did not 15767
result in physical harm to any person. 15768

(9) The offender is willing to comply with all terms and 15769
conditions imposed by the court pursuant to division (D) of this 15770
section. 15771

(10) The offender is not charged with an offense that 15772
would result in the offender being disqualified under Chapter 15773
4506. of the Revised Code from operating a commercial motor 15774
vehicle or would subject the offender to any other sanction 15775
under that chapter. 15776

(C) At the conclusion of a hearing held pursuant to 15777
division (A) of this section, the court shall determine whether 15778
the offender will be granted intervention in lieu of conviction. 15779

In making this determination, the court shall presume that 15780
intervention in lieu of conviction is appropriate. If the court 15781
finds under this division and division (B) of this section that 15782
the offender is eligible for intervention in lieu of conviction, 15783
the court shall grant the offender's request unless the court 15784
finds specific reasons to believe that the candidate's 15785
participation in intervention in lieu of conviction would be 15786
inappropriate. 15787

If the court denies an eligible offender's request for 15788
intervention in lieu of conviction, the court shall state the 15789
reasons for the denial, with particularity, in a written entry. 15790

If the court grants the offender's request, the court 15791
shall accept the offender's plea of guilty and waiver of the 15792
defendant's right to a speedy trial, the preliminary hearing, 15793
the time period within which the grand jury may consider an 15794
indictment against the offender, and arraignment, unless the 15795
hearing, indictment, or arraignment has already occurred. In 15796
addition, the court then may stay all criminal proceedings and 15797
order the offender to comply with all terms and conditions 15798
imposed by the court pursuant to division (D) of this section. 15799
If the court finds that the offender is not eligible or does not 15800
grant the offender's request, the criminal proceedings against 15801
the offender shall proceed as if the offender's request for 15802
intervention in lieu of conviction had not been made. 15803

(D) If the court grants an offender's request for 15804
intervention in lieu of conviction, ~~the~~ all of the following 15805
apply: 15806

(1) The court shall place the offender under the general 15807
control and supervision of ~~the county probation department, the~~ 15808
~~adult parole authority, or another appropriate local probation~~ 15809

~~or court services agency, if one exists~~one of the following, as 15810
if the offender was subject to a community control sanction 15811
imposed under section 2929.15, 2929.18, or 2929.25 of the 15812
Revised Code. 15813

~~The~~(a) The county probation department, the adult parole 15814
authority, or another appropriate local probation or court 15815
services agency, if one exists; 15816

(b) If the court grants the request for intervention in 15817
lieu of conviction during the period commencing on the effective 15818
date of this amendment and ending two years after that effective 15819
date, a community-based correctional facility. 15820

(2) The court shall establish an intervention plan for the 15821
offender.~~The~~ 15822

(3) The terms and conditions of the intervention plan 15823
required under division (D) (2) of this section shall require the 15824
offender, for at least one year, but not more than five years, 15825
from the date on which the court grants the order of 15826
intervention in lieu of conviction, to abstain from the use of 15827
illegal drugs and alcohol, to participate in treatment and 15828
recovery support services, and to submit to regular random 15829
testing for drug and alcohol use and may include any other 15830
treatment terms and conditions, or terms and conditions similar 15831
to community control sanctions, which may include community 15832
service or restitution, that are ordered by the court. 15833

(E) If the court grants an offender's request for 15834
intervention in lieu of conviction and the court finds that the 15835
offender has successfully completed the intervention plan for 15836
the offender, including the requirement that the offender 15837
abstain from using illegal drugs and alcohol for a period of at 15838

least one year, but not more than five years, from the date on 15839
which the court granted the order of intervention in lieu of 15840
conviction, the requirement that the offender participate in 15841
treatment and recovery support services, and all other terms and 15842
conditions ordered by the court, the court shall dismiss the 15843
proceedings against the offender. Successful completion of the 15844
intervention plan and period of abstinence under this section 15845
shall be without adjudication of guilt and is not a criminal 15846
conviction for purposes of any disqualification or disability 15847
imposed by law and upon conviction of a crime, and the court may 15848
order the sealing or expungement of records related to the 15849
offense in question, as a dismissal of the charges, in the 15850
manner provided in sections ~~2953.51 to 2953.56~~ 2953.31, 2953.33, 15851
2953.37, and 2953.521 of the Revised Code and divisions (H), 15852
(K), and (L) of section 2953.34 of the Revised Code. 15853

(F) If the court grants an offender's request for 15854
intervention in lieu of conviction and the offender fails to 15855
comply with any term or condition imposed as part of the 15856
intervention plan for the offender, the supervising authority 15857
for the offender promptly shall advise the court of this 15858
failure, and the court shall hold a hearing to determine whether 15859
the offender failed to comply with any term or condition imposed 15860
as part of the plan. If the court determines that the offender 15861
has failed to comply with any of those terms and conditions, it 15862
may continue the offender on intervention in lieu of conviction, 15863
continue the offender on intervention in lieu of conviction with 15864
additional terms, conditions, and sanctions, or enter a finding 15865
of guilty and impose an appropriate sanction under Chapter 2929. 15866
of the Revised Code. If the court sentences the offender to a 15867
prison term, the court, after consulting with the department of 15868
rehabilitation and correction regarding the availability of 15869

services, may order continued court-supervised activity and 15870
treatment of the offender during the prison term and, upon 15871
consideration of reports received from the department concerning 15872
the offender's progress in the program of activity and 15873
treatment, may consider judicial release under section 2929.20 15874
of the Revised Code. 15875

(G) As used in this section: 15876

(1) "Community addiction services provider" has the same 15877
meaning as in section 5119.01 of the Revised Code. 15878

(2) "Community control sanction" has the same meaning as 15879
in section 2929.01 of the Revised Code. 15880

(3) "Intervention in lieu of conviction" means any court- 15881
supervised activity that complies with this section. 15882

(4) "Intellectual disability" has the same meaning as in 15883
section 5123.01 of the Revised Code. 15884

(5) "Peace officer" has the same meaning as in section 15885
2935.01 of the Revised Code. 15886

(6) "Mental illness" and "psychiatrist" have the same 15887
meanings as in section 5122.01 of the Revised Code. 15888

(7) "Psychologist" has the same meaning as in section 15889
4732.01 of the Revised Code. 15890

(8) "Felony sex offense" means a violation of a section 15891
contained in Chapter 2907. of the Revised Code that is a felony. 15892

Sec. 2953.25. (A) As used in this section: 15893

(1) "Collateral sanction" means a penalty, disability, or 15894
disadvantage that is related to employment or occupational 15895
licensing, however denominated, as a result of the individual's 15896

conviction of or plea of guilty to an offense and that applies 15897
by operation of law in this state whether or not the penalty, 15898
disability, or disadvantage is included in the sentence or 15899
judgment imposed. 15900

"Collateral sanction" does not include imprisonment, 15901
probation, parole, supervised release, forfeiture, restitution, 15902
fine, assessment, or costs of prosecution. 15903

(2) "Decision-maker" includes, but is not limited to, the 15904
state acting through a department, agency, board, commission, or 15905
instrumentality established by the law of this state for the 15906
exercise of any function of government, a political subdivision, 15907
an educational institution, or a government contractor or 15908
subcontractor made subject to this section by contract, law, or 15909
ordinance. 15910

(3) "Department-funded program" means a residential or 15911
nonresidential program that is not a term in a state 15912
correctional institution, that is funded in whole or part by the 15913
department of rehabilitation and correction, and that is imposed 15914
as a sanction for an offense, as part of a sanction that is 15915
imposed for an offense, or as a term or condition of any 15916
sanction that is imposed for an offense. 15917

(4) "Designee" means the person designated by the deputy 15918
director of the division of parole and community services to 15919
perform the duties designated in division (B) of this section. 15920

(5) "Division of parole and community services" means the 15921
division of parole and community services of the department of 15922
rehabilitation and correction. 15923

(6) "Offense" means any felony or misdemeanor under the 15924
laws of this state. 15925

(7) "Political subdivision" has the same meaning as in	15926
section 2969.21 of the Revised Code.	15927
(8) "Discretionary civil impact," "licensing agency," and	15928
"mandatory civil impact" have the same meanings as in section	15929
2961.21 of the Revised Code.	15930
(B) (1) An individual who is subject to one or more	15931
collateral sanctions as a result of being convicted of or	15932
pleading guilty to an offense and who either has served a term	15933
in a state correctional institution for any offense or has spent	15934
time in a department-funded program for any offense may file a	15935
petition with the designee of the deputy director of the	15936
division of parole and community services for a certificate of	15937
qualification for employment.	15938
(2) An individual who is subject to one or more collateral	15939
sanctions as a result of being convicted of or pleading guilty	15940
to an offense and who is not in a category described in division	15941
(B) (1) of this section may file for a certificate of	15942
qualification for employment by doing either of the following:	15943
(a) In the case of an individual who resides in this	15944
state, filing a petition with the court of common pleas of the	15945
county in which the person resides or with the designee of the	15946
deputy director of the division of parole and community	15947
services;	15948
(b) In the case of an individual who resides outside of	15949
this state, filing a petition with the court of common pleas of	15950
any county in which any conviction or plea of guilty from which	15951
the individual seeks relief was entered or with the designee of	15952
the deputy director of the division of parole and community	15953
services.	15954

(3) A petition under division (B) (1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section, shall contain all of the information described in division (F) of this section, and, except as provided in division (B) (6) of this section, shall be accompanied by an application fee of not more than fifty dollars, including local court fees.

(4) (a) Except as provided in division (B) (4) (b) of this section, an individual may file a petition under division (B) (1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(ii) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the

expiration of six months from the date of the final release of 15985
the individual from all sanctions imposed for that offense 15986
including any period of supervision. 15987

(b) The department of rehabilitation and correction may 15988
establish criteria by rule adopted under Chapter 119. of the 15989
Revised Code that, if satisfied by an individual, would allow 15990
the individual to file a petition before the expiration of six 15991
months or one year from the date of final release, whichever is 15992
applicable under division (B) (4) (a) of this section. 15993

(5) (a) A designee that receives a petition for a 15994
certificate of qualification for employment from an individual 15995
under division (B) (1) or (2) of this section shall review the 15996
petition to determine whether it is complete. If the petition is 15997
complete, the designee shall forward the petition, the 15998
application fee, and any other information the designee 15999
possesses that relates to the petition, to the court of common 16000
pleas of the county in which the individual resides if the 16001
individual submitting the petition resides in this state or, if 16002
the individual resides outside of this state, to the court of 16003
common pleas of the county in which the conviction or plea of 16004
guilty from which the individual seeks relief was entered. 16005

(b) A court of common pleas that receives a petition for a 16006
certificate of qualification for employment from an individual 16007
under division (B) (2) of this section, or that is forwarded a 16008
petition for such a certificate under division (B) (5) (a) of this 16009
section, shall attempt to determine all other courts in this 16010
state in which the individual was convicted of or pleaded guilty 16011
to an offense other than the offense from which the individual 16012
is seeking relief. The court that receives or is forwarded the 16013
petition shall notify all other courts in this state that it 16014

determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section, or that is forwarded a petition for qualification under division (B) (5) (a) of this section may direct the clerk of court to process and record all notices required in or under this section. Except as provided in division (B) (6) of this section, the court shall pay thirty dollars of the application fee into the state treasury and twenty dollars of the application fee into the county general revenue fund.

(6) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (1) or (2) of this section, a court of common pleas or the designee of the deputy director of the division of parole and community services who receives the petition may waive all or part of the fifty-dollar filing fee of not more than fifty dollars described in division (B) (3) of this section, for an applicant who presents a poverty affidavit showing that the applicant is indigent. If an applicant pays an application fee is partially waived, the first twenty dollars or two-fifths of

the fee, whichever is greater, that is collected shall be paid 16045
into the county general revenue fund. ~~Any partial fee~~ If an 16046
applicant pays an application fee, the amount collected in 16047
excess of ~~twenty dollars~~ the amount to be paid into the county 16048
general revenue fund shall be paid into the state treasury. 16049

(C) (1) Upon receiving a petition for a certificate of 16050
qualification for employment filed by an individual under 16051
division (B) (2) of this section or being forwarded a petition 16052
for such a certificate under division (B) (5) (a) of this section, 16053
the court shall review the individual's petition, the 16054
individual's criminal history, except for information contained 16055
in any record that has been sealed under section 2953.32 of the 16056
Revised Code, all filings submitted by the prosecutor or by the 16057
victim in accordance with rules adopted by the division of 16058
parole and community services, the applicant's military service 16059
record, if applicable, and whether the applicant has an 16060
emotional, mental, or physical condition that is traceable to 16061
the applicant's military service in the armed forces of the 16062
United States and that was a contributing factor in the 16063
commission of the offense or offenses, and all other relevant 16064
evidence. The court may order any report, investigation, or 16065
disclosure by the individual that the court believes is 16066
necessary for the court to reach a decision on whether to 16067
approve the individual's petition for a certificate of 16068
qualification for employment, except that the court shall not 16069
require an individual to disclose information about any record 16070
sealed under section 2953.32 of the Revised Code. 16071

(2) Upon receiving a petition for a certificate of 16072
qualification for employment filed by an individual under 16073
division (B) (2) of this section or being forwarded a petition 16074
for such a certificate under division (B) (5) (a) of this section, 16075

except as otherwise provided in this division, the court shall 16076
decide whether to issue the certificate within sixty days after 16077
the court receives or is forwarded the completed petition and 16078
all information requested for the court to make that decision. 16079
Upon request of the individual who filed the petition, the court 16080
may extend the sixty-day period specified in this division. 16081

(3) Except as provided in division (C) (5) of this section 16082
and subject to division (C) (7) of this section, a court that 16083
receives an individual's petition for a certificate of 16084
qualification for employment under division (B) (2) of this 16085
section or that is forwarded a petition for such a certificate 16086
under division (B) (5) (a) of this section may issue a certificate 16087
of qualification for employment, at the court's discretion, if 16088
the court finds that the individual has established all of the 16089
following by a preponderance of the evidence: 16090

(a) Granting the petition will materially assist the 16091
individual in obtaining employment or occupational licensing. 16092

(b) The individual has a substantial need for the relief 16093
requested in order to live a law-abiding life. 16094

(c) Granting the petition would not pose an unreasonable 16095
risk to the safety of the public or any individual. 16096

(4) The submission of an incomplete petition by an 16097
individual shall not be grounds for the designee or court to 16098
deny the petition. 16099

(5) Subject to division (C) (6) of this section, an 16100
individual is rebuttably presumed to be eligible for a 16101
certificate of qualification for employment if the court that 16102
receives the individual's petition under division (B) (2) of this 16103
section or that is forwarded a petition under division (B) (5) (a) 16104

of this section finds all of the following: 16105

(a) The application was filed after the expiration of the 16106
applicable waiting period prescribed in division (B) (4) of this 16107
section; 16108

(b) If the offense that resulted in the collateral 16109
sanction from which the individual seeks relief is a felony, at 16110
least three years have elapsed since the date of release of the 16111
individual from any period of incarceration in a state or local 16112
correctional facility that was imposed for that offense and all 16113
periods of supervision imposed after release from the period of 16114
incarceration or, if the individual was not incarcerated for 16115
that offense, at least three years have elapsed since the date 16116
of the individual's final release from all other sanctions 16117
imposed for that offense; 16118

(c) If the offense that resulted in the collateral 16119
sanction from which the individual seeks relief is a 16120
misdemeanor, at least one year has elapsed since the date of 16121
release of the individual from any period of incarceration in a 16122
local correctional facility that was imposed for that offense 16123
and all periods of supervision imposed after release from the 16124
period of incarceration or, if the individual was not 16125
incarcerated for that offense, at least one year has elapsed 16126
since the date of the final release of the individual from all 16127
sanctions imposed for that offense including any period of 16128
supervision. 16129

(6) An application that meets all of the requirements for 16130
the presumption under division (C) (5) of this section shall be 16131
denied only if the court that receives the petition finds that 16132
the evidence reviewed under division (C) (1) of this section 16133
rebutts the presumption of eligibility for issuance by 16134

establishing, by clear and convincing evidence, that the 16135
applicant has not been rehabilitated. 16136

(7) A certificate of qualification for employment shall 16137
not create relief from any of the following collateral 16138
sanctions: 16139

(a) Requirements imposed by Chapter 2950. of the Revised 16140
Code and rules adopted under sections 2950.13 and 2950.132 of 16141
the Revised Code; 16142

(b) A driver's license, commercial driver's license, or 16143
probationary license suspension, cancellation, or revocation 16144
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 16145
the Revised Code if the relief sought is available pursuant to 16146
section 4510.021 or division (B) of section 4510.13 of the 16147
Revised Code; 16148

(c) Restrictions on employment as a prosecutor or law 16149
enforcement officer; 16150

(d) The denial, ineligibility, or automatic suspension of 16151
a license that is imposed upon an individual applying for or 16152
holding a license as a health care professional under Title 16153
XLVII of the Revised Code if the individual is convicted of, 16154
pleads guilty to, is subject to a judicial finding of 16155
eligibility for intervention in lieu of conviction in this state 16156
under section 2951.041 of the Revised Code, or is subject to 16157
treatment or intervention in lieu of conviction for a violation 16158
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 16159
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 16160
2919.124 of the Revised Code; 16161

(e) The immediate suspension of a license, certificate, or 16162
evidence of registration that is imposed upon an individual 16163

holding a license as a health care professional under Title 16164
XLVII of the Revised Code pursuant to division (C) of section 16165
3719.121 of the Revised Code; 16166

(f) The denial or ineligibility for employment in a pain 16167
clinic under division (B) (4) of section 4729.552 of the Revised 16168
Code; 16169

(g) The mandatory suspension of a license that is imposed 16170
on an individual applying for or holding a license as a health 16171
care professional under Title XLVII of the Revised Code pursuant 16172
to section 3123.43 of the Revised Code. 16173

(8) If a court that receives an individual's petition for 16174
a certificate of qualification for employment under division (B) 16175
(2) of this section or that is forwarded a petition for such a 16176
certificate under division (B) (5) (a) of this section denies the 16177
petition, the court shall provide written notice to the 16178
individual of the court's denial. The court may place conditions 16179
on the individual regarding the individual's filing of any 16180
subsequent petition for a certificate of qualification for 16181
employment. The written notice must notify the individual of any 16182
conditions placed on the individual's filing of a subsequent 16183
petition for a certificate of qualification for employment. 16184

If a court of common pleas that receives an individual's 16185
petition for a certificate of qualification for employment under 16186
division (B) (2) of this section or that is forwarded a petition 16187
for such a certificate under division (B) (5) (a) of this section 16188
denies the petition, the individual may appeal the decision to 16189
the court of appeals only if the individual alleges that the 16190
denial was an abuse of discretion on the part of the court of 16191
common pleas. 16192

(D) (1) A certificate of qualification for employment 16193
issued to an individual lifts the automatic bar of a collateral 16194
sanction, and a decision-maker shall consider on a case-by-case 16195
basis whether to grant or deny the issuance or restoration of an 16196
occupational license or an employment opportunity, 16197
notwithstanding the individual's possession of the certificate, 16198
without, however, reconsidering or rejecting any finding made by 16199
a designee or court under division (C) (3) of this section. 16200

(2) The certificate constitutes a rebuttable presumption 16201
that the person's criminal convictions are insufficient evidence 16202
that the person is unfit for the license, employment 16203
opportunity, or certification in question. Notwithstanding the 16204
presumption established under this division, the agency may deny 16205
the license or certification for the person if it determines 16206
that the person is unfit for issuance of the license. 16207

(3) If an employer that has hired a person who has been 16208
issued a certificate of qualification for employment applies to 16209
a licensing agency for a license or certification and the person 16210
has a conviction or guilty plea that otherwise would bar the 16211
person's employment with the employer or licensure for the 16212
employer because of a mandatory civil impact, the agency shall 16213
give the person individualized consideration, notwithstanding 16214
the mandatory civil impact, the mandatory civil impact shall be 16215
considered for all purposes to be a discretionary civil impact, 16216
and the certificate constitutes a rebuttable presumption that 16217
the person's criminal convictions are insufficient evidence that 16218
the person is unfit for the employment, or that the employer is 16219
unfit for the license or certification, in question. 16220

(E) A certificate of qualification for employment does not 16221
grant the individual to whom the certificate was issued relief 16222

from the mandatory civil impacts identified in division (A) (1) 16223
of section 2961.01 or division (B) of section 2961.02 of the 16224
Revised Code. 16225

(F) A petition for a certificate of qualification for 16226
employment filed by an individual under division (B) (1) or (2) 16227
of this section shall include all of the following: 16228

(1) The individual's name, date of birth, and social 16229
security number; 16230

(2) All aliases of the individual and all social security 16231
numbers associated with those aliases; 16232

(3) The individual's residence address, including the 16233
city, county, and state of residence and zip code; 16234

(4) The length of time that the individual has resided in 16235
the individual's current state of residence, expressed in years 16236
and months of residence; 16237

(5) A general statement as to why the individual has filed 16238
the petition and how the certificate of qualification for 16239
employment would assist the individual; 16240

(6) A summary of the individual's criminal history, except 16241
for information contained in any record that has been sealed or 16242
expunged under section 2953.32 or 2953.39 of the Revised Code, 16243
with respect to each offense that is a disqualification from 16244
employment or licensing in an occupation or profession, 16245
including the years of each conviction or plea of guilty for 16246
each of those offenses; 16247

(7) A summary of the individual's employment history, 16248
specifying the name of, and dates of employment with, each 16249
employer; 16250

(8) Verifiable references and endorsements;	16251
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	16252 16253 16254
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	16255 16256
(11) Any other information required by rule by the department of rehabilitation and correction.	16257 16258
(G) (1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.	16259 16260 16261 16262 16263 16264 16265 16266 16267 16268
(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.	16269 16270 16271 16272 16273
(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the	16274 16275 16276 16277 16278 16279

conviction or guilty plea, the employer may be held liable in a 16280
civil action that is based on or relates to the retention of the 16281
individual as an employee only if it is proved by a 16282
preponderance of the evidence that the person having hiring and 16283
firing responsibility for the employer had actual knowledge that 16284
the employee was dangerous or had been convicted of or pleaded 16285
guilty to the felony and was willful in retaining the individual 16286
as an employee after the demonstration of dangerousness or the 16287
conviction or guilty plea of which the person has actual 16288
knowledge. 16289

(H) A certificate of qualification for employment issued 16290
under this section shall be revoked if the individual to whom 16291
the certificate of qualification for employment was issued is 16292
convicted of or pleads guilty to a felony offense committed 16293
subsequent to the issuance of the certificate of qualification 16294
for employment. The department of rehabilitation and correction 16295
shall periodically review the certificates listed in the 16296
database described in division (K) of this section to identify 16297
those that are subject to revocation under this division. Upon 16298
identifying a certificate of qualification for employment that 16299
is subject to revocation, the department shall note in the 16300
database that the certificate has been revoked, the reason for 16301
revocation, and the effective date of revocation, which shall be 16302
the date of the conviction or plea of guilty subsequent to the 16303
issuance of the certificate. 16304

(I) A designee's forwarding, or failure to forward, a 16305
petition for a certificate of qualification for employment to a 16306
court or a court's issuance, or failure to issue, a petition for 16307
a certificate of qualification for employment to an individual 16308
under division (B) of this section does not give rise to a claim 16309
for damages against the department of rehabilitation and 16310

correction or court. 16311

(J) The division of parole and community services shall 16312
adopt rules in accordance with Chapter 119. of the Revised Code 16313
for the implementation and administration of this section and 16314
shall prescribe the form for the petition to be used under 16315
division (B) (1) or (2) of this section. The form for the 16316
petition shall include places for all of the information 16317
specified in division (F) of this section. 16318

(K) The department of rehabilitation and correction shall 16319
maintain a database that identifies granted certificates and 16320
revoked certificates and tracks the number of certificates 16321
granted and revoked, the industries, occupations, and 16322
professions with respect to which the certificates have been 16323
most applicable, and the types of employers that have accepted 16324
the certificates. The department shall annually create a report 16325
that summarizes the information maintained in the database and 16326
shall make the report available to the public on its internet 16327
web site. 16328

Sec. 2953.31. As used in sections 2953.31 to ~~2953.36~~ 16329
2953.521 of the Revised Code: 16330

~~(A) (1) "Eligible offender" means either of the following:~~ 16331

~~(a) Anyone who has been convicted of one or more offenses~~ 16332
~~in this state or any other jurisdiction, if all of the offenses~~ 16333
~~in this state are felonies of the fourth or fifth degree or~~ 16334
~~misdemeanors and none of those offenses are an offense of~~ 16335
~~violence or a felony sex offense and all of the offenses in~~ 16336
~~another jurisdiction, if committed in this state, would be~~ 16337
~~felonies of the fourth or fifth degree or misdemeanors and none~~ 16338
~~of those offenses would be an offense of violence or a felony~~ 16339

~~sex offense;~~ 16340

~~(b) Anyone who has been convicted of an offense in this 16341
state or any other jurisdiction, to whom division (A) (1) (a) of 16342
this section does not apply, and who has not more than two 16343
felony convictions, has not more than four misdemeanor 16344
convictions, or, if the person has exactly two felony 16345
convictions, has not more than those two felony convictions and 16346
two misdemeanor convictions in this state or any other 16347
jurisdiction. The conviction that is requested to be sealed 16348
shall be a conviction that is eligible for sealing as provided 16349
in section 2953.36 of the Revised Code. When two or more 16350
convictions result from or are connected with the same act or 16351
result from offenses committed at the same time, they shall be 16352
counted as one conviction. When two or three convictions result 16353
from the same indictment, information, or complaint, from the 16354
same plea of guilty, or from the same official proceeding, and 16355
result from related criminal acts that were committed within a 16356
three-month period but do not result from the same act or from 16357
offenses committed at the same time, they shall be counted as 16358
one conviction, provided that a court may decide as provided in 16359
division (C) (1) (a) of section 2953.32 of the Revised Code that 16360
it is not in the public interest for the two or three 16361
convictions to be counted as one conviction.~~ 16362

~~(2) For purposes of, and except as otherwise provided in, 16363
division (A) (1) (b) of this section, a conviction for a minor 16364
misdemeanor, for a violation of any section in Chapter 4507., 16365
4510., 4511., 4513., or 4549. of the Revised Code, or for a 16366
violation of a municipal ordinance that is substantially similar 16367
to any section in those chapters is not a conviction. However, a 16368
conviction for a violation of section 4511.19, 4511.251, 16369
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 16370~~

~~4549.41 to 4549.46 of the Revised Code, for a violation of~~ 16371
~~section 4510.11 or 4510.14 of the Revised Code that is based~~ 16372
~~upon the offender's operation of a vehicle during a suspension~~ 16373
~~imposed under section 4511.191 or 4511.196 of the Revised Code,~~ 16374
~~for a violation of a substantially equivalent municipal~~ 16375
~~ordinance, for a felony violation of Title XLV of the Revised~~ 16376
~~Code, or for a violation of a substantially equivalent former~~ 16377
~~law of this state or former municipal ordinance shall be~~ 16378
~~considered a conviction.~~ 16379

~~(B)~~ (A) "Prosecutor" means the county prosecuting 16380
attorney, city director of law, village solicitor, or similar 16381
chief legal officer, who has the authority to prosecute a 16382
criminal case in the court in which the case is filed. 16383

~~(C)~~ (B) "Bail forfeiture" means the forfeiture of bail by 16384
a defendant who is arrested for the commission of a misdemeanor, 16385
other than a defendant in a traffic case as defined in Traffic 16386
Rule 2, if the forfeiture is pursuant to an agreement with the 16387
court and prosecutor in the case. 16388

~~(D)~~ (C) "Official records" ~~has the same meaning as in~~ 16389
~~division (D) of section 2953.51 of the Revised Code, except that~~ 16390
~~it also includes~~ means all records that are possessed by any 16391
public office or agency that relate to a criminal case, 16392
including, but not limited to: the notation to the case in the 16393
criminal docket; all subpoenas issued in the case; all papers 16394
and documents filed by the defendant or the prosecutor in the 16395
case; all records of all testimony and evidence presented in all 16396
proceedings in the case; all court files, papers, documents, 16397
folders, entries, affidavits, or writs that pertain to the case; 16398
all computer, microfilm, microfiche, or microdot records, 16399
indices, or references to the case; all index references to the 16400

case; all fingerprints and photographs; all DNA specimens, DNA records, and DNA profiles; all records and investigative reports pertaining to the case that are possessed by any law enforcement officer or agency, except that any records or reports that are the specific investigatory work product of a law enforcement officer or agency are not and shall not be considered to be official records when they are in the possession of that officer or agency; all investigative records and reports other than those possessed by a law enforcement officer or agency pertaining to the case; and all records that are possessed by any public office or agency that relate to an application for, or the issuance or denial of, a certificate of qualification for employment under section 2953.25 of the Revised Code.

~~(E)~~ "Official records" does not include any of the following:

(1) Records or reports maintained pursuant to section 2151.421 of the Revised Code by a public children services agency or the department of job and family services;

(2) Any report of an investigation maintained by the inspector general pursuant to section 121.42 of the Revised Code, to the extent that the report contains information that pertains to an individual who was convicted of or pleaded guilty to an offense discovered in or related to the investigation and whose conviction or guilty plea was not overturned on appeal;

(3) Records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. of the Revised Code.

(D) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.

~~(F)~~ (E) "Community control sanction" has the same meaning

as in section 2929.01 of the Revised Code. 16430

~~(G)~~ (F) "Post-release control" and "post-release control
sanction" have the same meanings as in section 2967.01 of the
Revised Code. 16431
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~~(H)~~ (G) "DNA database," "DNA record," and "law enforcement
agency" have the same meanings as in section 109.573 of the
Revised Code. 16434
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16436

~~(I)~~ (H) "Fingerprints filed for record" means any
fingerprints obtained by the superintendent of the bureau of
criminal identification and investigation pursuant to sections
109.57 and 109.571 of the Revised Code. 16437
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(I) "Investigatory work product" means any records or
reports of a law enforcement officer or agency that are excepted
from the definition of "official records" and that pertain to a
conviction or bail forfeiture, the records of which have been
ordered sealed or expunged pursuant to division (D) (2) of
section 2953.32 or division (F) (1) of section 2953.39 of the
Revised Code, or that pertain to a conviction or delinquent
child adjudication, the records of which have been ordered
expunged pursuant to division (E) of section 2151.358, division
(C) (2) of section 2953.35, or division (F) of section 2953.36 of
the Revised Code. 16441
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(J) "Law enforcement or justice system matter" means an
arrest, complaint, indictment, trial, hearing, adjudication,
conviction, or correctional supervision. 16452
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(K) "Expunge" means to destroy, delete, and erase a record
as appropriate for the record's physical or electronic form or
characteristic so that the record is permanently irretrievable. 16455
16456
16457

(L) "Record of conviction" means the record related to a 16458

conviction of or plea of guilty to an offense. 16459

(M) "Victim of human trafficking" means a person who is or 16460
was a victim of a violation of section 2905.32 of the Revised 16461
Code, regardless of whether anyone has been convicted of a 16462
violation of that section or of any other section for 16463
victimizing the person. 16464

(N) "No bill" means a report by the foreperson or deputy 16465
foreperson of a grand jury that an indictment is not found by 16466
the grand jury against a person who has been held to answer 16467
before the grand jury for the commission of an offense. 16468

(O) "Court" means the court in which a case is pending at 16469
the time a finding of not guilty in the case or a dismissal of 16470
the complaint, indictment, or information in the case is entered 16471
on the minutes or journal of the court, or the court to which 16472
the foreperson or deputy foreperson of a grand jury reports, 16473
pursuant to section 2939.23 of the Revised Code, that the grand 16474
jury has returned a no bill. 16475

Sec. 2953.32. ~~(A)(1)~~ (A) Sections 2953.32 to 2953.34 of 16476
the Revised Code do not apply to any of the following: 16477

(1) Convictions under Chapter 4506., 4507., 4510., 4511., 16478
or 4549. of the Revised Code, or a conviction for a violation of 16479
a municipal ordinance that is substantially similar to any 16480
section contained in any of those chapters; 16481

(2) Convictions of a felony offense of violence that is 16482
not a sexually oriented offense; 16483

(3) Convictions of a sexually oriented offense when the 16484
offender is subject to the requirements of Chapter 2950. of the 16485
Revised Code or Chapter 2950. of the Revised Code as it existed 16486
prior to January 1, 2008; 16487

(4) Convictions of an offense in circumstances in which 16488
the victim of the offense was less than thirteen years of age, 16489
except for convictions under section 2919.21 of the Revised 16490
Code; 16491

(5) Convictions of a felony of the first or second degree 16492
or of more than two felonies of the third degree; 16493

(6) Convictions for a violation of section 2919.25 or 16494
2919.27 of the Revised Code or a conviction for a violation of a 16495
municipal ordinance that is substantially similar to either 16496
section. 16497

(B) (1) Except as provided in section 2953.61 of the 16498
Revised Code or as otherwise provided in division ~~(A) (1) (d)~~ (B) 16499
(1) (a) (iii) of this section, an eligible offender may apply to 16500
the sentencing court if convicted in this state, or to a court 16501
of common pleas if convicted in another state or in a federal 16502
court, for the sealing or expungement of the record of the case 16503
that pertains to the conviction, except for convictions listed 16504
~~under in division (A) of this section—2953.36 of the Revised—~~ 16505
Code. Application may be made at ~~one~~ whichever of the following 16506
times is applicable regarding the offense: 16507

(a) ~~At~~ An application for sealing under this section may 16508
be made at whichever of the following times is applicable 16509
regarding the offense: 16510

(i) Except as otherwise provided in division (B) (1) (a) (iv) 16511
of this section, at the expiration of three years after the 16512
offender's final discharge if convicted of ~~a felony~~ one or two 16513
felonies of the third degree, so long as none of the offenses is 16514
a violation of section 2921.43 of the Revised Code; 16515

~~(b) At~~ (ii) Except as otherwise provided in division (B) 16516

(1) (a) (iv) of this section, at the expiration of one year after 16517
the offender's final discharge if convicted of a ~~felony one or~~ 16518
~~more felonies~~ of the fourth or fifth degree or a ~~misdemeanor one~~ 16519
~~or more misdemeanors~~, so long as none of the offenses is a 16520
violation of section 2921.43 of the Revised Code, ~~or a felony~~ 16521
offense of violence; 16522

~~(e) (iii)~~ At the expiration of seven years after the 16523
offender's final discharge if the record includes a ~~conviction~~ 16524
~~one or more convictions~~ of soliciting improper compensation in 16525
violation of section 2921.43 of the Revised Code.; 16526

(iv) If the offender was subject to the requirements of 16527
Chapter 2950. of the Revised Code or Chapter 2950. of the 16528
Revised Code as it existed prior to January 1, 2008, at the 16529
expiration of five years after the requirements have ended under 16530
section 2950.07 of the Revised Code or section 2950.07 of the 16531
Revised Code as it existed prior to January 1, 2008, or are 16532
terminated under section 2950.15 or 2950.151 of the Revised 16533
Code; 16534

(v) At the expiration of six months after the offender's 16535
final discharge if convicted of a minor misdemeanor. 16536

(b) An application for expungement under this section may 16537
be made at whichever of the following times is applicable 16538
regarding the offense: 16539

(i) If the offense is a misdemeanor, at the expiration of 16540
three years after the time specified in division (B) (1) (a) of 16541
this section at which the person may file an application for 16542
sealing with respect to that misdemeanor offense; 16543

(ii) If the offense is a felony, at the expiration of ten 16544
years after the time specified in division (B) (1) (a) of this 16545

section at which the person may file an application for sealing 16546
with respect to that felony offense. 16547

(2) Any person who has been arrested for any misdemeanor 16548
offense and who has effected a bail forfeiture for the offense 16549
charged may apply to the court in which the misdemeanor criminal 16550
case was pending when bail was forfeited for the sealing or 16551
expungement of the record of the case that pertains to the 16552
charge. Except as provided in section 2953.61 of the Revised 16553
Code, the application may be filed at ~~any~~ whichever of the 16554
following times is applicable regarding the offense: 16555

(a) An application for sealing may be made at any time 16556
after ~~the expiration of one year from~~ the date on which the bail 16557
forfeiture was entered upon the minutes of the court or the 16558
journal, whichever entry occurs first. 16559

(b) An application for expungement may be made at any time 16560
after the expiration of three years from the date on which the 16561
bail forfeiture was entered upon the minutes of the court or the 16562
journal, whichever entry occurs first. 16563

~~(B)~~ (C) Upon the filing of an application under this 16564
section, the court shall set a date for a hearing and shall 16565
notify the prosecutor for the case of the hearing on the 16566
application. The court shall hold the hearing not less than 16567
forty-five days and not more than ninety days from the date of 16568
the filing of the application. The prosecutor may object to the 16569
granting of the application by filing ~~an~~ a written objection 16570
with the court not later than thirty days prior to the date set 16571
for the hearing. The prosecutor shall specify in the objection 16572
the reasons for believing a denial of the application is 16573
justified. The prosecutor shall provide notice of the 16574
application and the date and time of the hearing to the victim 16575

of the offense in the case pursuant to the Ohio Constitution. 16576
The court shall direct its regular probation officer, a state 16577
probation officer, or the department of probation of the county 16578
in which the applicant resides to make inquiries and written 16579
reports as the court requires concerning the applicant. The 16580
probation officer or county department of probation that the 16581
court directs to make inquiries and written reports as the court 16582
requires concerning the applicant shall determine whether or not 16583
the applicant was fingerprinted at the time of arrest or under 16584
section 109.60 of the Revised Code. If the applicant was so 16585
fingerprinted, the probation officer or county department of 16586
probation shall include with the written report a record of the 16587
applicant's fingerprints. If the applicant was convicted of or 16588
pleaded guilty to a violation of division (A) (2) or (B) of 16589
section 2919.21 of the Revised Code, the probation officer or 16590
county department of probation that the court directed to make 16591
inquiries concerning the applicant shall contact the child 16592
support enforcement agency enforcing the applicant's obligations 16593
under the child support order to inquire about the offender's 16594
compliance with the child support order. 16595

~~(C) (1) The~~ (D) (1) At the hearing held under division (C) 16596
of this section, the court shall do each of the following: 16597

(a) Determine whether the applicant is ~~an eligible~~ 16598
~~offender pursuing sealing or expunging a conviction of an~~ 16599
offense that is prohibited under division (A) of this section or 16600
whether the forfeiture of bail was agreed to by the applicant 16601
and the prosecutor in the case. ~~If the applicant applies as an~~ 16602
~~eligible offender pursuant to division (A) (1) of this section~~ 16603
~~and has two or three convictions that result from the same~~ 16604
~~indictment, information, or complaint, from the same plea of~~ 16605
~~guilty, or from the same official proceeding, and result from~~ 16606

~~related criminal acts that were committed within a three-month- 16607
period but do not result from the same act or from offenses- 16608
committed at the same time, in making its determination under- 16609
this division, the court initially shall determine whether it is- 16610
not in the public interest for the two or three convictions to- 16611
be counted as one conviction. If the court determines that it is- 16612
not in the public interest for the two or three convictions to- 16613
be counted as one conviction, the court shall determine that the- 16614
applicant is not an eligible offender; if the court does not- 16615
make that determination, the court shall determine that the- 16616
offender is an eligible offender., and determine whether the 16617
application was made at the time specified in division (B) (1) (a) 16618
or (b) or division (B) (2) (a) or (b) of this section that is 16619
applicable with respect to the application and the subject 16620
offense;~~ 16621

(b) Determine whether criminal proceedings are pending 16622
against the applicant; 16623

~~(c) If the applicant is an eligible offender who applies- 16624
pursuant to division (A) (1) of this section, determine Determine 16625
whether the applicant has been rehabilitated to the satisfaction 16626
of the court;~~ 16627

(d) If the prosecutor has filed an objection in accordance 16628
with division ~~(B)~~ (C) of this section, consider the reasons 16629
against granting the application specified by the prosecutor in 16630
the objection; 16631

(e) If the victim objected, pursuant to the Ohio 16632
Constitution, consider the reasons against granting the 16633
application specified by the victim in the objection; 16634

(f) Weigh the interests of the applicant in having the 16635

records pertaining to the applicant's conviction or bail 16636
forfeiture sealed or expunged against the legitimate needs, if 16637
any, of the government to maintain those records; 16638

~~(f)~~ (g) If the applicant ~~is~~ was an eligible offender of 16639
the type described in division (A) (3) of section 2953.36 of the 16640
Revised Code as it existed prior to the effective date of this 16641
amendment, determine whether the offender has been rehabilitated 16642
to a satisfactory degree. In making the determination, the court 16643
may consider all of the following: 16644

(i) The age of the offender; 16645

(ii) The facts and circumstances of the offense; 16646

(iii) The cessation or continuation of criminal behavior; 16647

(iv) The education and employment of the offender; 16648

(v) Any other circumstances that may relate to the 16649
offender's rehabilitation. 16650

(2) If the court determines, after complying with division 16651
~~(C) (1)~~ (D) (1) of this section, ~~that the applicant is an eligible~~ 16652
~~offender or the subject of a bail forfeiture, that the offender~~ 16653
is not pursuing sealing or expunging a conviction of an offense 16654
that is prohibited under division (A) of this section or that 16655
the forfeiture of bail was agreed to by the applicant and the 16656
prosecutor in the case, that the application was made at the 16657
time specified in division (B) (1) (a) or (b) or division (B) (2) 16658
(a) or (b) of this section that is applicable with respect to 16659
the application and the subject offense, that no criminal 16660
proceeding is pending against the applicant, that the interests 16661
of the applicant in having the records pertaining to the 16662
applicant's conviction or bail forfeiture sealed or expunged are 16663
not outweighed by any legitimate governmental needs to maintain 16664

those records, and that the rehabilitation of ~~an~~ the applicant 16665
~~who is an eligible offender applying pursuant to division (A) (1)~~ 16666
~~of this section~~ has been attained to the satisfaction of the 16667
court, ~~the~~ both of the following apply: 16668

(a) The court, except as provided in division (C) (4), (G), 16669
~~(H), or (I) (D) (4) of this section or division (D), (F), or (G)~~ 16670
of section 2953.34 of the Revised Code, shall order all official 16671
records of the case that pertain to the conviction or bail 16672
forfeiture sealed if the application was for sealing or expunged 16673
if the application was for expungement and, except as provided 16674
in division ~~(F) (C)~~ of this section 2953.34 of the Revised Code, 16675
all index references to the case that pertain to the conviction 16676
or bail forfeiture deleted and, in the case of bail forfeitures, 16677
shall dismiss the charges in the case. ~~The~~ 16678

(b) The proceedings in the case that pertain to the 16679
conviction or bail forfeiture shall be considered not to have 16680
occurred and the conviction or bail forfeiture of the person who 16681
is the subject of the proceedings shall be sealed if the 16682
application was for sealing or expunged if the application was 16683
for expungement, except that upon conviction of a subsequent 16684
offense, ~~the~~ a sealed record of prior conviction or bail 16685
forfeiture may be considered by the court in determining the 16686
sentence or other appropriate disposition, including the relief 16687
provided for in sections 2953.31 ~~to 2953.33,~~ 2953.32, and 16688
2953.34 of the Revised Code. 16689

(3) An applicant may request the sealing or expungement of 16690
the records of more than one case in a single application under 16691
this section. Upon the filing of an application under this 16692
section, the applicant, unless the applicant presents a poverty 16693
affidavit showing that the applicant is indigent, shall pay a 16694

fee of not more than fifty dollars, including local court fees, 16695
regardless of the number of records the application requests to 16696
have sealed or expunged. ~~The~~ If the applicant pays a fee, the 16697
court shall pay ~~thirty dollars~~ three-fifths of the fee collected 16698
into the state treasury, with ~~fifteen dollars~~ half of that 16699
amount credited to the attorney general reimbursement fund 16700
created by section 109.11 of the Revised Code. ~~It~~ If the 16701
applicant pays a fee, the court shall pay ~~twenty dollars~~ two- 16702
fifths of the fee collected into the county general revenue fund 16703
if the sealed or expunged conviction or bail forfeiture was 16704
pursuant to a state statute, or into the general revenue fund of 16705
the municipal corporation involved if the sealed or expunged 16706
conviction or bail forfeiture was pursuant to a municipal 16707
ordinance. 16708

(4) If the court orders the official records pertaining to 16709
the case sealed or expunged, the court shall do one of the 16710
following: 16711

(a) If the applicant was fingerprinted at the time of 16712
arrest or under section 109.60 of the Revised Code and the 16713
record of the applicant's fingerprints was provided to the court 16714
under division ~~(B)~~ (C) of this section, forward a copy of the 16715
sealing or expungement order and the record of the applicant's 16716
fingerprints to the bureau of criminal identification and 16717
investigation. 16718

(b) If the applicant was not fingerprinted at the time of 16719
arrest or under section 109.60 of the Revised Code, or the 16720
record of the applicant's fingerprints was not provided to the 16721
court under division ~~(B)~~ (C) of this section, but fingerprinting 16722
was required for the offense, order the applicant to appear 16723
before a sheriff to have the applicant's fingerprints taken 16724

according to the fingerprint system of identification on the 16725
forms furnished by the superintendent of the bureau of criminal 16726
identification and investigation. The sheriff shall forward the 16727
applicant's fingerprints to the court. The court shall forward 16728
the applicant's fingerprints and a copy of the sealing or 16729
expungement order to the bureau of criminal identification and 16730
investigation. 16731

Failure of the court to order fingerprints at the time of 16732
sealing or expungement does not constitute a reversible error. 16733

~~(D) Inspection of the sealed records included in the order 16734
may be made only by the following persons or for the following 16735
purposes:— 16736~~

~~(1) By a law enforcement officer or prosecutor, or the 16737
assistants of either, to determine whether the nature and 16738
character of the offense with which a person is to be charged 16739
would be affected by virtue of the person's previously having 16740
been convicted of a crime;— 16741~~

~~(2) By the parole or probation officer of the person who 16742
is the subject of the records, for the exclusive use of the 16743
officer in supervising the person while on parole or under a 16744
community control sanction or a post-release control sanction, 16745
and in making inquiries and written reports as requested by the 16746
court or adult parole authority;— 16747~~

~~(3) Upon application by the person who is the subject of 16748
the records, by the persons named in the application;— 16749~~

~~(4) By a law enforcement officer who was involved in the 16750
case, for use in the officer's defense of a civil action arising 16751
out of the officer's involvement in that case;— 16752~~

~~(5) By a prosecuting attorney or the prosecuting 16753~~

~~attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;~~ 16754
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~~(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;~~ 16757
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~~(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;~~ 16762
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~~(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;~~ 16766
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~~(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;~~ 16770
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~~(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B) (1) of that section;~~ 16775
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~~(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff,~~ 16781
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~~or an authorized employee of a sheriff in connection with a
criminal records check described in section 311.41 of the
Revised Code;~~ 16783
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~~(12) By the attorney general or an authorized employee of
the attorney general or a court for purposes of determining a
person's classification pursuant to Chapter 2950. of the Revised
Code;~~ 16786
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~~(13) By a court, the registrar of motor vehicles, a
prosecuting attorney or the prosecuting attorney's assistants,
or a law enforcement officer for the purpose of assessing points
against a person under section 4510.036 of the Revised Code or
for taking action with regard to points assessed.~~ 16790
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~~When the nature and character of the offense with which a
person is to be charged would be affected by the information, it
may be used for the purpose of charging the person with an
offense.~~ 16795
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~~(E) In any criminal proceeding, proof of any otherwise
admissible prior conviction may be introduced and proved,
notwithstanding the fact that for any such prior conviction an
order of sealing previously was issued pursuant to sections
2953.31 to 2953.36 of the Revised Code.~~ 16799
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~~(F) The person or governmental agency, office, or
department that maintains sealed records pertaining to
convictions or bail forfeitures that have been sealed pursuant
to this section may maintain a manual or computerized index to
the sealed records. The index shall contain only the name of,
and alphanumeric identifiers that relate to, the persons who are
the subject of the sealed records, the word "sealed," and the
name of the person, agency, office, or department that has~~ 16804
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~~custody of the sealed records, and shall not contain the name of~~ 16812
~~the crime committed. The index shall be made available by the~~ 16813
~~person who has custody of the sealed records only for the~~ 16814
~~purposes set forth in divisions (C), (D), and (E) of this~~ 16815
~~section.~~ 16816

~~(G) Notwithstanding any provision of this section or~~ 16817
~~section 2953.33 of the Revised Code that requires otherwise, a~~ 16818
~~board of education of a city, local, exempted village, or joint~~ 16819
~~vocational school district that maintains records of an~~ 16820
~~individual who has been permanently excluded under sections~~ 16821
~~3301.121 and 3313.662 of the Revised Code is permitted to~~ 16822
~~maintain records regarding a conviction that was used as the~~ 16823
~~basis for the individual's permanent exclusion, regardless of a~~ 16824
~~court order to seal the record. An order issued under this~~ 16825
~~section to seal the record of a conviction does not revoke the~~ 16826
~~adjudication order of the superintendent of public instruction~~ 16827
~~to permanently exclude the individual who is the subject of the~~ 16828
~~sealing order. An order issued under this section to seal the~~ 16829
~~record of a conviction of an individual may be presented to a~~ 16830
~~district superintendent as evidence to support the contention~~ 16831
~~that the superintendent should recommend that the permanent~~ 16832
~~exclusion of the individual who is the subject of the sealing~~ 16833
~~order be revoked. Except as otherwise authorized by this~~ 16834
~~division and sections 3301.121 and 3313.662 of the Revised Code,~~ 16835
~~any school employee in possession of or having access to the~~ 16836
~~sealed conviction records of an individual that were the basis~~ 16837
~~of a permanent exclusion of the individual is subject to section~~ 16838
~~2953.35 of the Revised Code.~~ 16839

~~(H) Notwithstanding any provision of this section or~~ 16840
~~section 2953.33 of the Revised Code that requires otherwise, if~~ 16841
~~the auditor of state or a prosecutor maintains records, reports,~~ 16842

~~or audits of an individual who has been forever disqualified
from holding public office, employment, or position of trust in
this state under sections 2921.41 and 2921.43 of the Revised
Code, or has otherwise been convicted of an offense based upon
the records, reports, or audits of the auditor of state, the
auditor of state or prosecutor is permitted to maintain those
records to the extent they were used as the basis for the
individual's disqualification or conviction, and shall not be
compelled by court order to seal those records.~~

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

~~(J) The sealing of a record under this section does not
affect the assessment of points under section 4510.036 of the
Revised Code and does not erase points assessed against a person
as a result of the sealed record. A record that is expunged
under this section shall be destroyed, deleted, and erased, as
appropriate for the record's physical or electronic form or
characteristic, so that the record is permanently irretrievable.~~

Sec. 2953.52 2953.33. (A) (1) Any person, who is found not
guilty of an offense by a jury or a court or who is the
defendant named in a dismissed complaint, indictment, or
information, may apply to the court for an order to seal the
person's official records in the case. Except as provided in

section 2953.61 of the Revised Code, the application may be 16873
filed at any time after the finding of not guilty or the 16874
dismissal of the complaint, indictment, or information is 16875
entered upon the minutes of the court or the journal, whichever 16876
entry occurs first. 16877

(2) Any person, against whom a no bill is entered by a 16878
grand jury, may apply to the court for an order to seal ~~his~~ the 16879
person's official records in the case. Except as provided in 16880
section 2953.61 of the Revised Code, the application may be 16881
filed at any time after the expiration of two years after the 16882
date on which the foreperson or deputy foreperson of the grand 16883
jury reports to the court that the grand jury has reported a no 16884
bill. 16885

(3) Any person who is granted by the governor under 16886
division (B) of section 2967.02 of the Revised Code an absolute 16887
and entire pardon, a partial pardon, or a pardon upon conditions 16888
precedent or subsequent may apply to the court for an order to 16889
seal the person's official records in the case in which the 16890
person was convicted of the offense for which any of those types 16891
of pardons are granted. The application may be filed at any time 16892
after an absolute and entire pardon or a partial pardon is 16893
granted or at any time after all of the conditions precedent or 16894
subsequent to the pardon are met. 16895

(B) (1) Upon the filing of an application pursuant to 16896
division (A) of this section, the court shall set a date for a 16897
hearing and shall notify the prosecutor in the case of the 16898
hearing on the application. The court shall hold the hearing not 16899
less than forty-five days and not more than ninety days from the 16900
date of the filing of the application. The prosecutor may object 16901
to the granting of the application by filing ~~an~~ a written 16902

objection with the court not later than thirty days prior to the 16903
date set for the hearing. The prosecutor shall specify in the 16904
objection the reasons the prosecutor believes justify a denial 16905
of the application. 16906

(2) The court shall do each of the following, except as 16907
provided in division (B) (3) of this section: 16908

(a) (i) Determine whether the person was found not guilty 16909
in the case, or the complaint, indictment, or information in the 16910
case was dismissed, or a no bill was returned in the case and a 16911
period of two years or a longer period as required by section 16912
2953.61 of the Revised Code has expired from the date of the 16913
report to the court of that no bill by the foreperson or deputy 16914
foreperson of the grand jury; 16915

(ii) If the complaint, indictment, or information in the 16916
case was dismissed, determine whether it was dismissed with 16917
prejudice or without prejudice and, if it was dismissed without 16918
prejudice, determine whether the relevant statute of limitations 16919
has expired; 16920

(b) Determine whether criminal proceedings are pending 16921
against the person; 16922

(c) If the prosecutor has filed an objection in accordance 16923
with division (B) (1) of this section, consider the reasons 16924
against granting the application specified by the prosecutor in 16925
the objection; 16926

(d) If the person was granted a pardon upon conditions 16927
precedent or subsequent for the offense for which the person was 16928
convicted, determine whether all of those conditions have been 16929
met; 16930

(e) Weigh the interests of the person in having the 16931

official records pertaining to the case sealed against the 16932
legitimate needs, if any, of the government to maintain those 16933
records. 16934

(3) If the court determines after complying with division 16935
(B) (2) (a) of this section that the person was found not guilty 16936
in the case, that the complaint, indictment, or information in 16937
the case was dismissed with prejudice, ~~or~~ that the complaint, 16938
indictment, or information in the case was dismissed without 16939
prejudice and that the relevant statute of limitations has 16940
expired, or the individual was granted by the governor an 16941
absolute and entire pardon, a partial pardon, or a pardon upon 16942
conditions precedent or subsequent that have been met, the court 16943
shall issue an order to the superintendent of the bureau of 16944
criminal identification and investigation directing that the 16945
superintendent seal or cause to be sealed the official records 16946
in the case consisting of DNA specimens that are in the 16947
possession of the bureau and all DNA records and DNA profiles. 16948
The determinations and considerations described in divisions (B) 16949
(2) (b), (c), and ~~(d)~~ (e) of this section do not apply with 16950
respect to a determination of the court described in this 16951
division. 16952

(4) The determinations described in this division are 16953
separate from the determination described in division (B) (3) of 16954
this section. If the court determines, after complying with 16955
division (B) (2) of this section, that the person was found not 16956
guilty in the case, that the complaint, indictment, or 16957
information in the case was dismissed, the individual was 16958
granted by the governor an absolute and entire pardon, a partial 16959
pardon, or a pardon upon conditions precedent or subsequent that 16960
have been met, or that a no bill was returned in the case and 16961
that the appropriate period of time has expired from the date of 16962

the report to the court of the no bill by the foreperson or 16963
deputy foreperson of the grand jury; that no criminal 16964
proceedings are pending against the person; and the interests of 16965
the person in having the records pertaining to the case sealed 16966
are not outweighed by any legitimate governmental needs to 16967
maintain such records, or if division (E) (2) (b) of section 16968
4301.69 of the Revised Code applies, in addition to the order 16969
required under division (B) (3) of this section, the court shall 16970
issue an order directing that all official records pertaining to 16971
the case be sealed and that, except as provided in section 16972
~~2953.53~~2953.34 of the Revised Code, the proceedings in the case 16973
be deemed not to have occurred. 16974

(5) Any DNA specimens, DNA records, and DNA profiles 16975
ordered to be sealed under this section shall not be sealed if 16976
the person with respect to whom the order applies is otherwise 16977
eligible to have DNA records or a DNA profile in the national 16978
DNA index system. 16979

Sec. 2953.34. (A) Inspection of the sealed records 16980
included in a sealing order may be made only by the following 16981
persons or for the following purposes: 16982

(1) By a law enforcement officer or prosecutor, or the 16983
assistants of either, to determine whether the nature and 16984
character of the offense with which a person is to be charged 16985
would be affected by virtue of the person's previously having 16986
been convicted of a crime; 16987

(2) By the parole or probation officer of the person who 16988
is the subject of the records, for the exclusive use of the 16989
officer in supervising the person while on parole or under a 16990
community control sanction or a post-release control sanction, 16991
and in making inquiries and written reports as requested by the 16992

<u>court or adult parole authority;</u>	16993
<u>(3) Upon application by the person who is the subject of</u>	16994
<u>the records, by the persons named in the application;</u>	16995
<u>(4) By a law enforcement officer who was involved in the</u>	16996
<u>case, for use in the officer's defense of a civil action arising</u>	16997
<u>out of the officer's involvement in that case;</u>	16998
<u>(5) By a prosecuting attorney or the prosecuting</u>	16999
<u>attorney's assistants, to determine a defendant's eligibility to</u>	17000
<u>enter a pre-trial diversion program established pursuant to</u>	17001
<u>section 2935.36 of the Revised Code;</u>	17002
<u>(6) By any law enforcement agency or any authorized</u>	17003
<u>employee of a law enforcement agency or by the department of</u>	17004
<u>rehabilitation and correction or department of youth services as</u>	17005
<u>part of a background investigation of a person who applies for</u>	17006
<u>employment with the agency or with the department;</u>	17007
<u>(7) By any law enforcement agency or any authorized</u>	17008
<u>employee of a law enforcement agency, for the purposes set forth</u>	17009
<u>in, and in the manner provided in, division (I) of section</u>	17010
<u>2953.34 of the Revised Code;</u>	17011
<u>(8) By the bureau of criminal identification and</u>	17012
<u>investigation or any authorized employee of the bureau for the</u>	17013
<u>purpose of providing information to a board or person pursuant</u>	17014
<u>to division (F) or (G) of section 109.57 of the Revised Code;</u>	17015
<u>(9) By the bureau of criminal identification and</u>	17016
<u>investigation or any authorized employee of the bureau for the</u>	17017
<u>purpose of performing a criminal history records check on a</u>	17018
<u>person to whom a certificate as prescribed in section 109.77 of</u>	17019
<u>the Revised Code is to be awarded;</u>	17020

(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section; 17021
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(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code; 17027
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(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code; 17032
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(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed. 17036
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When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense. 17041
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(B) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing or expungement previously was issued pursuant to sections 2953.31 to 2953.34 of the Revised Code. 17045
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(C) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to section 2953.32 of the Revised Code may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed. The index shall be made available by the person who has custody of the sealed records only for the purposes set forth in divisions (A), (B), and (D) of this section.

(D) Notwithstanding any provision of this section or section 2953.32 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal or expunge the record. An order issued under this section to seal or expunge the record of a conviction does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing or expungement order. An order issued under this section to seal or expunge the record of a conviction of an individual may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing or expungement order be

revoked. Except as otherwise authorized by this division and 17081
sections 3301.121 and 3313.662 of the Revised Code, any school 17082
employee in possession of or having access to the sealed or 17083
expunged conviction records of an individual that were the basis 17084
of a permanent exclusion of the individual is subject to 17085
division (J) of this section. 17086

(E) Notwithstanding any provision of this section or 17087
section 2953.32 of the Revised Code that requires otherwise, if 17088
the auditor of state or a prosecutor maintains records, reports, 17089
or audits of an individual who has been forever disqualified 17090
from holding public office, employment, or a position of trust 17091
in this state under sections 2921.41 and 2921.43 of the Revised 17092
Code, or has otherwise been convicted of an offense based upon 17093
the records, reports, or audits of the auditor of state, the 17094
auditor of state or prosecutor is permitted to maintain those 17095
records to the extent they were used as the basis for the 17096
individual's disqualification or conviction, and shall not be 17097
compelled by court order to seal or expunge those records. 17098

(F) For purposes of sections 2953.31 and 2953.34 of the 17099
Revised Code, DNA records collected in the DNA database and 17100
fingerprints filed for record by the superintendent of the 17101
bureau of criminal identification and investigation shall not be 17102
sealed or expunged unless the superintendent receives a 17103
certified copy of a final court order establishing that the 17104
offender's conviction has been overturned. For purposes of this 17105
section, a court order is not "final" if time remains for an 17106
appeal or application for discretionary review with respect to 17107
the order. 17108

(G) The sealing of a record under this section does not 17109
affect the assessment of points under section 4510.036 of the 17110

Revised Code and does not erase points assessed against a person 17111
as a result of the sealed record. 17112

(H) (1) The court shall send notice of any order to seal 17113
official records issued pursuant to division (B) (3) of section 17114
2953.33 of the Revised Code to the bureau of criminal 17115
identification and investigation and shall send notice of any 17116
order issued pursuant to division (B) (4) of that section to any 17117
public office or agency that the court knows or has reason to 17118
believe may have any record of the case, whether or not it is an 17119
official record, that is the subject of the order. 17120

(2) A person whose official records have been sealed 17121
pursuant to an order issued pursuant to section 2953.33 of the 17122
Revised Code may present a copy of that order and a written 17123
request to comply with it, to a public office or agency that has 17124
a record of the case that is the subject of the order. 17125

(3) An order to seal official records issued pursuant to 17126
section 2953.33 of the Revised Code applies to every public 17127
office or agency that has a record of the case that is the 17128
subject of the order, regardless of whether it receives notice 17129
of the hearing on the application for the order to seal the 17130
official records or receives a copy of the order to seal the 17131
official records pursuant to division (H) (1) or (2) of this 17132
section. 17133

(4) Upon receiving a copy of an order to seal official 17134
records pursuant to division (H) (1) or (2) of this section or 17135
upon otherwise becoming aware of an applicable order to seal 17136
official records issued pursuant to section 2953.33 of the 17137
Revised Code, a public office or agency shall comply with the 17138
order and, if applicable, with division (K) of this section, 17139
except that it may maintain a record of the case that is the 17140

subject of the order if the record is maintained for the purpose 17141
of compiling statistical data only and does not contain any 17142
reference to the person who is the subject of the case and the 17143
order. 17144

(5) A public office or agency also may maintain an index 17145
of sealed official records, in a form similar to that for sealed 17146
records of conviction as set forth in division (C) of this 17147
section, access to which may not be afforded to any person other 17148
than the person who has custody of the sealed official records. 17149
The sealed official records to which such an index pertains 17150
shall not be available to any person, except that the official 17151
records of a case that have been sealed may be made available to 17152
the following persons for the following purposes: 17153

(a) To the person who is the subject of the records upon 17154
written application, and to any other person named in the 17155
application, for any purpose; 17156

(b) To a law enforcement officer who was involved in the 17157
case, for use in the officer's defense of a civil action arising 17158
out of the officer's involvement in that case; 17159

(c) To a prosecuting attorney or the prosecuting 17160
attorney's assistants to determine a defendant's eligibility to 17161
enter a pre-trial diversion program established pursuant to 17162
section 2935.36 of the Revised Code; 17163

(d) To a prosecuting attorney or the prosecuting 17164
attorney's assistants to determine a defendant's eligibility to 17165
enter a pre-trial diversion program under division (E) (2) (b) of 17166
section 4301.69 of the Revised Code. 17167

(I) (1) Upon the issuance of an order by a court pursuant 17168
to division (D) (2) of section 2953.32 of the Revised Code 17169

directing that all official records of a case pertaining to a 17170
conviction or bail forfeiture be sealed or expunged or an order 17171
by a court pursuant to division (E) of section 2151.358, 17172
division (C)(2) of section 2953.35, or division (E) of section 17173
2953.36 of the Revised Code directing that all official records 17174
of a case pertaining to a conviction or delinquent child 17175
adjudication be expunged: 17176

(a) Every law enforcement officer who possesses 17177
investigatory work product immediately shall deliver that work 17178
product to the law enforcement officer's employing law 17179
enforcement agency. 17180

(b) Except as provided in divisions (I)(1)(c) and (d) of 17181
this section, every law enforcement agency that possesses 17182
investigatory work product shall close that work product to all 17183
persons who are not directly employed by the law enforcement 17184
agency and shall treat that work product, in relation to all 17185
persons other than those who are directly employed by the law 17186
enforcement agency, as if it did not exist and never had 17187
existed. 17188

(c) A law enforcement agency that possesses investigatory 17189
work product may permit another law enforcement agency to use 17190
that work product in the investigation of another offense if the 17191
facts incident to the offense being investigated by the other 17192
law enforcement agency and the facts incident to an offense that 17193
is the subject of the case are reasonably similar. The agency 17194
that permits the use of investigatory work product may provide 17195
the other agency with the name of the person who is the subject 17196
of the case if it believes that the name of the person is 17197
necessary to the conduct of the investigation by the other 17198
agency. 17199

(d) The auditor of state may provide to or discuss with 17200
other parties investigatory work product maintained pursuant to 17201
Chapter 117. of the Revised Code by the auditor of state. 17202

(2)(a) Except as provided in divisions (I)(1)(c) and (d) 17203
of this section, no law enforcement officer or other person 17204
employed by a law enforcement agency shall knowingly release, 17205
disseminate, or otherwise make the investigatory work product or 17206
any information contained in that work product available to, or 17207
discuss any information contained in it with, any person not 17208
employed by the employing law enforcement agency. 17209

(b) No law enforcement agency, or person employed by a law 17210
enforcement agency, that receives investigatory work product 17211
pursuant to divisions (I)(1)(c) and (d) of this section shall 17212
use that work product for any purpose other than the 17213
investigation of the offense for which it was obtained from the 17214
other law enforcement agency, or disclose the name of the person 17215
who is the subject of the work product except when necessary for 17216
the conduct of the investigation of the offense, or the 17217
prosecution of the person for committing the offense, for which 17218
it was obtained from the other law enforcement agency. 17219

(3) Whoever violates division (I)(2)(a) or (b) of this 17220
section is guilty of divulging confidential investigatory work 17221
product, a misdemeanor of the fourth degree. 17222

(J)(1) Except as authorized by divisions (A) to (C) of 17223
this section or by Chapter 2950. of the Revised Code and subject 17224
to division (J)(2) of this section, any officer or employee of 17225
the state, or a political subdivision of the state, who releases 17226
or otherwise disseminates or makes available for any purpose 17227
involving employment, bonding, or licensing in connection with 17228
any business, trade, or profession to any person, or to any 17229

department, agency, or other instrumentality of the state, or 17230
any political subdivision of the state, any information or other 17231
data concerning any law enforcement or justice system matter the 17232
records with respect to which the officer or employee had 17233
knowledge of were sealed by an existing order issued pursuant to 17234
section 2953.32 of the Revised Code, division (E) of section 17235
2151.358, section 2953.35, or section 2953.36 of the Revised 17236
Code, or were expunged by an order issued pursuant to section 17237
2953.42 of the Revised Code as it existed prior to June 29, 17238
1988, is guilty of divulging confidential information, a 17239
misdemeanor of the fourth degree. 17240

(2) Division (J) (1) of this section does not apply to an 17241
officer or employee of the state, or a political subdivision of 17242
the state, who releases or otherwise disseminates or makes 17243
available for any purpose specified in that division any 17244
information or other data concerning a law enforcement or 17245
justice system matter the records of which the officer had 17246
knowledge were sealed or expunged by an order of a type 17247
described in that division, if all of the following apply: 17248

(a) The officer or employee released, disseminated, or 17249
made available the information or data from the sealed or 17250
expunged records together with information or data concerning 17251
another law enforcement or justice system matter. 17252

(b) The records of the other law enforcement or justice 17253
system matter were not sealed or expunged by any order of a type 17254
described in division (J) (1) of this section. 17255

(c) The law enforcement or justice system matter covered 17256
by the information or data from the sealed or expunged records 17257
and the other law enforcement or justice system matter covered 17258
by the information or data from the records that were not sealed 17259

or expunged resulted from or were connected to the same act. 17260

(d) The officer or employee made a good faith effort to 17261
not release, disseminate, or make available any information or 17262
other data concerning any law enforcement or justice system 17263
matter from the sealed or expunged records, and the officer or 17264
employee did not release, disseminate, or make available the 17265
information or other data from the sealed or expunged records 17266
with malicious purpose, in bad faith, or in a wanton or reckless 17267
manner. 17268

(3) Any person who, in violation of this section, uses, 17269
disseminates, or otherwise makes available any index prepared 17270
pursuant to division (C) of this section is guilty of a 17271
misdemeanor of the fourth degree. 17272

(K) (1) Except as otherwise provided in Chapter 2950. of 17273
the Revised Code, upon the issuance of an order by a court under 17274
division (B) of section 2953.33 of the Revised Code directing 17275
that all official records pertaining to a case be sealed and 17276
that the proceedings in the case be deemed not to have occurred: 17277

(a) Every law enforcement officer possessing records or 17278
reports pertaining to the case that are the officer's specific 17279
investigatory work product and that are excepted from the 17280
definition of official records shall immediately deliver the 17281
records and reports to the officer's employing law enforcement 17282
agency. Except as provided in division (K) (1) (c) or (d) of this 17283
section, no such officer shall knowingly release, disseminate, 17284
or otherwise make the records and reports or any information 17285
contained in them available to, or discuss any information 17286
contained in them with, any person not employed by the officer's 17287
employing law enforcement agency. 17288

(b) Every law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of official records, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (K)(1)(a) of this section shall, except as provided in division (K)(1)(c) or (d) of this section, close the records and reports to all persons who are not directly employed by the law enforcement agency and shall, except as provided in division (K)(1)(c) or (d) of this section, treat the records and reports, in relation to all persons other than those who are directly employed by the law enforcement agency, as if they did not exist and had never existed. Except as provided in division (K)(1)(c) or (d) of this section, no person who is employed by the law enforcement agency shall knowingly release, disseminate, or otherwise make the records and reports in the possession of the employing law enforcement agency or any information contained in them available to, or discuss any information contained in them with, any person not employed by the employing law enforcement agency.

(c) A law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of official records, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (K)(1)(a) of this section may permit another law enforcement agency to use the records or reports in the investigation of another offense, if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that is the subject of the case are reasonably similar.

The agency that provides the records and reports may provide the 17320
other agency with the name of the person who is the subject of 17321
the case, if it believes that the name of the person is 17322
necessary to the conduct of the investigation by the other 17323
agency. 17324

No law enforcement agency, or person employed by a law 17325
enforcement agency, that receives from another law enforcement 17326
agency records or reports pertaining to a case the records of 17327
which have been ordered sealed pursuant to division (B) of 17328
section 2953.33 of the Revised Code shall use the records and 17329
reports for any purpose other than the investigation of the 17330
offense for which they were obtained from the other law 17331
enforcement agency, or disclose the name of the person who is 17332
the subject of the records or reports except when necessary for 17333
the conduct of the investigation of the offense, or the 17334
prosecution of the person for committing the offense, for which 17335
they were obtained from the other law enforcement agency. 17336

(d) The auditor of state may provide to or discuss with 17337
other parties records, reports, or audits maintained by the 17338
auditor of state pursuant to Chapter 117. of the Revised Code 17339
pertaining to the case that are the auditor of state's specific 17340
investigatory work product and that are excepted from the 17341
definition of "official records" contained in division (C) of 17342
section 2953.31 of the Revised Code, or that are the specific 17343
investigatory work product of a law enforcement officer the 17344
auditor of state employs and that were delivered to the auditor 17345
of state under division (K) (1) (a) of this section. 17346

(2) Whoever violates division (K) (1) of this section is 17347
guilty of divulging confidential information, a misdemeanor of 17348
the fourth degree. 17349

(L) (1) In any application for employment, license, or any other right or privilege, any appearance as a witness, or any other inquiry, a person may not be questioned with respect to any record that has been sealed pursuant to section 2953.33 of the Revised Code. If an inquiry is made in violation of this division, the person whose official record was sealed may respond as if the arrest underlying the case to which the sealed official records pertain and all other proceedings in that case did not occur, and the person whose official record was sealed shall not be subject to any adverse action because of the arrest, the proceedings, or the person's response.

(2) An officer or employee of the state or any of its political subdivisions who knowingly releases, disseminates, or makes available for any purpose involving employment, bonding, licensing, or education to any person or to any department, agency, or other instrumentality of the state, or of any of its political subdivisions, any information or other data concerning any arrest, complaint, indictment, information, trial, adjudication, or correctional supervision, the records of which have been sealed pursuant to section 2953.33 of the Revised Code, is guilty of divulging confidential information, a misdemeanor of the fourth degree.

(M) It is not a violation of division (I), (J), (K), or (L) of this section for the bureau of criminal identification and investigation or any authorized employee of the bureau participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a law enforcement agency DNA records collected in the DNA database or fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation.

(N) (1) An order issued under section 2953.35 of the 17381
Revised Code to expunge the record of a person's conviction or, 17382
except as provided in division (D) of this section, an order 17383
issued under that section to seal the record of a person's 17384
conviction restores the person who is the subject of the order 17385
to all rights and privileges not otherwise restored by 17386
termination of the sentence or community control sanction or by 17387
final release on parole or post-release control. 17388

(2) (a) In any application for employment, license, or 17389
other right or privilege, any appearance as a witness, or any 17390
other inquiry, except as provided in division (B) of this 17391
section and in section 3319.292 of the Revised Code and subject 17392
to division (N) (2) (c) of this section, a person may be 17393
questioned only with respect to convictions not sealed, bail 17394
forfeitures not expunged under section 2953.42 of the Revised 17395
Code as it existed prior to June 29, 1988, and bail forfeitures 17396
not sealed, unless the question bears a direct and substantial 17397
relationship to the position for which the person is being 17398
considered. 17399

(b) In any application for a certificate of qualification 17400
for employment under section 2953.25 of the Revised Code, a 17401
person may be questioned only with respect to convictions not 17402
sealed and bail forfeitures not sealed. 17403

(c) A person may not be questioned in any application, 17404
appearance, or inquiry of a type described in division (N) (2) (a) 17405
of this section with respect to any conviction expunged under 17406
section 2953.35 of the Revised Code. 17407

(O) Nothing in ~~sections 2953.31 to 2953.33~~ section 2953.32 17408
or 2953.34 of the Revised Code precludes an eligible-offender 17409
from taking an appeal or seeking any relief from the eligible- 17410

offender's conviction or from relying on it in lieu of any 17411
subsequent prosecution for the same offense. 17412

Sec. ~~2953.37~~ 2953.35. (A) ~~As used in this section:~~ 17413

~~(1) "Expunge" means to destroy, delete, and erase a record-~~ 17414
~~as appropriate for the record's physical or electronic form or~~ 17415
~~characteristic so that the record is permanently irretrievable.~~ 17416

~~(2) "Official records" has the same meaning as in section~~ 17417
~~2953.51 of the Revised Code.~~ 17418

~~(3) "Prosecutor" has the same meaning as in section~~ 17419
~~2953.31 of the Revised Code.~~ 17420

~~(4) "Record of conviction" means the record related to a~~ 17421
~~conviction of or plea of guilty to an offense.~~ 17422

~~(B) Any person who is convicted of, was convicted of,~~ 17423
pleads guilty to, or has pleaded guilty to a violation of 17424
division (B), (C), or (E) of section 2923.16 of the Revised Code 17425
as the division existed prior to September 30, 2011, or a 17426
violation of division (E) (1) or (2) of section 2923.16 of the 17427
Revised Code as the division existed prior to ~~the effective date~~ 17428
~~of this amendment June 13, 2022,~~ and who is authorized by 17429
division (H) (2) (a) of that section to file an application under 17430
this section for the expungement of the conviction record may 17431
apply to the sentencing court for the expungement of the record 17432
of conviction. Any person who is convicted of, was convicted of, 17433
pleads guilty to, or has pleaded guilty to a violation of 17434
division (B) (1) of section 2923.12 of the Revised Code as it 17435
existed prior to ~~the effective date of this amendment June 13,~~ 17436
2022, and who is authorized by division (E) (2) of that section 17437
may apply to the sentencing court for the expungement of the 17438
record of conviction. The person may file the application at any 17439

time on or after September 30, 2011, with respect to violations 17440
of division (B), (C), or (E) of section 2923.16 of the Revised 17441
Code as they existed prior to that date, or at any time on or 17442
after ~~the effective date of this amendment~~ June 13, 2022, with 17443
respect to a violation of division (B) (1) of section 2923.12 of 17444
the Revised Code or of division (E) (1) or (2) of section 2923.16 17445
of the Revised Code as the particular division existed prior to 17446
~~the effective date of this amendment~~ June 13, 2022. The 17447
application shall do all of the following: 17448

(1) Identify the applicant, the offense for which the 17449
expungement is sought, the date of the conviction of or plea of 17450
guilty to that offense, and the court in which the conviction 17451
occurred or the plea of guilty was entered; 17452

(2) Include evidence that the offense was a violation of 17453
division (B), (C), or (E) of section 2923.16 of the Revised Code 17454
as the division existed prior to September 30, 2011, or was a 17455
violation of division (B) (1) of section 2923.12 of the Revised 17456
Code or of division (E) (1) or (2) of section 2923.16 of the 17457
Revised Code as the particular division existed prior to ~~the~~ 17458
~~effective date of this amendment~~ June 13, 2022, and that the 17459
applicant is authorized by division (H) (2) (a) of section 2923.16 17460
or division (E) (2) of section 2923.12 of the Revised Code, 17461
whichever is applicable, to file an application under this 17462
section; 17463

(3) Include a request for expungement of the record of 17464
conviction of that offense under this section. 17465

~~(C)~~ (B) Upon the filing of an application under division 17466
~~(B)~~ (A) of this section and the payment of the fee described in 17467
division ~~(D)~~ ~~(3)~~ (C) (3) of this section if applicable, the court 17468
shall set a date for a hearing and shall notify the prosecutor 17469

for the case of the hearing on the application. The prosecutor 17470
may object to the granting of the application by filing an 17471
objection with the court prior to the date set for the hearing. 17472
The prosecutor shall specify in the objection the reasons for 17473
believing a denial of the application is justified. The court 17474
shall direct its regular probation officer, a state probation 17475
officer, or the department of probation of the county in which 17476
the applicant resides to make inquiries and written reports as 17477
the court requires concerning the applicant. The court shall 17478
hold the hearing scheduled under this division. 17479

~~(D)~~~~(1)~~(C) (1) At the hearing held under division ~~(C)~~(B) of 17480
this section, the court shall do each of the following: 17481

(a) Determine whether the applicant has been convicted of 17482
or pleaded guilty to a violation of division (E) of section 17483
2923.16 of the Revised Code as the division existed prior to 17484
September 30, 2011, and whether the conduct that was the basis 17485
of the violation no longer would be a violation of that division 17486
on or after September 30, 2011; 17487

(b) Determine whether the applicant has been convicted of 17488
or pleaded guilty to a violation of division (B) or (C) of 17489
section 2923.16 of the Revised Code as the division existed 17490
prior to September 30, 2011, and whether the conduct that was 17491
the basis of the violation no longer would be a violation of 17492
that division on or after September 30, 2011, due to the 17493
application of division (F) (5) of that section as it exists on 17494
and after September 30, 2011; 17495

(c) Determine whether the applicant has been convicted of 17496
or pleaded guilty to a violation of division (B) (1) of section 17497
2923.12 of the Revised Code or of division (E) (1) or (2) of 17498
section 2923.16 of the Revised Code as the particular division 17499

existed prior to ~~the effective date of this amendment~~ June 13, 17500
2022; 17501

(d) If the prosecutor has filed an objection in accordance 17502
with division ~~(C)~~ (B) of this section, consider the reasons 17503
against granting the application specified by the prosecutor in 17504
the objection; 17505

(e) Weigh the interests of the applicant in having the 17506
records pertaining to the applicant's conviction or guilty plea 17507
expunged against the legitimate needs, if any, of the government 17508
to maintain those records. 17509

(2) (a) The court may order the expungement of all official 17510
records pertaining to the case and the deletion of all index 17511
references to the case and, if it does order the expungement, 17512
shall send notice of the order to each public office or agency 17513
that the court has reason to believe may have an official record 17514
pertaining to the case if the court, after complying with 17515
division ~~(D)~~ ~~(1)~~ (C) (1) of this section, determines both of the 17516
following: 17517

(i) That the applicant has been convicted of or pleaded 17518
guilty to a violation of division (E) of section 2923.16 of the 17519
Revised Code as it existed prior to September 30, 2011, and the 17520
conduct that was the basis of the violation no longer would be a 17521
violation of that division on or after September 30, 2011; that 17522
the applicant has been convicted of or pleaded guilty to a 17523
violation of division (B) or (C) of section 2923.16 of the 17524
Revised Code as the division existed prior to September 30, 17525
2011, and the conduct that was the basis of the violation no 17526
longer would be a violation of that division on or after 17527
September 30, 2011, due to the application of division (F) (5) of 17528
that section as it exists on and after September 30, 2011; or 17529

that the applicant has been convicted of or pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to ~~the effective date of this amendment~~ June 13, 2022;

(ii) That the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged are not outweighed by any legitimate needs of the government to maintain those records.

(b) The proceedings in the case that is the subject of an order issued under division ~~(D) (2) (a)~~ (C) (2) (a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code or a determination under section 2923.125 or 2923.1213 of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

Sec. ~~2953.38~~ 2953.36. (A) ~~As used in this section:~~

~~(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.~~

~~(2) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.~~ 17559
17560

~~(3) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.~~ 17561
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~~(4) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person.~~ 17563
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~~(B)~~ Any person who is or was convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code may apply to the sentencing court for the expungement of the record of conviction of any offense, other than a record of conviction of a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, the person's participation in which was a result of the person having been a victim of human trafficking. The person may file the application at any time. The application may request an order to expunge the record of conviction for more than one offense, but if it does, the court shall consider the request for each offense separately as if a separate application had been made for each offense and all references in divisions ~~(B)~~ (A) to ~~(H)~~ (G) of this section to "the offense" or "that offense" mean each of those offenses that are the subject of the application. The application shall do all of the following: 17568
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(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of that offense, and the court in which the conviction occurred; 17583
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(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief 17586
17587

under this section; 17588

(3) Include a request for expungement of the record of 17589
conviction of that offense under this section. 17590

~~(C)~~ (B) The court may deny an application made under 17591
division ~~(B)~~ (A) of this section if it finds that the 17592
application fails to assert grounds on which relief may be 17593
granted. 17594

~~(D)~~ (C) If the court does not deny an application under 17595
division ~~(C)~~ (B) of this section, it shall set a date for a 17596
hearing and shall notify the prosecutor for the case from which 17597
the record of conviction resulted of the hearing on the 17598
application. The prosecutor may object to the granting of the 17599
application by filing an objection with the court prior to the 17600
date set for the hearing. The prosecutor shall specify in the 17601
objection the reasons for believing a denial of the application 17602
is justified. The court may direct its regular probation 17603
officer, a state probation officer, or the department of 17604
probation of the county in which the applicant resides to make 17605
inquiries and written reports as the court requires concerning 17606
the applicant. 17607

~~(E)~~ (1) ~~(D)~~ (1) At the hearing held under division ~~(D)~~ (C) 17608
of this section, the court shall do both of the following: 17609

(a) If the prosecutor has filed an objection, consider the 17610
reasons against granting the application specified by the 17611
prosecutor in the objection; 17612

(b) Determine whether the applicant has demonstrated by a 17613
preponderance of the evidence that the applicant's participation 17614
in the offense that is the subject of the application was a 17615
result of the applicant having been a victim of human 17616

trafficking. 17617

(2) If the court at the hearing held under division ~~(D)~~ 17618
(C) of this section determines that the applicant's 17619
participation in the offense that is the subject of the 17620
application was a result of the applicant having been a victim 17621
of human trafficking and if that subject offense is a felony of 17622
the first or second degree, the court at the hearing also shall 17623
consider all of the following factors and, upon consideration of 17624
the factors, shall determine whether the interests of the 17625
applicant in having the record of the conviction of that offense 17626
expunged are outweighed by any legitimate needs of the 17627
government to maintain that record of conviction: 17628

(a) The degree of duress under which the applicant acted 17629
in committing the subject offense, including, but not limited 17630
to, the history of the use of force or threatened use of force 17631
against the applicant or another person, whether the applicant's 17632
judgment or control was impaired by the administration to the 17633
applicant of any intoxicant, drug, or controlled substance, and 17634
the threat of withholding from the applicant food, water, or any 17635
drug; 17636

(b) The seriousness of the subject offense; 17637

(c) The relative degree of physical harm done to any 17638
person in the commission of the subject offense; 17639

(d) The length of time that has expired since the 17640
commission of the subject offense; 17641

(e) Whether the prosecutor represents to the court that 17642
criminal proceedings are likely to still be initiated against 17643
the applicant for a felony offense for which the period of 17644
limitations has not expired; 17645

(f) Whether the applicant at the time of the hearing is 17646
subject to supervision as a result of the subject offense. 17647

~~(F)~~(E) If after a hearing held under division ~~(D)~~(C) of 17648
this section the court finds that the applicant has demonstrated 17649
by a preponderance of the evidence that the applicant's 17650
participation in the offense that is the subject of the 17651
application was the result of the applicant having been a victim 17652
of human trafficking, and, if the offense that is the subject of 17653
the application is a felony of the first or second degree, after 17654
consideration of the factors required under division ~~(E)~~(2)~~(D)~~ 17655
(2) of this section, it finds that the interests of the 17656
applicant in having the record of the conviction of that offense 17657
expunged are not outweighed by any legitimate needs of the 17658
government to maintain that record of conviction, the court 17659
shall grant the application and order that the record of 17660
conviction be expunged. 17661

~~(G)~~(1)~~(F)~~(1) The court shall send notice of the order of 17662
expungement issued under division ~~(F)~~(E) of this section to 17663
each public office or agency that the court has reason to 17664
believe may have an official record pertaining to the case if 17665
the court, after complying with division ~~(E)~~(D) of this 17666
section, determines both of the following: 17667

(a) That the applicant has been convicted of a violation 17668
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 17669

(b) That the interests of the applicant in having the 17670
records pertaining to the applicant's conviction expunged are 17671
not outweighed by any legitimate needs of the government to 17672
maintain those records. 17673

(2) The proceedings in the case that is the subject of an 17674

order of expungement issued under division ~~(F)~~ (E) of this 17675
section shall be considered not to have occurred and the 17676
conviction of the person who is the subject of the proceedings 17677
shall be expunged. The record of the conviction shall not be 17678
used for any purpose, including, but not limited to, a criminal 17679
records check under section 109.572 of the Revised Code. The 17680
applicant may, and the court shall, reply that no record exists 17681
with respect to the applicant upon any inquiry into the matter. 17682

~~(H)~~ (G) Upon the filing of an application under this 17683
section, the applicant, unless indigent, shall pay a fee of 17684
fifty dollars. The court shall pay thirty dollars of the fee 17685
into the state treasury and shall pay twenty dollars of the fee 17686
into the county general revenue fund. 17687

Sec. ~~2953.56~~ 2953.37. Violations of sections 2953.31 to 17688
2953.61 of the Revised Code shall not provide the basis to 17689
exclude or suppress any of the following evidence that is 17690
otherwise admissible in a criminal proceeding, delinquent child 17691
proceeding, or other legal proceeding: 17692

(A) DNA records collected in the DNA database; 17693

(B) Fingerprints filed for record by the superintendent of 17694
the bureau of criminal identification and investigation; 17695

(C) Other evidence that was obtained or discovered as the 17696
direct or indirect result of divulging or otherwise using the 17697
records described in divisions (A) and (B) of this section. 17698

Sec. 2953.39. (A) As used in this section: 17699

(1) "Applicant prosecutor" means the prosecutor who 17700
applies under division (B)(1) of this section for the sealing or 17701
expungement of the record of a case that pertains to a 17702
conviction of a person of a low-level controlled substance 17703

offense. 17704

(2) "Low-level controlled substance offense" means a 17705
violation of any provision of Chapter 2925. of the Revised Code 17706
that is a misdemeanor of the fourth degree or a minor 17707
misdemeanor or a violation of an ordinance of a municipal 17708
corporation that is substantially equivalent to a violation of 17709
any provision of Chapter 2925. of the Revised Code and that, if 17710
the violation were to be charged under the provision of Chapter 17711
2925. of the Revised Code, would be a misdemeanor of the fourth 17712
degree or a minor misdemeanor. 17713

(3) "Subject offender" means, regarding an application 17714
filed under division (B) (1) of this section requesting the 17715
sealing or expungement of the record of a case that pertains to 17716
a conviction of a low-level controlled substance offense, the 17717
person who was convicted of the low-level controlled substance 17718
offense for which the application requests the sealing or 17719
expungement. 17720

(B) (1) If a person is or was convicted of a low-level 17721
controlled substance offense, the prosecutor in the case may 17722
apply to the sentencing court for the sealing or expungement of 17723
the record of the case that pertains to the conviction. The 17724
prosecutor may file the application with respect to the offense 17725
that is the subject of the application at any time after the 17726
expiration, with respect to that offense and the subject 17727
offender, of the corresponding period of time specified in 17728
division (B) (1) of section 2953.32 of the Revised Code for 17729
sealing or expungement applications filed by an offender under 17730
that section. 17731

(2) An application under division (B) (1) of this section 17732
may request an order to seal or expunge the record of conviction 17733

for more than one low-level controlled substance offense, but if 17734
it does, the court shall consider the request for each offense 17735
separately as if a separate application had been made for each 17736
offense and all references in divisions (B) to (F) of this 17737
section to "the offense" or "that offense" mean each of those 17738
offenses that are the subject of the application. 17739

(3) Upon the filing of an application under division (B) 17740
(1) of this section, except as otherwise provided in this 17741
division, the applicant prosecutor shall pay a fee of not more 17742
than fifty dollars, including court fees, regardless of the 17743
number of records the application requests to have sealed or 17744
expunged. The court may direct the clerk of the court to waive 17745
some or all of the fee that otherwise would be charged. If the 17746
applicant pays a fee, the court shall pay three-fifths of the 17747
fee collected into the state treasury, with half of that amount 17748
credited to the attorney general reimbursement fund created 17749
under section 109.11 of the Revised Code. If the applicant pays 17750
a fee, the court shall pay two-fifths of the fee collected into 17751
the county general revenue fund if the sealed or expunged 17752
conviction was pursuant to a state statute, or into the general 17753
revenue fund of the municipal corporation involved if the sealed 17754
or expunged conviction was pursuant to a municipal ordinance. 17755

(C) An application filed under division (B) (1) of this 17756
section shall do all of the following: 17757

(1) Identify the subject offender and the applicant 17758
prosecutor, the offense for which the sealing or expungement is 17759
sought, the date of the conviction of that offense, and the 17760
court in which the conviction occurred; 17761

(2) Describe the evidence and provide copies of any 17762
documentation showing that the subject offender is entitled to 17763

relief under this section; 17764

(3) Include a request for sealing or expungement under this section of the record of the case that pertains to the conviction of that offense. 17765
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(D) (1) Upon the filing of an application under division (B) (1) of this section, the court shall set a date for a hearing and shall notify the applicant prosecutor of the date, time, and location of the hearing. Upon receipt of the notice, the prosecutor shall do both of the following: 17768
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(a) Notify the subject offender of the application, the date, time, and location of the hearing on the application, and the offender's right to object to the granting of the application. The notice shall be provided at the offender's last known address or through another means of contact. 17773
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(b) Notify the victim of the offense, if such a victim exists, of the application, the date, time, and location of the hearing on the application, and the victim's right to object to the granting of the application. The notice shall be provided by any reasonable means reasonably calculated to provide prompt actual notice, including regular mail, telephone, and electronic mail. If the prosecutor attempts to provide notice to a victim under this division but the attempt is unsuccessful because the prosecutor is unable to locate the victim, is unable to provide the notice by the chosen method because the mailing address, telephone number, or electronic mail address at which to provide the notice cannot be determined, or the notice is sent by mail and it is returned, the prosecutor shall make another attempt to provide the notice to the victim. If the second attempt is unsuccessful, the prosecutor shall make at least one more attempt to provide the notice. 17778
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(2) The court shall hold the hearing set under division (D) (1) of this section not less than forty-five days and not more than ninety days from the date of the filing of the application. 17794
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The subject offender may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The victim of the offense may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The subject offender or victim shall specify in the objection the reasons for believing that the application should be denied. 17798
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(E) (1) At the hearing held under division (D) of this section, the court shall determine whether the offense that is the subject of the application is a low-level controlled substance offense and whether the amount of time specified in division (B) (1) of this section for the filing of the application has expired. 17805
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(2) If the court at the hearing held under division (D) of this section determines that the offense that is the subject of the application is a low-level controlled substance offense and that the amount of time specified in division (B) (1) of this section for the filing of the application has expired, the court at the hearing also shall do all of the following: 17811
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(a) Determine whether criminal proceedings are pending against the subject offender; 17817
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(b) Determine whether the subject offender has been rehabilitated to the satisfaction of the court; 17819
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(c) If the subject offender objected, consider the reasons against granting the application specified by the offender in 17821
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the objection; 17823

(d) If the victim objected, pursuant to the Ohio 17824
Constitution, consider the reasons against granting the 17825
application specified by the victim in the objection; 17826

(e) Weigh the interests of the subject offender in having 17827
the records pertaining to the offender's conviction sealed or 17828
expunged against the legitimate needs, if any, of the government 17829
to maintain those records. 17830

(F) (1) If the court determines, after complying with 17831
divisions (E) (1) and (2) of this section, that no criminal 17832
proceeding is pending against the subject offender, that the 17833
interests of the offender in having the records pertaining to 17834
the offender's conviction sealed or expunged are not outweighed 17835
by any legitimate governmental needs to maintain those records, 17836
and that the rehabilitation of the offender has been attained to 17837
the satisfaction of the court, all of the following apply: 17838

(a) The court shall issue orders of the type specified in 17839
division (D) (2) of section 2953.32 of the Revised Code, subject 17840
to the exceptions specified in that division. 17841

(b) The proceedings in the case that pertain to the 17842
conviction shall be considered not to have occurred and the 17843
conviction of the subject offender shall be sealed or expunged, 17844
subject to the exceptions specified in division (D) (2) of 17845
section 2953.32 of the Revised Code. 17846

(c) The court shall notify the subject offender, at the 17847
offender's last known address or through another means of 17848
contact, that the court has issued the order requiring the 17849
sealing or expungement of the official records pertaining to the 17850
case and shall specifically identify the offense and case with 17851

respect to which the order applies. 17852

(2) If the court orders the official records pertaining to 17853
the case sealed or expunged under division (F)(1) of this 17854
section, the court shall comply with division (D)(4)(a) or (b) 17855
of section 2953.32 of the Revised Code, whichever is applicable. 17856

(3) All provisions of section 2953.34 of the Revised Code 17857
that apply with respect to an order to seal or expunge official 17858
records that is issued under section 2953.32 of the Revised 17859
Code, or that apply with respect to the official records to be 17860
sealed or expunged under such an order, apply with respect to an 17861
order to seal or expunge official records that is issued under 17862
division (F)(1) of this section and to the official records to 17863
be sealed or expunged under such an order. 17864

(G) A record that is expunged pursuant to an order issued 17865
under division (F)(1) of this section shall be destroyed, 17866
deleted, and erased, as appropriate for the record's physical or 17867
electronic form or characteristic, so that the record is 17868
permanently irretrievable. 17869

(H) The provisions of this section are separate from, and 17870
independent of, the provisions of sections 2953.35 and 2953.36 17871
and, except as otherwise specified in this section, the 17872
provisions of sections 2953.32 and 2953.34 of the Revised Code. 17873

Sec. 2953.521. ~~(A) As used in this section, "expunge" has~~ 17874
~~the same meaning as in section 2953.38 of the Revised Code.~~ 17875

~~(B) Any person who is found not guilty of an offense by a~~ 17876
~~jury or a court or who is the defendant named in a dismissed~~ 17877
~~complaint, indictment, or information may apply to the court for~~ 17878
~~an order to expunge the person's official records in the case if~~ 17879
~~the complaint, indictment, information, or finding of not guilty~~ 17880

that is the subject of the application was the result of the 17881
applicant having been a victim of human trafficking. The 17882
application may be filed at any time after the finding of not 17883
guilty or the dismissal of the complaint, indictment, or 17884
information is entered upon the minutes of the court or the 17885
journal, whichever entry occurs first. The application may 17886
request an order to expunge official records for more than one 17887
offense, but if it does, the court shall consider the request 17888
for each offense separately as if a separate application had 17889
been made for each offense and all references in divisions ~~(B)~~ 17890
(A) to ~~(H)~~(G) of this section to "the offense" or "that 17891
offense" mean each of those offenses that are the subject of the 17892
application. 17893

~~(C)~~(B) The court may deny an application made under 17894
division ~~(B)~~(A) of this section if it finds that the 17895
application fails to assert grounds on which relief may be 17896
granted. 17897

~~(D)~~(C) If the court does not deny an application under 17898
division ~~(C)~~(B) of this section, the court shall set a date for 17899
a hearing and shall notify the prosecutor for the case of the 17900
hearing on the application. The prosecutor may object to the 17901
granting of the application by filing an objection with the 17902
court prior to the date set for the hearing. The prosecutor 17903
shall specify in the objection the reasons for believing a 17904
denial of the application is justified. 17905

~~(E)~~(D) At the hearing held under division ~~(D)~~(C) of this 17906
section, the court shall do all of the following: 17907

(1) If the prosecutor has filed an objection, consider the 17908
reasons against granting the application specified by the 17909
prosecutor in the objection; 17910

(2) Determine whether the applicant has demonstrated by a preponderance of the evidence that the complaint, indictment, information, or finding of not guilty that is the subject of the application was the result of the applicant having been a victim of human trafficking;

(3) If the application pertains to a dismissed complaint, indictment, or information, determine whether the dismissal was with prejudice or without prejudice and, if the dismissal was without prejudice, whether the period of limitations applicable to the offense that was the subject of that complaint, indictment, or information has expired;

(4) Determine whether any criminal proceedings are pending against the applicant.

~~(F)(1)~~ (E)(1) Subject to division ~~(F)(2)~~ (E)(2) of this section, if the court finds that the applicant has demonstrated by a preponderance of the evidence that the complaint, indictment, information, or finding of not guilty that is the subject of the application was the result of the applicant having been a victim of human trafficking, the court shall grant the application and order that the official records be expunged.

(2) The court shall not grant the application and order that the official records be expunged unless the court determines that the interests of the applicant in having the official records pertaining to the complaint, indictment, or information or finding of not guilty that is the subject of the application expunged are not outweighed by any legitimate needs of the government to maintain those records.

~~(G)~~ (F) If an expungement is ordered under division ~~(F)~~ (E) of this section, the court shall send notice of the order of

expungement to each public office or agency that the court has 17940
reason to believe may have an official record pertaining to the 17941
case. 17942

~~(H)~~(G) The proceedings in the case that is the subject of 17943
an order issued under division ~~(F)~~(E) of this section shall be 17944
considered not to have occurred and the official records shall 17945
be expunged. The official records shall not be used for any 17946
purpose, including a criminal records check under section 17947
109.572 of the Revised Code. The applicant may, and the court 17948
shall, reply that no record exists with respect to the applicant 17949
upon any inquiry into the matter. 17950

Sec. 2953.57. (A) A court that enters a judgment that 17951
vacates and sets aside the conviction of a person because of DNA 17952
testing that was performed under sections 2953.71 to 2953.81 of 17953
the Revised Code or under section 2953.82 of the Revised Code 17954
shall issue ninety days after the court vacates and sets aside 17955
the conviction an order directing that all official records 17956
pertaining to the case involving the vacated conviction be 17957
sealed and that the proceedings in the case shall be deemed not 17958
to have occurred. 17959

(B) As used in sections 2953.57 to 2953.60 of the Revised 17960
Code, "official records" has the same meaning as in section 17961
~~2953.51~~2953.31 of the Revised Code. 17962

Sec. 2953.58. (A) The court shall send notice of an order 17963
to seal official records issued pursuant to section 2953.57 of 17964
the Revised Code to any public office or agency that the court 17965
knows or has reason to believe may have any record of the case, 17966
whether or not it is an official record, that is the subject of 17967
the order. The notice shall be sent by certified mail, return 17968
receipt requested. 17969

(B) A person whose official records have been sealed 17970
pursuant to an order issued pursuant to section 2953.57 of the 17971
Revised Code may present a copy of that order and a written 17972
request to comply with it, to a public office or agency that has 17973
a record of the case that is the subject of the order. 17974

(C) An order to seal official records issued pursuant to 17975
section 2953.57 of the Revised Code applies to every public 17976
office or agency that has a record of the case that is the 17977
subject of the order, regardless of whether it receives a copy 17978
of the order to seal the official records pursuant to division 17979
(A) or (B) of this section. 17980

(D) Upon receiving a copy of an order to seal official 17981
records pursuant to division (A) or (B) of this section or upon 17982
otherwise becoming aware of an applicable order to seal official 17983
records issued pursuant to section 2953.57 of the Revised Code, 17984
a public office or agency shall comply with the order and, if 17985
applicable, with the provisions of section 2953.59 of the 17986
Revised Code, except that it may maintain a record of the case 17987
that is the subject of the order if the record is maintained for 17988
the purpose of compiling statistical data only and does not 17989
contain any reference to the person who is the subject of the 17990
case and the order. 17991

A public office or agency also may maintain an index of 17992
sealed official records, in a form similar to that for sealed 17993
records of conviction as set forth in division ~~(F)~~ (C) of 17994
section ~~2953.32-2953.34~~ of the Revised Code, access to which may 17995
not be afforded to any person other than the person who has 17996
custody of the sealed official records. The sealed official 17997
records to which such an index pertains shall not be available 17998
to any person, except that the official records of a case that 17999

have been sealed may be made available to the following persons 18000
for the following purposes: 18001

(1) To the person who is the subject of the records upon 18002
written application, and to any other person named in the 18003
application, for any purpose; 18004

(2) To a law enforcement officer who was involved in the 18005
case, for use in the officer's defense of a civil action arising 18006
out of the officer's involvement in that case. 18007

Sec. 2953.59. (A) Except as otherwise provided in Chapter 18008
2950. of the Revised Code, upon the issuance of an order by a 18009
court under section 2953.57 of the Revised Code directing that 18010
all official records pertaining to a case be sealed and that the 18011
proceedings in the case be deemed not to have occurred: 18012

(1) Every law enforcement officer possessing records or 18013
reports pertaining to the case that are the officer's specific 18014
investigatory work product and that are excepted from the 18015
definition of "official records" contained in section ~~2953.51-~~ 18016
2953.31 of the Revised Code shall immediately deliver the 18017
records and reports to the officer's employing law enforcement 18018
agency. Except as provided in division (A)(3) of this section, 18019
no such officer shall knowingly release, disseminate, or 18020
otherwise make the records and reports or any information 18021
contained in them available to, or discuss any information 18022
contained in them with, any person not employed by the officer's 18023
employing law enforcement agency. 18024

(2) Every law enforcement agency that possesses records or 18025
reports pertaining to the case that are its specific 18026
investigatory work product and that are excepted from the 18027
definition of "official records" contained in section ~~2953.51-~~ 18028

2953.31 of the Revised Code, or that are the specific 18029
investigatory work product of a law enforcement officer it 18030
employs and that were delivered to it under division (A) (1) of 18031
this section shall, except as provided in division (A) (3) of 18032
this section, close the records and reports to all persons who 18033
are not directly employed by the law enforcement agency and 18034
shall, except as provided in division (A) (3) of this section, 18035
treat the records and reports, in relation to all persons other 18036
than those who are directly employed by the law enforcement 18037
agency, as if they did not exist and had never existed. Except 18038
as provided in division (A) (3) of this section, no person who is 18039
employed by the law enforcement agency shall knowingly release, 18040
disseminate, or otherwise make the records and reports in the 18041
possession of the employing law enforcement agency or any 18042
information contained in them available to, or discuss any 18043
information contained in them with, any person not employed by 18044
the employing law enforcement agency. 18045

(3) A law enforcement agency that possesses records or 18046
reports pertaining to the case that are its specific 18047
investigatory work product and that are excepted from the 18048
definition of "official records" contained in division ~~(D)~~ (C) 18049
of section ~~2953.51~~ 2953.31 of the Revised Code, or that are the 18050
specific investigatory work product of a law enforcement officer 18051
it employs and that were delivered to it under division (A) (1) 18052
of this section may permit another law enforcement agency to use 18053
the records or reports in the investigation of another offense, 18054
if the facts incident to the offense being investigated by the 18055
other law enforcement agency and the facts incident to an 18056
offense that is the subject of the case are reasonably similar 18057
and if all references to the name or identifying information of 18058
the person whose records were sealed are redacted from the 18059

records or reports. The agency that provides the records and 18060
reports may not provide the other agency with the name of the 18061
person who is the subject of the case the records of which were 18062
sealed. 18063

(B) Whoever violates division (A) (1), (2), or (3) of this 18064
section is guilty of divulging confidential information, a 18065
misdemeanor of the fourth degree. 18066

Sec. 2953.61. (A) Except as provided in division (B) (1) of 18067
this section, a person charged with two or more offenses as a 18068
result of or in connection with the same act may not apply to 18069
the court pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, or 18070
2953.521 of the Revised Code for the sealing or expungement of 18071
the person's record in relation to any of the charges, and a 18072
prosecutor may not apply to the court pursuant to section 18073
2953.39 of the Revised Code for the sealing or expungement of 18074
the record of a person in relation to any of the charges if the 18075
person was charged with two or more offenses as a result of or 18076
in connection with the same act, when at least one of the 18077
charges has a final disposition that is different from the final 18078
disposition of the other charges until such time as the person, 18079
or prosecutor, would be able to apply to the court and have all 18080
of the records pertaining to all of those charges sealed or 18081
expunged pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, 18082
2953.39, or 2953.521 of the Revised Code. 18083

(B) (1) When a person is charged with two or more offenses 18084
as a result of or in connection with the same act and the final 18085
disposition of one, and only one, of the charges is a conviction 18086
under any section of Chapter 4507., 4510., 4511., or 4549., 18087
other than section 4511.19 or 4511.194 of the Revised Code, or 18088
under a municipal ordinance that is substantially similar to any 18089

section other than section 4511.19 or 4511.194 of the Revised 18090
Code contained in any of those chapters, and if the records 18091
pertaining to all the other charges would be eligible for 18092
sealing or expungement under section ~~2953.52~~ 2953.33, 2953.39, 18093
or 2953.521 of the Revised Code in the absence of that 18094
conviction, the court may order that the records pertaining to 18095
all the charges be sealed or expunged. In such a case, the court 18096
shall not order that only a portion of the records be sealed or 18097
expunged. 18098

(2) Division (B) (1) of this section does not apply if the 18099
person convicted of the offenses currently holds a commercial 18100
driver's license or commercial driver's license temporary 18101
instruction permit. 18102

Sec. 2967.04. (A) A pardon or commutation may be granted 18103
upon such conditions precedent or subsequent as the governor may 18104
impose, which conditions shall be stated in the warrant. Such 18105
pardon or commutation shall not take effect until the conditions 18106
so imposed are accepted by the convict or prisoner so pardoned 18107
or having a sentence commuted, and the convict's or prisoner's 18108
acceptance is indorsed upon the warrant, signed by the prisoner 18109
or convict, and attested by one witness. Such witness shall go 18110
before the clerk of the court of common pleas in whose office 18111
the sentence is recorded and prove the signature of the convict. 18112
The clerk shall thereupon record the warrant, indorsement, and 18113
proof in the journal of the court, which record, or a duly 18114
certified transcript thereof, shall be evidence of such pardon 18115
or commutation, the conditions thereof, and the acceptance of 18116
the conditions. 18117

(B) An unconditional pardon relieves the person to whom it 18118
is granted of all disabilities arising out of the conviction or 18119

convictions from which it is granted. For purposes of this 18120
section, "unconditional pardon" includes a conditional pardon 18121
with respect to which all conditions have been performed or have 18122
transpired. 18123

(C) In the case of an unconditional pardon, the governor 18124
may include as a condition of the pardon that records related to 18125
the conviction be sealed or expunged as if the records are 18126
related to an offense that is eligible to be sealed or expunged. 18127
The governor may issue a writ for the records related to the 18128
pardoned conviction or convictions to be sealed or expunged. 18129
However, such a writ shall not seal or expunge the records 18130
required to be kept under division (E) of section 107.10 of the 18131
Revised Code and shall not have any impact on the governor's 18132
office or on reports required to be made under law. Other than 18133
the records required to be kept under division (E) of section 18134
107.10 of the Revised Code, no records of the governor's office 18135
related to a pardon that have been sealed or expunged under this 18136
division are subject to public inspection unless directed by the 18137
governor. Inspection of the records or disclosure of information 18138
contained in the records may be made pursuant to division ~~(D)~~ 18139
(A) of section ~~2953.32~~ 2953.34 of the Revised Code or as the 18140
governor may direct. A disclosure of records sealed or expunged 18141
under a writ issued by the governor is not a criminal offense. 18142

Sec. 2967.12. (A) Except as provided in division (G) of 18143
this section, at least sixty days before the adult parole 18144
authority recommends any pardon or commutation of sentence, or 18145
grants any parole, the authority shall provide a notice of the 18146
pendency of the pardon, commutation, or parole, setting forth 18147
the name of the person on whose behalf it is made, the offense 18148
of which the person was convicted or to which the person pleaded 18149
guilty, the time of conviction or the guilty plea, and the term 18150

of the person's sentence, to the prosecuting attorney and the 18151
judge of the court of common pleas of the county in which the 18152
indictment against the person was found. If there is more than 18153
one judge of that court of common pleas, the authority shall 18154
provide the notice to the presiding judge. Upon the request of 18155
the prosecuting attorney or of any law enforcement agency, the 18156
authority shall provide to the requesting prosecuting attorney 18157
and law enforcement agencies an institutional summary report 18158
that covers the subject person's participation while confined in 18159
a state correctional institution in training, work, and other 18160
rehabilitative activities and any disciplinary action taken 18161
against the person while so confined. The department of 18162
rehabilitation and correction may utilize electronic means to 18163
provide this notice. The department of rehabilitation and 18164
correction, at the same time that it provides the notice to the 18165
prosecuting attorney and judge under this division, also shall 18166
post on the database it maintains pursuant to section 5120.66 of 18167
the Revised Code the offender's name and all of the information 18168
specified in division (A) (1) (c) (iii) of that section. 18169

(B) If a request for notification has been made pursuant 18170
to section 2930.16 of the Revised Code or if division (H) of 18171
this section applies, the office of victim services or the adult 18172
parole authority also shall provide notice to the victim or the 18173
victim's representative at least sixty days prior to 18174
recommending any pardon or commutation of sentence for, or 18175
granting any parole to, the person. The notice shall include the 18176
information required by division (A) of this section and may be 18177
provided by telephone or through electronic means. The notice 18178
also shall inform the victim or the victim's representative that 18179
the victim or representative may send a written statement 18180
relative to the victimization and the pending action to the 18181

adult parole authority and that, if the authority receives any written statement prior to recommending a pardon or commutation or granting a parole for a person, the authority will consider the statement before it recommends a pardon or commutation or grants a parole. If the person is being considered for parole, the notice shall inform the victim or the victim's representative that a full board hearing of the parole board may be held and that the victim or victim's representative may contact the office of victims' services for further information. If the person being considered for parole was convicted of or pleaded guilty to a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the notice shall inform the victim of that offense, the victim's representative, or a member of the victim's immediate family that the victim, the victim's representative, and the victim's immediate family have the right to give testimony at a full board hearing of the parole board and that the victim or victim's representative may contact the office of victims' services for further information.

(C) When notice of the pendency of any pardon, commutation of sentence, or parole has been provided to a judge or prosecutor or posted on the database as required in division (A) of this section and a hearing on the pardon, commutation, or parole is continued to a date certain, the authority shall provide notice of the further consideration of the pardon, commutation, or parole at least sixty days before the further consideration. The notice of the further consideration shall be provided to the proper judge and prosecuting attorney at least sixty days before the further consideration, and may be provided using electronic means, and, if the initial notice was posted on

the database as provided in division (A) of this section, the 18213
notice of the further consideration shall be posted on the 18214
database at least sixty days before the further consideration. 18215
If the prosecuting attorney or a law enforcement agency was 18216
provided a copy of the institutional summary report relative to 18217
the subject person under division (A) of this section, the 18218
authority shall include with the notice of the further 18219
consideration sent to the prosecuting attorney any new 18220
information with respect to the person that relates to 18221
activities and actions of the person that are of a type covered 18222
by the report and shall send to the law enforcement agency a 18223
report that provides notice of the further consideration and 18224
includes any such new information with respect to the person. 18225
When notice of the pendency of any pardon, commutation, or 18226
parole has been given as provided in division (B) of this 18227
section and the hearing on it is continued to a date certain, 18228
the authority shall give notice of the further consideration to 18229
the victim or the victim's representative in accordance with 18230
section 2930.03 of the Revised Code. 18231

(D) In case of an application for the pardon or 18232
commutation of sentence of a person sentenced to capital 18233
punishment, the governor may modify the requirements of 18234
notification and publication if there is not sufficient time for 18235
compliance with the requirements before the date fixed for the 18236
execution of sentence. 18237

(E) If an offender is serving a prison term imposed under 18238
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 18239
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 18240
Code and if the parole board terminates its control over the 18241
offender's service of that term pursuant to section 2971.04 of 18242
the Revised Code, the parole board immediately shall provide 18243

written notice of its termination of control or the transfer of control to the entities and persons specified in section 2971.04 of the Revised Code. 18244
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(F) The failure of the adult parole authority to comply with the notice or posting provisions of division (A), (B), or (C) of this section or the failure of the parole board to comply with the notice provisions of division (E) of this section do not give any rights or any grounds for appeal or post-conviction relief to the person serving the sentence. 18247
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(G) Divisions (A), (B), and (C) of this section do not apply to any release of a person that is of the type described in division (B) (2) (b) of section 5120.031 of the Revised Code. 18253
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(H) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division (B) of this section shall be given to the victim or victim's representative regardless of whether the victim or victim's representative has made a request for notification. The notice described in division (B) of this section shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. The notice described in division (B) of this section does not have to be given under this division to a victim or victim's representative if notice was given to the victim or victim's representative with respect to at least two prior considerations of pardon, commutation, or parole of a person and the victim or 18256
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victim's representative did not provide any written statement 18274
relative to the victimization and the pending action, did not 18275
attend any hearing conducted relative to the pending action, and 18276
did not otherwise respond to the office with respect to the 18277
pending action. Regardless of whether the victim or victim's 18278
representative has requested that the notice described in 18279
division (B) of this section be provided or not be provided, the 18280
office of victim services or adult parole authority shall give 18281
similar notice to the law enforcement agency that arrested the 18282
defendant if any officer of that agency was a victim of the 18283
offense and to any member of the victim's immediate family who 18284
requests notification. If notice is to be given under this 18285
division, the office or authority may give the notice by any 18286
reasonable means, including regular mail, telephone, and 18287
electronic mail, in accordance with division (D) (1) of section 18288
2930.16 of the Revised Code. If the notice is based on an 18289
offense committed prior to ~~the effective date of this amendment~~ 18290
March 22, 2013, the notice to the victim or victim's 18291
representative also shall include the opt-out information 18292
described in division (D) (1) of section 2930.16 of the Revised 18293
Code. The office or authority, in accordance with division (D) 18294
(2) of section 2930.16 of the Revised Code, shall keep a record 18295
of all attempts to provide the notice, and of all notices 18296
provided, under this division. 18297

Division (H) of this section, and the notice-related 18298
provisions of divisions (E) (2) and (K) of section 2929.20, 18299
division (D) (1) of section 2930.16, division (E) (1) (b) of 18300
section 2967.19 as it existed prior to the effective date of 18301
this amendment, division (A) (3) (b) of section 2967.26, division 18302
(D) (1) of section 2967.28, and division (A) (2) of section 18303
5149.101 of the Revised Code enacted in the act in which 18304

division (H) of this section was enacted, shall be known as 18305
"Roberta's Law." 18306

(I) In addition to and independent of the right of a 18307
victim to make a statement as described in division (A) of this 18308
section or pursuant to section 2930.17 of the Revised Code or to 18309
otherwise make a statement, the authority for a judge or 18310
prosecuting attorney to furnish statements and information, make 18311
recommendations, and give testimony as described in division (A) 18312
of this section, the right of a prosecuting attorney, judge, or 18313
victim to give testimony or submit a statement at a full parole 18314
board hearing pursuant to section 5149.101 of the Revised Code, 18315
and any other right or duty of a person to present information 18316
or make a statement, any person may send to the adult parole 18317
authority at any time prior to the authority's recommending a 18318
pardon or commutation or granting a parole for the offender a 18319
written statement relative to the offense and the pending 18320
action. 18321

(J) As used in this section, "victim's immediate family" 18322
means the mother, father, spouse, sibling, or child of the 18323
victim, provided that in no case does "victim's immediate 18324
family" include the offender with respect to whom the notice in 18325
question applies. 18326

Sec. 2967.13. (A) Except as provided in division (G) of 18327
this section or section 2967.132 of the Revised Code, a prisoner 18328
serving a sentence of imprisonment for life for an offense 18329
committed on or after July 1, 1996, is not entitled to any 18330
earned credit under division (A) (1) or (2) of section 2967.193 18331
of the Revised Code and becomes eligible for parole as follows: 18332

(1) If a sentence of imprisonment for life was imposed for 18333
the offense of murder, at the expiration of the prisoner's 18334

minimum term; 18335

(2) If a sentence of imprisonment for life with parole 18336
eligibility after serving twenty years of imprisonment was 18337
imposed pursuant to section 2929.022 or 2929.03 of the Revised 18338
Code, after serving a term of twenty years; 18339

(3) If a sentence of imprisonment for life with parole 18340
eligibility after serving twenty-five full years of imprisonment 18341
was imposed pursuant to section 2929.022 or 2929.03 of the 18342
Revised Code, after serving a term of twenty-five full years; 18343

(4) If a sentence of imprisonment for life with parole 18344
eligibility after serving thirty full years of imprisonment was 18345
imposed pursuant to section 2929.022 or 2929.03 of the Revised 18346
Code, after serving a term of thirty full years; 18347

(5) If a sentence of imprisonment for life was imposed for 18348
rape, after serving a term of ten full years' imprisonment; 18349

(6) If a sentence of imprisonment for life with parole 18350
eligibility after serving fifteen years of imprisonment was 18351
imposed for a violation of section 2927.24 of the Revised Code, 18352
after serving a term of fifteen years. 18353

(B) Except as provided in division (G) of this section or 18354
section 2967.132 of the Revised Code, a prisoner serving a 18355
sentence of imprisonment for life with parole eligibility after 18356
serving twenty years of imprisonment or a sentence of 18357
imprisonment for life with parole eligibility after serving 18358
twenty-five full years or thirty full years of imprisonment 18359
imposed pursuant to section 2929.022 or 2929.03 of the Revised 18360
Code for an offense committed on or after July 1, 1996, 18361
consecutively to any other term of imprisonment, becomes 18362
eligible for parole after serving twenty years, twenty full 18363

years, or thirty full years, as applicable, as to each such 18364
sentence of life imprisonment, which shall not be reduced for 18365
earned credits under division (A) (1) or (2) of section 2967.193 18366
of the Revised Code, plus the term or terms of the other 18367
sentences consecutively imposed or, if one of the other 18368
sentences is another type of life sentence with parole 18369
eligibility, the number of years before parole eligibility for 18370
that sentence. 18371

(C) Except as provided in division (G) of this section or 18372
section 2967.132 of the Revised Code, a prisoner serving 18373
consecutively two or more sentences in which an indefinite term 18374
of imprisonment is imposed becomes eligible for parole upon the 18375
expiration of the aggregate of the minimum terms of the 18376
sentences. 18377

(D) Except as provided in division (G) of this section or 18378
section 2967.132 of the Revised Code, a prisoner serving a term 18379
of imprisonment who is described in division (A) of section 18380
2967.021 of the Revised Code becomes eligible for parole as 18381
described in that division or, if the prisoner is serving a 18382
definite term of imprisonment, shall be released as described in 18383
that division. 18384

(E) Except as provided in section 2967.132 of the Revised 18385
Code, a prisoner serving a sentence of life imprisonment without 18386
parole imposed pursuant to section 2907.02 or section 2929.03 or 18387
2929.06 of the Revised Code is not eligible for parole and shall 18388
be imprisoned until death. 18389

(F) A prisoner serving a stated prison term that is a non- 18390
life felony indefinite prison term shall be released in 18391
accordance with sections 2967.271 and 2967.28 of the Revised 18392
Code. A prisoner serving a stated prison term of any other 18393

nature shall be released in accordance with section 2967.28 of 18394
the Revised Code. 18395

(G) Except as provided in section 2967.132 of the Revised 18396
Code, a prisoner serving a prison term or term of life 18397
imprisonment without parole imposed pursuant to section 2971.03 18398
of the Revised Code never becomes eligible for parole during 18399
that term of imprisonment. 18400

Sec. 2967.131. (A) In addition to any other terms and 18401
conditions of a conditional pardon or parole, of transitional 18402
control, or of another form of authorized release from 18403
confinement in a state correctional institution that is granted 18404
to an individual and that involves the placement of the 18405
individual under the supervision of the adult parole authority, 18406
and in addition to any other sanctions of post-release control 18407
of a felon imposed under section 2967.28 of the Revised Code, 18408
the authority or, in the case of a conditional pardon, the 18409
governor shall include in the terms and conditions of the 18410
conditional pardon, parole, transitional control, or other form 18411
of authorized release or shall include as conditions of the 18412
post-release control the conditions that the individual or felon 18413
not leave the state without permission of the court or the 18414
individual's or felon's parole or probation officer and that the 18415
individual or felon abide by the law during the period of the 18416
individual's or felon's conditional pardon, parole, transitional 18417
control, other form of authorized release, or post-release 18418
control. 18419

(B) (1) The department of rehabilitation and correction, as 18420
a condition of parole or post-release control, may require that 18421
the individual or felon shall not ingest or be injected with a 18422
drug of abuse and shall submit to random drug testing as 18423

provided in divisions (B) (2), (3), and (4) of this section and 18424
that the results of the drug test indicate that the individual 18425
or felon did not ingest or was not injected with a drug of 18426
abuse. 18427

(2) If the adult parole authority has general control and 18428
supervision of an individual or felon who is required to submit 18429
to random drug testing as a condition of parole or post-release 18430
control under division (B) (1) of this section, the authority may 18431
cause the individual or felon to submit to random drug testing 18432
performed by a laboratory or entity that has entered into a 18433
contract with any of the governmental entities or officers 18434
authorized to enter into a contract with that laboratory or 18435
entity under section 341.26, 753.33, or 5120.63 of the Revised 18436
Code. 18437

(3) If no laboratory or entity described in division (B) 18438
(2) of this section has entered into a contract as specified in 18439
that division, the adult parole authority shall cause the 18440
individual or felon to submit to random drug testing performed 18441
by a reputable public laboratory to determine whether the 18442
individual or felon who is the subject of the drug test ingested 18443
or was injected with a drug of abuse. 18444

(4) If a laboratory or entity has entered into a contract 18445
with a governmental entity or officer as specified in division 18446
(B) (2) of this section, the laboratory or entity shall perform 18447
the random drug testing under division (B) (2) of this section in 18448
accordance with the applicable standards that are included in 18449
the terms of that contract. A public laboratory shall perform 18450
the random drug tests under division (B) (3) of this section in 18451
accordance with the standards set forth in the policies and 18452
procedures established by the department of rehabilitation and 18453

correction pursuant to section 5120.63 of the Revised Code. An 18454
individual or felon who is required under division (B)(1) of 18455
this section to submit to random drug testing as a condition of 18456
parole or post-release control and whose test results indicate 18457
that the individual or felon ingested or was injected with a 18458
drug of abuse shall pay the fee for the drug test if the adult 18459
parole authority requires payment of a fee. A laboratory or 18460
entity that performs the random drug testing on a parolee or 18461
releasee under division (B)(2) or (3) of this section shall 18462
transmit the results of the drug test to the adult parole 18463
authority. 18464

~~(C)~~(C)(1) During the period of a conditional pardon or 18465
parole, of transitional control, or of another form of 18466
authorized release from confinement in a state correctional 18467
institution that is granted to an individual and that involves 18468
the placement of the individual under the supervision of the 18469
adult parole authority, and during a period of post-release 18470
control of a felon imposed under section 2967.28 of the Revised 18471
Code, authorized field officers of the authority who are engaged 18472
within the scope of their supervisory duties or responsibilities 18473
may search, with or without a warrant, the person of the 18474
individual or felon, the place of residence of the individual or 18475
felon, and a motor vehicle, another item of tangible or 18476
intangible personal property, or other real property in which 18477
the individual or felon has a right, title, or interest or for 18478
which the individual or felon has the express or implied 18479
permission of a person with a right, title, or interest to use, 18480
occupy, or possess, if ~~the~~ any of the following apply: 18481

(a) The field officers have reasonable grounds to believe 18482
that the individual or felon has left the state, is not abiding 18483
by the law, or otherwise is not complying with the terms and 18484

conditions of the individual's or felon's conditional pardon, 18485
parole, transitional control, other form of authorized release, 18486
or post-release control. ~~The~~ 18487

(b) The adult parole authority requires the individual's 18488
or felon's consent to searches as part of the terms and 18489
conditions of the conditional pardon or parole, of the 18490
transitional control, or of the other form of authorized release 18491
from confinement in a state correctional institution that is 18492
granted to a person and that involves the placement of the 18493
person under the supervision of the adult parole authority, and 18494
the individual or felon agreed to those terms and conditions, 18495
provided that this division applies with respect to an 18496
individual only if the individual is a felon. 18497

(c) The individual or felon otherwise provides consent for 18498
the search, provided that this division applies with respect to 18499
an individual only if the individual is a felon. 18500

(2) The adult parole authority shall provide each 18501
individual who is granted a conditional pardon or parole, 18502
transitional control, or another form of authorized release from 18503
confinement in a state correctional institution and each felon 18504
who is under post-release control with a written notice that 18505
informs the individual or felon that authorized field officers 18506
of the authority who are engaged within the scope of their 18507
supervisory duties or responsibilities may conduct ~~those~~the 18508
types of searches described in division (C) (1) of this section 18509
during the period of the conditional pardon, parole, 18510
transitional control, other form of authorized release, or post- 18511
release control if ~~they~~any of the following apply: 18512

(a) The field officers have reasonable grounds to believe 18513
that the individual or felon has left the state, is not abiding 18514

by the law, or otherwise is not complying with the terms and 18515
conditions of the individual's or felon's conditional pardon, 18516
parole, transitional control, other form of authorized release, 18517
or post-release control. 18518

(b) The adult parole authority requires the individual's 18519
or felon's consent to searches as part of the terms and 18520
conditions of the conditional pardon or parole, of transitional 18521
control, or of the other form of authorized release from 18522
confinement in a state correctional institution that is granted 18523
to a person and that involves the placement of the person under 18524
the supervision of the adult parole authority, and the 18525
individual or felon agreed to those terms and conditions, 18526
provided that this division applies with respect to an 18527
individual only if the individual is a felon. 18528

(c) The individual or felon otherwise provides consent for 18529
the search, provided that this division applies with respect to 18530
an individual only if the individual is a felon. 18531

Sec. 2967.132. (A) As used in this section: 18532

(1) "Aggravated homicide offense" means any of the 18533
following that involved the purposeful killing of three or more 18534
persons, when the offender is the principal offender in each 18535
offense: 18536

(a) Aggravated murder; 18537

(b) Any other offense or combination of offenses that 18538
involved the purposeful killing of three or more persons. 18539

(2) "Homicide offense" means a violation of section 18540
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a 18541
violation of section 2903.01 of the Revised Code that is not an 18542
aggravated homicide offense. 18543

(B) This section applies to any prisoner serving a prison sentence for one or more offenses committed when the prisoner was under eighteen years of age. Regardless of whether the prisoner's stated prison term includes mandatory time, this section shall apply automatically and cannot be limited by the sentencing court.

(C) Notwithstanding any provision of the Revised Code to the contrary, and regardless of when the offense or offenses were committed and when the sentence was imposed, a prisoner who is serving a prison sentence for an offense other than an aggravated homicide offense and who was under eighteen years of age at the time of the offense, or who is serving consecutive prison sentences for multiple offenses none of which is an aggravated homicide offense and who was under eighteen years of age at the time of the offenses, is eligible for parole as follows:

(1) Except as provided in division (C) (2) or (3) of this section, the prisoner is eligible for parole after serving eighteen years in prison.

(2) Except as provided in division (C) (3) or (4) of this section, if the prisoner is serving a sentence for one or more homicide offenses, none of which are an aggravated homicide offense, the prisoner is eligible for parole after serving twenty-five years in prison.

(3) Except as provided in division (C) (4) of this section, if the prisoner is serving a sentence for two or more homicide offenses, none of which are an aggravated homicide offense, and the offender was the principal offender in two or more of those offenses, the prisoner is eligible for parole after serving thirty years in prison.

(4) If the prisoner is serving a sentence for one or more offenses and the sentence permits parole earlier than the parole eligibility date specified in division (C) (1), (2), or (3) of this section, the prisoner is eligible for parole after serving the period of time in prison that is specified in the sentence.

(D) If the prisoner is serving a sentence for an aggravated homicide offense, or for a violation of section 2909.24 of the Revised Code when the most serious underlying specified offense the defendant committed in the violation was aggravated murder or murder, the prisoner is not eligible for parole review other than in accordance with the sentence imposed for the offense.

(E) (1) Once a prisoner is eligible for parole pursuant to division (C) or (D) of this section, the parole board, within a reasonable time after the prisoner becomes eligible, shall conduct a hearing to consider the prisoner's release on parole under parole supervision. The board shall conduct the hearing in accordance with Chapters 2930., 2967., and 5149. of the Revised Code and in accordance with the board's policies and procedures. Those policies and procedures must permit the prisoner's privately retained counsel or the state public defender to appear at the prisoner's hearing to make a statement in support of the prisoner's release.

(2) The parole board shall ensure that the review process provides the prisoner a meaningful opportunity to obtain release. In addition to any other factors the board is required or authorized to consider by rule or statute, the board shall consider the following factors as mitigating factors:

(a) The chronological age of the prisoner at the time of the offense and that age's hallmark features, including

intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences; 18604
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(b) The family and home environment of the prisoner at the time of the offense, the prisoner's inability to control the prisoner's surroundings, a history of trauma regarding the prisoner, and the prisoner's school and special education history; 18606
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(c) The circumstances of the offense, including the extent of the prisoner's participation in the conduct and the way familial and peer pressures may have impacted the prisoner's conduct; 18611
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(d) Whether the prisoner might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth such as the prisoner's inability to deal with police officers and prosecutors during the prisoner's interrogation or possible plea agreement, or the prisoner's inability to assist the prisoner's own attorney; 18615
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(e) Examples of the prisoner's rehabilitation, including any subsequent growth or increase in maturity during imprisonment. 18621
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(F) In accordance with section 2967.131 of the Revised Code, the parole board shall impose appropriate terms and conditions of release upon each prisoner granted a parole under this section. 18624
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(G) If the parole board denies release on parole pursuant to this section, the board shall ~~conduct~~ set a time for a subsequent release review ~~not later than five years after~~ release was denied and hearing in accordance with rules adopted by the department of rehabilitation and correction in effect at 18628
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the time of the denial. 18633

(H) In addition to any notice required by rule or statute, 18634
the parole board shall notify the state public defender, the 18635
victim, and the appropriate prosecuting attorney of a prisoner's 18636
eligibility for review under this section at least sixty days 18637
before the board begins any review or proceedings involving that 18638
prisoner under this section. 18639

~~(I)~~(I)(1) This section shall apply to determine the parole 18640
eligibility of all prisoners described in this section who 18641
committed an offense prior to, on, or after ~~the effective date~~ 18642
~~of this section~~ April 12, 2021, regardless of when the prisoner 18643
committed or was sentenced for the offense and, for purposes of 18644
this section, a prisoner is "serving" a prison sentence for an 18645
offense if on or after ~~the effective date of this section~~ April 18646
12, 2021, the prisoner is serving a prison sentence for that 18647
offense, regardless of when the sentence was imposed or the 18648
offense was committed. 18649

(2) The provisions of this section do not apply to an 18650
offender who is paroled on an offense committed when the 18651
offender was under eighteen years of age who subsequently 18652
returns to prison for a violation of parole committed as an 18653
adult or for a new felony conviction committed as an adult. 18654

Sec. 2967.193. (A) (1) Except as provided in division (C) 18655
of this section and subject to the maximum aggregate total 18656
specified in division (A) (3) of this section, a person confined 18657
in a state correctional institution or placed in the substance 18658
use disorder treatment program may provisionally earn one day or 18659
five days of credit, based on the category set forth in division 18660
(D) (1), ~~(2), (3), (4),~~ or ~~(5)~~ (2) of this section in which the 18661
person is included, toward satisfaction of the person's stated 18662

prison term, as described in division (F) of this section, for 18663
each completed month during which the person, if confined in a 18664
state correctional institution, productively participates in an 18665
education program, vocational training, employment in prison 18666
industries, treatment for substance abuse, or any other 18667
constructive program developed by the department with specific 18668
standards for performance by prisoners or during which the 18669
person, if placed in the substance use disorder treatment 18670
program, productively participates in the program. Except as 18671
provided in division (C) of this section and subject to the 18672
maximum aggregate total specified in division (A) (3) of this 18673
section, a person so confined in a state correctional 18674
institution who successfully completes two programs or 18675
activities of that type may, in addition, provisionally earn up 18676
to five days of credit toward satisfaction of the person's 18677
stated prison term, as described in division (F) of this 18678
section, for the successful completion of the second program or 18679
activity. The person shall not be awarded any provisional days 18680
of credit for the successful completion of the first program or 18681
activity or for the successful completion of any program or 18682
activity that is completed after the second program or activity. 18683
At the end of each calendar month in which a person productively 18684
participates in a program or activity listed in this division or 18685
successfully completes a program or activity listed in this 18686
division, the department of rehabilitation and correction shall 18687
determine and record the total number of days credit that the 18688
person provisionally earned in that calendar month. If the 18689
person in a state correctional institution violates prison rules 18690
or the person in the substance use disorder treatment program 18691
violates program or department rules, the department may deny 18692
the person a credit that otherwise could have been provisionally 18693
awarded to the person or may withdraw one or more credits 18694

previously provisionally earned by the person. Days of credit 18695
provisionally earned by a person shall be finalized and awarded 18696
by the department subject to administrative review by the 18697
department of the person's conduct. 18698

(2) ~~Unless~~ Except as provided in division (C) of this 18699
section, unless a person is serving a mandatory prison term or a 18700
prison term for an offense of violence or a sexually oriented 18701
offense, and notwithstanding the maximum aggregate total 18702
specified in division (A) (3) of this section, a person who 18703
successfully completes any ~~of the following diploma,~~ 18704
equivalence, program, or criteria identified in divisions (A) (2) 18705
(a) to (g) of this section shall earn ninety days of credit 18706
toward satisfaction of the person's stated prison term or a ten 18707
per cent reduction of the person's stated prison term, whichever 18708
is less, for each such diploma, equivalence, program, or 18709
criteria successfully completed. The diplomas, equivalences, 18710
programs, and criteria for which credit shall be granted under 18711
this division, upon successful completion, are: 18712

(a) An Ohio high school diploma or Ohio certificate of 18713
high school equivalence certified by the Ohio central school 18714
system; 18715

(b) A therapeutic drug community program; 18716

(c) All three phases of the department of rehabilitation 18717
and correction's intensive outpatient drug treatment program; 18718

(d) A career technical vocational school program; 18719

(e) A college certification program; 18720

(f) The criteria for a certificate of achievement and 18721
employability as specified in division (A) (1) of section 2961.22 18722
of the Revised Code; 18723

(g) Any other constructive program developed by the 18724
department of rehabilitation and correction with specific 18725
standards for performance by prisoners. 18726

(3) Except for persons described in division (A) (2) of 18727
this section, the aggregate days of credit provisionally earned 18728
by a person for program or activity participation and program 18729
and activity completion under this section and the aggregate 18730
days of credit finally credited to a person under this section 18731
shall not exceed ~~eight~~ fifteen per cent of the total number of 18732
days in the person's stated prison term. 18733

(B) The department of rehabilitation and correction shall 18734
adopt rules that specify the programs or activities for which 18735
credit may be earned under this section, the criteria for 18736
determining productive participation in, or completion of, the 18737
programs or activities and the criteria for awarding credit, 18738
including criteria for awarding additional credit for successful 18739
program or activity completion, and the criteria for denying or 18740
withdrawing previously provisionally earned credit as a result 18741
of a violation of prison rules, or program or department rules, 18742
whichever is applicable. 18743

(C) No person confined in a state correctional institution 18744
or placed in a substance use disorder treatment program to whom 18745
any of the following applies shall be awarded any days of credit 18746
under division ~~(A)~~ (A) (1) or (2) of this section: 18747

(1) The person is serving a prison term that section 18748
2929.13 or section 2929.14 of the Revised Code specifies cannot 18749
be reduced pursuant to this section or this chapter or is 18750
serving a sentence for which section 2967.13 or division (B) of 18751
section 2929.143 of the Revised Code specifies that the person 18752
is not entitled to any earned credit under this section. 18753

(2) The person is sentenced to death or is serving a 18754
prison term or a term of life imprisonment for aggravated 18755
murder, murder, or a conspiracy or attempt to commit, or 18756
complicity in committing, aggravated murder or murder. 18757

(3) The person is serving a sentence of life imprisonment 18758
without parole imposed pursuant to section 2929.03 or 2929.06 of 18759
the Revised Code, a prison term or a term of life imprisonment 18760
without parole imposed pursuant to section 2971.03 of the 18761
Revised Code, or a sentence for a sexually oriented offense that 18762
was committed on or after September 30, 2011. 18763

(D) This division does not apply to a determination of 18764
whether a person confined in a state correctional institution or 18765
placed in a substance use disorder treatment program may earn 18766
any days of credit under division ~~(A)~~ (A) (1) of this section for 18767
successful completion of a second program or activity. The 18768
determination of whether a person confined in a state 18769
correctional institution may earn one day of credit or five days 18770
of credit under division ~~(A)~~ (A) (1) of this section for each 18771
completed month during which the person productively 18772
participates in a program or activity specified under that 18773
division shall be made in accordance with the following: 18774

~~(1) The offender may earn one day of credit under division~~ 18775
~~(A) of this section, except as provided in division (C) of this~~ 18776
~~section, if the most serious offense for which the offender is~~ 18777
~~confined is any of the following that is a felony of the first~~ 18778
~~or second degree:~~ 18779

~~(a) A violation of division (A) of section 2903.04 or of~~ 18780
~~section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25,~~ 18781
~~2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29,~~ 18782
~~2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151,~~ 18783

~~2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;~~ 18784
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~~(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D)(1) (a) of this section.~~ 18786
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~~(2) The offender may earn one day of credit under division (A)(1) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.~~ 18790
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~~(3) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.~~ 18795
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~~(4)(2) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions division (D) (1), (2), and (3) of this section ~~do~~ does not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A)(1) of this section if the offender committed that offense on or after September 30, 2011.~~ 18802
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~~(5) Except as provided in division (C) of this section, if~~ 18812

~~the most serious offense for which the offender is confined is a~~ 18813
~~felony of the third, fourth, or fifth degree or an unclassified~~ 18814
~~felony and neither division (D) (2) nor (3) of this section~~ 18815
~~applies to the offender, the offender may earn one day of credit~~ 18816
~~under division (A) of this section if the offender committed~~ 18817
~~that offense prior to September 30, 2011, and the offender may~~ 18818
~~earn five days of credit under division (A) of this section if~~ 18819
~~the offender committed that offense on or after September 30,~~ 18820
~~2011.~~ 18821

(E) The department annually shall seek and consider the 18822
written feedback of the Ohio prosecuting attorneys association, 18823
the Ohio judicial conference, the Ohio public defender, the Ohio 18824
association of criminal defense lawyers, and other organizations 18825
and associations that have an interest in the operation of the 18826
corrections system and the earned credits program under this 18827
section as part of its evaluation of the program and in 18828
determining whether to modify the program. 18829

(F) Days of credit awarded under this section shall be 18830
applied toward satisfaction of a person's stated prison term as 18831
follows: 18832

(1) Toward the definite prison term of a prisoner serving 18833
a definite prison term as a stated prison term; 18834

(2) Toward the minimum and maximum terms of a prisoner 18835
serving an indefinite prison term imposed under division (A) (1) 18836
(a) or (2) (a) of section 2929.14 of the Revised Code for a 18837
felony of the first or second degree committed on or after ~~the~~ 18838
~~effective date of this amendment~~ March 22, 2019. 18839

(G) The changes to this section that take effect on the 18840
effective date of this amendment apply to persons confined in a 18841

state correctional institution or in the substance use disorder 18842
treatment program on or after that effective date as follows: 18843

(1) Subject to division (G)(2) of this section, the 18844
changes apply to a person so confined regardless of whether the 18845
person committed the offense for which the person is confined in 18846
the institution or was placed in the program prior to, on, or 18847
after that date and regardless of whether the person was 18848
convicted of or pleaded guilty to that offense prior to, on, or 18849
after that date. 18850

(2) The changes apply to a person so confined only with 18851
respect to the time that the person is so confined on and after 18852
the effective date of this amendment, and the provisions of this 18853
section that were in effect prior to the effective date of this 18854
amendment and that applied to the person prior to that effective 18855
date apply to the person with respect to the time that the 18856
person was so confined prior to that effective date. 18857

(H) As used in this section: 18858

(1) "Sexually oriented offense" has the same meaning as in 18859
section 2950.01 of the Revised Code. 18860

(2) "Substance use disorder treatment program" means the 18861
substance use disorder treatment program established by the 18862
department of rehabilitation and correction under section 18863
5120.035 of the Revised Code. 18864

Sec. 2967.26. (A) (1) The department of rehabilitation and 18865
correction, by rule, may establish a transitional control 18866
program for the purpose of closely monitoring a prisoner's 18867
adjustment to community supervision during the final one hundred 18868
eighty days of the prisoner's confinement. If the department 18869
establishes a transitional control program under this division, 18870

the division of parole and community services of the department 18871
of rehabilitation and correction may transfer eligible prisoners 18872
to transitional control status under the program during the 18873
final one hundred eighty days of their confinement and under the 18874
terms and conditions established by the department, shall 18875
provide for the confinement as provided in this division of each 18876
eligible prisoner so transferred, and shall supervise each 18877
eligible prisoner so transferred in one or more community 18878
control sanctions. Each eligible prisoner who is transferred to 18879
transitional control status under the program shall be confined 18880
in a suitable facility that is licensed pursuant to division (C) 18881
of section 2967.14 of the Revised Code, or shall be confined in 18882
a residence the department has approved for this purpose and be 18883
monitored pursuant to an electronic monitoring device, as 18884
defined in section 2929.01 of the Revised Code. If the 18885
department establishes a transitional control program under this 18886
division, the rules establishing the program shall include 18887
criteria that define which prisoners are eligible for the 18888
program, criteria that must be satisfied to be approved as a 18889
residence that may be used for confinement under the program of 18890
a prisoner that is transferred to it and procedures for the 18891
department to approve residences that satisfy those criteria, 18892
and provisions of the type described in division (C) of this 18893
section. At a minimum, the criteria that define which prisoners 18894
are eligible for the program shall provide all of the following: 18895

(a) That a prisoner is eligible for the program if the 18896
prisoner is serving a prison term or term of imprisonment for an 18897
offense committed prior to March 17, 1998, and if, at the time 18898
at which eligibility is being determined, the prisoner would 18899
have been eligible for a furlough under this section as it 18900
existed immediately prior to March 17, 1998, or would have been 18901

eligible for conditional release under former section 2967.23 of 18902
the Revised Code as that section existed immediately prior to 18903
March 17, 1998; 18904

(b) That no prisoner who is serving a mandatory prison 18905
term is eligible for the program until after expiration of the 18906
mandatory term; 18907

(c) That no prisoner who is serving a prison term or term 18908
of life imprisonment without parole imposed pursuant to section 18909
2971.03 of the Revised Code is eligible for the program. 18910

(2) At least sixty days prior to transferring to 18911
transitional control under this section a prisoner who is 18912
serving a definite term of imprisonment or definite prison term 18913
of ~~two years or less~~ than one year for an offense committed on 18914
or after July 1, 1996, or who is serving a minimum term of ~~two~~ 18915
~~years or less~~ than one year under a non-life felony indefinite 18916
prison term, the division of parole and community services of 18917
the department of rehabilitation and correction shall give 18918
notice of the pendency of the transfer to transitional control 18919
to the court of common pleas of the county in which the 18920
indictment against the prisoner was found and of the fact that 18921
the court may disapprove the transfer of the prisoner to 18922
transitional control and shall include the institutional summary 18923
report prepared by the head of the state correctional 18924
institution in which the prisoner is confined. The head of the 18925
state correctional institution in which the prisoner is 18926
confined, upon the request of the division of parole and 18927
community services, shall provide to the division for inclusion 18928
in the notice sent to the court under this division an 18929
institutional summary report on the prisoner's conduct in the 18930
institution and in any institution from which the prisoner may 18931

have been transferred. The institutional summary report shall 18932
cover the prisoner's participation in school, vocational 18933
training, work, treatment, and other rehabilitative activities 18934
and any disciplinary action taken against the prisoner. If the 18935
court disapproves of the transfer of the prisoner to 18936
transitional control, the court shall notify the division of the 18937
disapproval within thirty days after receipt of the notice. If 18938
the court timely disapproves the transfer of the prisoner to 18939
transitional control, the division shall not proceed with the 18940
transfer. If the court does not timely disapprove the transfer 18941
of the prisoner to transitional control, the division may 18942
transfer the prisoner to transitional control. 18943

(3) (a) If the victim of an offense for which a prisoner 18944
was sentenced to a prison term or term of imprisonment has 18945
requested notification under section 2930.16 of the Revised Code 18946
and has provided the department of rehabilitation and correction 18947
with the victim's name and address or if division (A) (3) (b) of 18948
this section applies, the division of parole and community 18949
services, at least sixty days prior to transferring the prisoner 18950
to transitional control pursuant to this section, shall notify 18951
the victim of the pendency of the transfer and of the victim's 18952
right to submit a statement to the division regarding the impact 18953
of the transfer of the prisoner to transitional control. If the 18954
victim subsequently submits a statement of that nature to the 18955
division, the division shall consider the statement in deciding 18956
whether to transfer the prisoner to transitional control. 18957

(b) If a prisoner is incarcerated for the commission of 18958
aggravated murder, murder, or an offense of violence that is a 18959
felony of the first, second, or third degree or under a sentence 18960
of life imprisonment, except as otherwise provided in this 18961
division, the notice described in division (A) (3) (a) of this 18962

section shall be given regardless of whether the victim has 18963
requested the notification. The notice described in division (A) 18964
(3) (a) of this section shall not be given under this division to 18965
a victim if the victim has requested pursuant to division (B) (2) 18966
of section 2930.03 of the Revised Code that the victim not be 18967
provided the notice. If notice is to be provided to a victim 18968
under this division, the authority may give the notice by any 18969
reasonable means, including regular mail, telephone, and 18970
electronic mail, in accordance with division (D) (1) of section 18971
2930.16 of the Revised Code. If the notice is based on an 18972
offense committed prior to March 22, 2013, the notice also shall 18973
include the opt-out information described in division (D) (1) of 18974
section 2930.16 of the Revised Code. The authority, in 18975
accordance with division (D) (2) of section 2930.16 of the 18976
Revised Code, shall keep a record of all attempts to provide the 18977
notice, and of all notices provided, under this division. 18978

Division (A) (3) (b) of this section, and the notice-related 18979
provisions of divisions (E) (2) and (K) of section 2929.20, 18980
division (D) (1) of section 2930.16, division (H) of section 18981
2967.12, division (E) (1) (b) of section 2967.19 as it existed 18982
prior to the effective date of this amendment, division (D) (1) 18983
of section 2967.28, and division (A) (2) of section 5149.101 of 18984
the Revised Code enacted in the act in which division (A) (3) (b) 18985
of this section was enacted, shall be known as "Roberta's Law." 18986

(4) The department of rehabilitation and correction, at 18987
least sixty days prior to transferring a prisoner to 18988
transitional control pursuant to this section, shall post on the 18989
database it maintains pursuant to section 5120.66 of the Revised 18990
Code the prisoner's name and all of the information specified in 18991
division (A) (1) (c) (iv) of that section. In addition to and 18992
independent of the right of a victim to submit a statement as 18993

described in division (A) (3) of this section or to otherwise 18994
make a statement and in addition to and independent of any other 18995
right or duty of a person to present information or make a 18996
statement, any person may send to the division of parole and 18997
community services at any time prior to the division's transfer 18998
of the prisoner to transitional control a written statement 18999
regarding the transfer of the prisoner to transitional control. 19000
In addition to the information, reports, and statements it 19001
considers under divisions (A) (2) and (3) of this section or that 19002
it otherwise considers, the division shall consider each 19003
statement submitted in accordance with this division in deciding 19004
whether to transfer the prisoner to transitional control. 19005

(B) Each prisoner transferred to transitional control 19006
under this section shall be confined in the manner described in 19007
division (A) of this section during any period of time that the 19008
prisoner is not actually working at the prisoner's approved 19009
employment, engaged in a vocational training or another 19010
educational program, engaged in another program designated by 19011
the director, or engaged in other activities approved by the 19012
department. 19013

(C) The department of rehabilitation and correction shall 19014
adopt rules for transferring eligible prisoners to transitional 19015
control, supervising and confining prisoners so transferred, 19016
administering the transitional control program in accordance 19017
with this section, and using the moneys deposited into the 19018
transitional control fund established under division (E) of this 19019
section. 19020

(D) The department of rehabilitation and correction may 19021
adopt rules for the issuance of passes for the limited purposes 19022
described in this division to prisoners who are transferred to 19023

transitional control under this section. If the department 19024
adopts rules of that nature, the rules shall govern the granting 19025
of the passes and shall provide for the supervision of prisoners 19026
who are temporarily released pursuant to one of those passes. 19027
Upon the adoption of rules under this division, the department 19028
may issue passes to prisoners who are transferred to 19029
transitional control status under this section in accordance 19030
with the rules and the provisions of this division. All passes 19031
issued under this division shall be for a maximum of forty-eight 19032
hours and may be issued only for the following purposes: 19033

- (1) To visit a relative in imminent danger of death; 19034
- (2) To have a private viewing of the body of a deceased 19035
relative; 19036
- (3) To visit with family; 19037
- (4) To otherwise aid in the rehabilitation of the 19038
prisoner. 19039

(E) The division of parole and community services may 19040
require a prisoner who is transferred to transitional control to 19041
pay to the division the reasonable expenses incurred by the 19042
division in supervising or confining the prisoner while under 19043
transitional control. Inability to pay those reasonable expenses 19044
shall not be grounds for refusing to transfer an otherwise 19045
eligible prisoner to transitional control. Amounts received by 19046
the division of parole and community services under this 19047
division shall be deposited into the transitional control fund, 19048
which is hereby created in the state treasury and which hereby 19049
replaces and succeeds the furlough services fund that formerly 19050
existed in the state treasury. All moneys that remain in the 19051
furlough services fund on March 17, 1998, shall be transferred 19052

on that date to the transitional control fund. The transitional control fund shall be used solely to pay costs related to the operation of the transitional control program established under this section. The director of rehabilitation and correction shall adopt rules in accordance with section 111.15 of the Revised Code for the use of the fund.

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

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

Sec. 2967.28. (A) As used in this section:

(1) "Monitored time" means the monitored time sanction specified in section 2929.17 and defined in section 2929.01 of the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same

meanings as in section 2923.11 of the Revised Code. 19082

(3) "Felony sex offense" means a violation of a section 19083
contained in Chapter 2907. of the Revised Code that is a felony. 19084

(4) "Risk reduction sentence" means a prison term imposed 19085
by a court, when the court recommends pursuant to section 19086
2929.143 of the Revised Code that the offender serve the 19087
sentence under section 5120.036 of the Revised Code, and the 19088
offender may potentially be released from imprisonment prior to 19089
the expiration of the prison term if the offender successfully 19090
completes all assessment and treatment or programming required 19091
by the department of rehabilitation and correction under section 19092
5120.036 of the Revised Code. 19093

(5) "Victim's immediate family" has the same meaning as in 19094
section 2967.12 of the Revised Code. 19095

(6) "Minor drug possession offense" has the same meaning 19096
as in section 2925.11 of the Revised Code. 19097

(7) "Single validated risk assessment tool" means the 19098
single validated risk assessment tool selected by the department 19099
of rehabilitation and correction under section 5120.114 of the 19100
Revised Code. 19101

(B) Each sentence to a prison term, other than a term of 19102
life imprisonment, for a felony of the first degree, for a 19103
felony of the second degree, for a felony sex offense, or for a 19104
felony of the third degree that is an offense of violence and is 19105
not a felony sex offense shall include a requirement that the 19106
offender be subject to a period of post-release control imposed 19107
by the parole board after the offender's release from 19108
imprisonment. This division applies with respect to all prison 19109
terms of a type described in this division, including a term of 19110

any such type that is a risk reduction sentence. If a court 19111
imposes a sentence including a prison term of a type described 19112
in this division on or after July 11, 2006, the failure of a 19113
sentencing court to notify the offender pursuant to division (B) 19114
(2) (d) of section 2929.19 of the Revised Code of this 19115
requirement or to include in the judgment of conviction entered 19116
on the journal a statement that the offender's sentence includes 19117
this requirement does not negate, limit, or otherwise affect the 19118
mandatory period of supervision that is required for the 19119
offender under this division. This division applies with respect 19120
to all prison terms of a type described in this division, 19121
including a non-life felony indefinite prison term. Section 19122
2929.191 of the Revised Code applies if, prior to July 11, 2006, 19123
a court imposed a sentence including a prison term of a type 19124
described in this division and failed to notify the offender 19125
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 19126
Code regarding post-release control or to include in the 19127
judgment of conviction entered on the journal or in the sentence 19128
pursuant to division (D) (1) of section 2929.14 of the Revised 19129
Code a statement regarding post-release control. Unless reduced 19130
by the parole board pursuant to division (D) of this section 19131
when authorized under that division, a period of post-release 19132
control required by this division for an offender shall be of 19133
one of the following periods: 19134

(1) For a felony sex offense, five years; 19135

(2) For a felony of the first degree that is not a felony 19136
sex offense, up to five years, but not less than two years; 19137

(3) For a felony of the second degree that is not a felony 19138
sex offense, up to three years, but not less than eighteen 19139
months; 19140

(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year. 19141
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(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1) or (4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division. 19144
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(D) (1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose on a prisoner described in division (B) of this section, shall impose on a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated 19166
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prison term under a risk reduction sentence, may impose on a 19172
prisoner described in division (C) of this section who is not to 19173
be released before the expiration of the prisoner's stated 19174
prison term under a risk reduction sentence, and shall impose on 19175
a prisoner described in division (B) (2) (b) of section 5120.031 19176
or in division (B) (1) of section 5120.032 of the Revised Code, 19177
one or more post-release control sanctions to apply during the 19178
prisoner's period of post-release control. Whenever the board or 19179
court imposes one or more post-release control sanctions on a 19180
prisoner, the board or court, in addition to imposing the 19181
sanctions, also shall include as a condition of the post-release 19182
control that the offender not leave the state without permission 19183
of the court or the offender's parole or probation officer and 19184
that the offender abide by the law. The board or court may 19185
impose any other conditions of release under a post-release 19186
control sanction that the board or court considers appropriate, 19187
and the conditions of release may include any community 19188
residential sanction, community nonresidential sanction, or 19189
financial sanction that the sentencing court was authorized to 19190
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 19191
Revised Code. Prior to the release of a prisoner for whom it 19192
will impose one or more post-release control sanctions under 19193
this division, the parole board or court shall review the 19194
prisoner's criminal history, results from the single validated 19195
risk assessment tool, and the record of the prisoner's conduct 19196
while imprisoned. The parole board or court shall consider any 19197
recommendation regarding post-release control sanctions for the 19198
prisoner made by the office of victims' services. After 19199
considering those materials, the board or court shall determine, 19200
for a prisoner described in division (B) of this section, 19201
division (B) (2) (b) of section 5120.031, or division (B) (1) of 19202
section 5120.032 of the Revised Code and for a prisoner 19203

described in division (C) of this section who is to be released 19204
before the expiration of the prisoner's stated prison term under 19205
a risk reduction sentence, which post-release control sanction 19206
or combination of post-release control sanctions is reasonable 19207
under the circumstances or, for a prisoner described in division 19208
(C) of this section who is not to be released before the 19209
expiration of the prisoner's stated prison term under a risk 19210
reduction sentence, whether a post-release control sanction is 19211
necessary and, if so, which post-release control sanction or 19212
combination of post-release control sanctions is reasonable 19213
under the circumstances. In the case of a prisoner convicted of 19214
a felony of the fourth or fifth degree other than a felony sex 19215
offense, the board or court shall presume that monitored time is 19216
the appropriate post-release control sanction unless the board 19217
or court determines that a more restrictive sanction is 19218
warranted. A post-release control sanction imposed under this 19219
division takes effect upon the prisoner's release from 19220
imprisonment. 19221

Regardless of whether the prisoner was sentenced to the 19222
prison term prior to, on, or after July 11, 2006, prior to the 19223
release of a prisoner for whom it will impose one or more post- 19224
release control sanctions under this division, the parole board 19225
shall notify the prisoner that, if the prisoner violates any 19226
sanction so imposed or any condition of post-release control 19227
described in division (B) of section 2967.131 of the Revised 19228
Code that is imposed on the prisoner, the parole board may 19229
impose a prison term of up to one-half of the stated prison term 19230
originally imposed on the prisoner. 19231

At least thirty days before the prisoner is released from 19232
imprisonment under post-release control, except as otherwise 19233
provided in this paragraph, the department of rehabilitation and 19234

correction shall notify the victim and the victim's immediate 19235
family of the date on which the prisoner will be released, the 19236
period for which the prisoner will be under post-release control 19237
supervision, and the terms and conditions of the prisoner's 19238
post-release control regardless of whether the victim or 19239
victim's immediate family has requested the notification. The 19240
notice described in this paragraph shall not be given to a 19241
victim or victim's immediate family if the victim or the 19242
victim's immediate family has requested pursuant to division (B) 19243
(2) of section 2930.03 of the Revised Code that the notice not 19244
be provided to the victim or the victim's immediate family. At 19245
least thirty days before the prisoner is released from 19246
imprisonment and regardless of whether the victim or victim's 19247
immediate family has requested that the notice described in this 19248
paragraph be provided or not be provided to the victim or the 19249
victim's immediate family, the department also shall provide 19250
notice of that nature to the prosecuting attorney in the case 19251
and the law enforcement agency that arrested the prisoner if any 19252
officer of that agency was a victim of the offense. 19253

If the notice given under the preceding paragraph to the 19254
victim or the victim's immediate family is based on an offense 19255
committed prior to March 22, 2013, and if the department of 19256
rehabilitation and correction has not previously successfully 19257
provided any notice to the victim or the victim's immediate 19258
family under division (B), (C), or (D) of section 2930.16 of the 19259
Revised Code with respect to that offense and the offender who 19260
committed it, the notice also shall inform the victim or the 19261
victim's immediate family that the victim or the victim's 19262
immediate family may request that the victim or the victim's 19263
immediate family not be provided any further notices with 19264
respect to that offense and the offender who committed it and 19265

shall describe the procedure for making that request. The 19266
department may give the notices to which the preceding paragraph 19267
applies by any reasonable means, including regular mail, 19268
telephone, and electronic mail. If the department attempts to 19269
provide notice to any specified person under the preceding 19270
paragraph but the attempt is unsuccessful because the department 19271
is unable to locate the specified person, is unable to provide 19272
the notice by its chosen method because it cannot determine the 19273
mailing address, electronic mail address, or telephone number at 19274
which to provide the notice, or, if the notice is sent by mail, 19275
the notice is returned, the department shall make another 19276
attempt to provide the notice to the specified person. If the 19277
second attempt is unsuccessful, the department shall make at 19278
least one more attempt to provide the notice. If the notice is 19279
based on an offense committed prior to March 22, 2013, in each 19280
attempt to provide the notice to the victim or victim's 19281
immediate family, the notice shall include the opt-out 19282
information described in this paragraph. The department, in the 19283
manner described in division (D)(2) of section 2930.16 of the 19284
Revised Code, shall keep a record of all attempts to provide the 19285
notice, and of all notices provided, under this paragraph and 19286
the preceding paragraph. The record shall be considered as if it 19287
was kept under division (D)(2) of section 2930.16 of the Revised 19288
Code. This paragraph, the preceding paragraph, and the notice- 19289
related provisions of divisions (E)(2) and (K) of section 19290
2929.20, division (D)(1) of section 2930.16, division (H) of 19291
section 2967.12, division (E)(1)(b) of section 2967.19 as it 19292
existed prior to the effective date of this amendment, division 19293
(A)(3)(b) of section 2967.26, and division (A)(2) of section 19294
5149.101 of the Revised Code enacted in the act in which this 19295
paragraph and the preceding paragraph were enacted, shall be 19296
known as "Roberta's Law." 19297

(2) If a prisoner who is placed on post-release control 19298
under this section is released before the expiration of the 19299
definite term that is the prisoner's stated prison term or the 19300
expiration of the minimum term that is part of the prisoner's 19301
indefinite prison term imposed under a non-life felony 19302
indefinite prison term by reason of credit earned under section 19303
2967.193 or a reduction under division (F) of section 2967.271 19304
of the Revised Code and if the prisoner earned sixty or more 19305
days of credit, the adult parole authority may supervise the 19306
offender with an active global positioning system device for the 19307
first fourteen days after the offender's release from 19308
imprisonment. This division does not prohibit or limit the 19309
imposition of any post-release control sanction otherwise 19310
authorized by this section. 19311

(3) After a prisoner is released from imprisonment and 19312
during the period of post-release control applicable to the 19313
releasee, the adult parole authority or, pursuant to an 19314
agreement under section 2967.29 of the Revised Code, the court 19315
may review the releasee's behavior under the post-release 19316
control sanctions imposed upon the releasee under this section. 19317
The authority or court may determine, based upon the review and 19318
in accordance with the standards established under division (E) 19319
of this section, that the releasee has satisfactorily complied 19320
with the sanctions imposed, and if such a determination is made, 19321
the authority may recommend a less restrictive sanction, reduce 19322
the period of post-release control, or, no sooner than the 19323
minimum period of time required under section 2967.16 of the 19324
Revised Code, recommend that the parole board or court terminate 19325
the duration of the period of post-release control. In no case 19326
shall the board or court reduce the duration of the period of 19327
control imposed for a felony sex offense described in division 19328

(B) (1) of this section. 19329

(4) The department of rehabilitation and correction shall 19330
develop factors that the parole board or court shall consider in 19331
determining under division (D) (3) of this section whether to 19332
terminate the period of control imposed on a releasee. 19333

(E) The department of rehabilitation and correction, in 19334
accordance with Chapter 119. of the Revised Code, shall adopt 19335
rules that do all of the following: 19336

(1) Establish standards for the imposition by the parole 19337
board of post-release control sanctions under this section that 19338
are consistent with the overriding purposes and sentencing 19339
principles set forth in section 2929.11 of the Revised Code and 19340
that are appropriate to the needs of releasees; 19341

(2) Establish standards that provide for a period of post- 19342
release control of up to two years for all prisoners described 19343
in division (C) of this section who are to be released before 19344
the expiration of their stated prison term under a risk 19345
reduction sentence and standards by which the parole board can 19346
determine which prisoners described in division (C) of this 19347
section who are not to be released before the expiration of 19348
their stated prison term under a risk reduction sentence should 19349
be placed under a period of post-release control; 19350

(3) Establish standards to be used by the parole board in 19351
reducing or terminating the duration of the period of post- 19352
release control imposed by the court when authorized under 19353
division (D) of this section, in imposing a more restrictive 19354
post-release control sanction than monitored time on a prisoner 19355
convicted of a felony of the fourth or fifth degree other than a 19356
felony sex offense, or in imposing a less restrictive control 19357

sanction on a releasee based on results from the single 19358
validated risk assessment tool and on the releasee's activities 19359
including, but not limited to, remaining free from criminal 19360
activity and from the abuse of alcohol or other drugs, 19361
successfully participating in approved rehabilitation programs, 19362
maintaining employment, and paying restitution to the victim or 19363
meeting the terms of other financial sanctions; 19364

(4) Establish standards to be used by the adult parole 19365
authority in modifying a releasee's post-release control 19366
sanctions pursuant to division (D) (2) of this section; 19367

(5) Establish standards to be used by the adult parole 19368
authority or parole board in imposing further sanctions under 19369
division (F) of this section on releasees who violate post- 19370
release control sanctions, including standards that do the 19371
following: 19372

(a) Classify violations according to the degree of 19373
seriousness; 19374

(b) Define the circumstances under which formal action by 19375
the parole board is warranted; 19376

(c) Govern the use of evidence at violation hearings; 19377

(d) Ensure procedural due process to an alleged violator; 19378

(e) Prescribe nonresidential community control sanctions 19379
for most misdemeanor and technical violations; 19380

(f) Provide procedures for the return of a releasee to 19381
imprisonment for violations of post-release control. 19382

(F) (1) Whenever the parole board imposes one or more post- 19383
release control sanctions on an offender under this section, the 19384
offender upon release from imprisonment shall be under the 19385

general jurisdiction of the adult parole authority and generally 19386
shall be supervised by the field services section through its 19387
staff of parole and field officers as described in section 19388
5149.04 of the Revised Code, as if the offender had been placed 19389
on parole. If the offender upon release from imprisonment 19390
violates the post-release control sanction or any conditions 19391
described in division (A) of section 2967.131 of the Revised 19392
Code that are imposed on the offender, the public or private 19393
person or entity that operates or administers the sanction or 19394
the program or activity that comprises the sanction shall report 19395
the violation directly to the adult parole authority or to the 19396
officer of the authority who supervises the offender. The 19397
authority's officers may treat the offender as if the offender 19398
were on parole and in violation of the parole, and otherwise 19399
shall comply with this section. 19400

(2) If the adult parole authority or, pursuant to an 19401
agreement under section 2967.29 of the Revised Code, the court 19402
determines that a releasee has violated a post-release control 19403
sanction or any conditions described in division (A) of section 19404
2967.131 of the Revised Code imposed on the releasee and that a 19405
more restrictive sanction is appropriate, the authority or court 19406
may impose a more restrictive sanction on the releasee, in 19407
accordance with the standards established under division (E) of 19408
this section or in accordance with the agreement made under 19409
section 2967.29 of the Revised Code, or may report the violation 19410
to the parole board for a hearing pursuant to division (F) (3) of 19411
this section. The authority or court may not, pursuant to this 19412
division, increase the duration of the releasee's post-release 19413
control or impose as a post-release control sanction a 19414
residential sanction that includes a prison term, but the 19415
authority or court may impose on the releasee any other 19416

residential sanction, nonresidential sanction, or financial 19417
sanction that the sentencing court was authorized to impose 19418
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 19419
Revised Code. 19420

(3) The parole board or, pursuant to an agreement under 19421
section 2967.29 of the Revised Code, the court may hold a 19422
hearing on any alleged violation by a releasee of a post-release 19423
control sanction or any conditions described in division (A) of 19424
section 2967.131 of the Revised Code that are imposed upon the 19425
releasee. ~~If~~ Except as otherwise provided in this division, if 19426
after the hearing the board or court finds that the releasee 19427
violated the sanction or condition, the board or court may 19428
increase the duration of the releasee's post-release control up 19429
to the maximum duration authorized by division (B) or (C) of 19430
this section or impose a more restrictive post-release control 19431
sanction. If a releasee was acting pursuant to division (B) (2) 19432
(b) of section 2925.11 or a related provision of section 19433
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 19434
doing violated the conditions of a post-release control sanction 19435
based on a minor drug possession offense, as defined in that 19436
section, or violated section 2925.12, division (C) (1) of section 19437
2925.14, or section 2925.141 of the Revised Code, the board or 19438
the court ~~may consider the releasee's conduct in seeking or~~ 19439
~~obtaining medical assistance for another in good faith or for~~ 19440
~~self or may consider the releasee being the subject of another~~ 19441
~~person seeking or obtaining medical assistance in accordance~~ 19442
~~with that division as a mitigating factor before imposing~~ shall 19443
not impose any of the penalties described in this division based 19444
on the violation. When appropriate, the board or court may 19445
impose as a post-release control sanction a residential sanction 19446
that includes a prison term. The board or court shall consider a 19447

prison term as a post-release control sanction imposed for a 19448
violation of post-release control when the violation involves a 19449
deadly weapon or dangerous ordnance, physical harm or attempted 19450
serious physical harm to a person, or sexual misconduct. Unless 19451
a releasee's stated prison term was reduced pursuant to section 19452
5120.032 of the Revised Code, the period of a prison term that 19453
is imposed as a post-release control sanction under this 19454
division shall not exceed nine months, and the maximum 19455
cumulative prison term for all violations under this division 19456
shall not exceed one-half of the definite prison term that was 19457
the stated prison term originally imposed on the offender as 19458
part of this sentence or, with respect to a stated non-life 19459
felony indefinite prison term, one-half of the minimum prison 19460
term that was imposed as part of that stated prison term 19461
originally imposed on the offender. If a releasee's stated 19462
prison term was reduced pursuant to section 5120.032 of the 19463
Revised Code, the period of a prison term that is imposed as a 19464
post-release control sanction under this division and the 19465
maximum cumulative prison term for all violations under this 19466
division shall not exceed the period of time not served in 19467
prison under the sentence imposed by the court. The period of a 19468
prison term that is imposed as a post-release control sanction 19469
under this division shall not count as, or be credited toward, 19470
the remaining period of post-release control. If, during the 19471
period of the releasee's post-release control, the releasee 19472
serves as a post-release control sanction the maximum prison 19473
time available as a sanction, the post-release control shall 19474
terminate. 19475

If an offender is imprisoned for a felony committed while 19476
under post-release control supervision and is again released on 19477
post-release control for a period of time, the maximum 19478

cumulative prison term for all violations under this division 19479
shall not exceed one-half of the total stated prison terms of 19480
the earlier felony, reduced by any prison term administratively 19481
imposed by the parole board or court, plus one-half of the total 19482
stated prison term of the new felony. 19483

(G) (1) If an offender is simultaneously subject to a 19484
period of parole under an indefinite or life sentence and a 19485
period of post-release control, or is simultaneously subject to 19486
two periods of post-release control, the period of supervision 19487
that expires last shall determine the length and form of 19488
supervision for all the periods and the related sentences. 19489

(2) An offender shall receive credit for post-release 19490
control supervision during the period of parole, and shall not 19491
be eligible for final release under section 2967.16 of the 19492
Revised Code until the post-release control period otherwise 19493
would have ended. 19494

(3) If the period of parole ends prior to the end of the 19495
period of post-release control, the requirements of parole 19496
supervision shall be satisfied during the post-release control 19497
period. 19498

(H) (1) A period of post-release control shall not be 19499
imposed consecutively to any other post-release control period. 19500

(2) The period of post-release control for a releasee who 19501
commits a felony while under post-release control for an earlier 19502
felony shall be the longer of the period of post-release control 19503
specified for the new felony under division (B) or (C) of this 19504
section or the time remaining under the period of post-release 19505
control imposed for the earlier felony as determined by the 19506
parole board or court. 19507

Sec. 3770.021. Except as otherwise provided in this 19508
section, no person shall be employed by or continue employment 19509
with the state lottery commission who has been convicted in any 19510
jurisdiction of a felony, or of a misdemeanor of the first, 19511
second, or third degree, involving gambling, fraud or 19512
misrepresentation, theft, or any crime of moral turpitude, as 19513
long as the record of the conviction has not been sealed or 19514
expunged pursuant to Chapter 2953. of the Revised Code or 19515
pursuant to a statute of another jurisdiction that governs the 19516
sealing or expungement of criminal records. The director of the 19517
commission may adopt internal management rules designating 19518
vehicular offenses, conviction of which will disqualify persons 19519
from employment with the commission; specifying time periods 19520
after which persons who have been convicted of the offenses 19521
described in this section may be employed by the commission; and 19522
establishing requirements for an applicant or employee to seek a 19523
court order to have the records sealed or expunged in accordance 19524
with law relating to the sealing or expungement of criminal 19525
records. 19526

Sec. 4301.69. (A) Except as otherwise provided in this 19527
chapter, no person shall sell beer or intoxicating liquor to an 19528
underage person, shall buy beer or intoxicating liquor for an 19529
underage person, or shall furnish it to an underage person, 19530
unless given by a physician in the regular line of the 19531
physician's practice or given for established religious purposes 19532
or unless the underage person is supervised by a parent, spouse 19533
who is not an underage person, or legal guardian. 19534

In proceedings before the liquor control commission, no 19535
permit holder, or no employee or agent of a permit holder, 19536
charged with a violation of this division shall be charged, for 19537
the same offense, with a violation of division (A) (1) of section 19538

4301.22 of the Revised Code. 19539

(B) No person who is the owner or occupant of any public 19540
or private place shall knowingly allow any underage person to 19541
remain in or on the place while possessing or consuming beer or 19542
intoxicating liquor, unless the intoxicating liquor or beer is 19543
given to the person possessing or consuming it by that person's 19544
parent, spouse who is not an underage person, or legal guardian 19545
and the parent, spouse who is not an underage person, or legal 19546
guardian is present at the time of the person's possession or 19547
consumption of the beer or intoxicating liquor. 19548

An owner of a public or private place is not liable for 19549
acts or omissions in violation of this division that are 19550
committed by a lessee of that place, unless the owner authorizes 19551
or acquiesces in the lessee's acts or omissions. 19552

(C) No person shall engage or use accommodations at a 19553
hotel, inn, cabin, campground, or restaurant when the person 19554
knows or has reason to know either of the following: 19555

(1) That beer or intoxicating liquor will be consumed by 19556
an underage person on the premises of the accommodations that 19557
the person engages or uses, unless the person engaging or using 19558
the accommodations is the spouse of the underage person and is 19559
not an underage person, or is the parent or legal guardian of 19560
all of the underage persons, who consume beer or intoxicating 19561
liquor on the premises and that person is on the premises at all 19562
times when beer or intoxicating liquor is being consumed by an 19563
underage person; 19564

(2) That a drug of abuse will be consumed on the premises 19565
of the accommodations by any person, except a person who 19566
obtained the drug of abuse pursuant to a prescription issued by 19567

a licensed health professional authorized to prescribe drugs and 19568
has the drug of abuse in the original container in which it was 19569
dispensed to the person. 19570

(D) (1) No person is required to permit the engagement of 19571
accommodations at any hotel, inn, cabin, or campground by an 19572
underage person or for an underage person, if the person 19573
engaging the accommodations knows or has reason to know that the 19574
underage person is intoxicated, or that the underage person 19575
possesses any beer or intoxicating liquor and is not supervised 19576
by a parent, spouse who is not an underage person, or legal 19577
guardian who is or will be present at all times when the beer or 19578
intoxicating liquor is being consumed by the underage person. 19579

(2) No underage person shall knowingly engage or attempt 19580
to engage accommodations at any hotel, inn, cabin, or campground 19581
by presenting identification that falsely indicates that the 19582
underage person is twenty-one years of age or older for the 19583
purpose of violating this section. 19584

(E) (1) No underage person shall knowingly order, pay for, 19585
share the cost of, attempt to purchase, possess, or consume any 19586
beer or intoxicating liquor in any public or private place. No 19587
underage person shall knowingly be under the influence of any 19588
beer or intoxicating liquor in any public place. The 19589
prohibitions set forth in division (E) (1) of this section 19590
against an underage person knowingly possessing, consuming, or 19591
being under the influence of any beer or intoxicating liquor 19592
shall not apply if the underage person is supervised by a 19593
parent, spouse who is not an underage person, or legal guardian, 19594
or the beer or intoxicating liquor is given by a physician in 19595
the regular line of the physician's practice or given for 19596
established religious purposes. 19597

(2) (a) If a person is charged with violating division (E) 19598
(1) of this section in a complaint filed under section 2151.27 19599
of the Revised Code, the court may order the child into a 19600
diversion program specified by the court and hold the complaint 19601
in abeyance pending successful completion of the diversion 19602
program. A child is ineligible to enter into a diversion program 19603
under division (E) (2) (a) of this section if the child previously 19604
has been diverted pursuant to division (E) (2) (a) of this 19605
section. If the child completes the diversion program to the 19606
satisfaction of the court, the court shall dismiss the complaint 19607
and order the child's record in the case sealed under sections 19608
2151.356 to 2151.358 of the Revised Code. If the child fails to 19609
satisfactorily complete the diversion program, the court shall 19610
proceed with the complaint. 19611

(b) If a person is charged in a criminal complaint with 19612
violating division (E) (1) of this section, section 2935.36 of 19613
the Revised Code shall apply to the offense, except that a 19614
person is ineligible for diversion under that section if the 19615
person previously has been diverted pursuant to division (E) (2) 19616
(a) or (b) of this section. If the person completes the 19617
diversion program to the satisfaction of the court, the court 19618
shall dismiss the complaint and order the record in the case 19619
sealed under section ~~2953.52~~ 2953.33 of the Revised Code. If the 19620
person fails to satisfactorily complete the diversion program, 19621
the court shall proceed with the complaint. 19622

(F) No parent, spouse who is not an underage person, or 19623
legal guardian of a minor shall knowingly permit the minor to 19624
violate this section or section 4301.63, 4301.633, or 4301.634 19625
of the Revised Code. 19626

(G) The operator of any hotel, inn, cabin, or campground 19627

shall make the provisions of this section available in writing 19628
to any person engaging or using accommodations at the hotel, 19629
inn, cabin, or campground. 19630

(H) As used in this section: 19631

(1) "Drug of abuse" has the same meaning as in section 19632
3719.011 of the Revised Code. 19633

(2) "Hotel" has the same meaning as in section 3731.01 of 19634
the Revised Code. 19635

(3) "Licensed health professional authorized to prescribe 19636
drugs" and "prescription" have the same meanings as in section 19637
4729.01 of the Revised Code. 19638

(4) "Minor" means a person under the age of eighteen 19639
years. 19640

(5) "Underage person" means a person under the age of 19641
twenty-one years. 19642

Sec. 4301.99. (A) Whoever violates section 4301.47, 19643
4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 19644
4301.65 or division (B) of section 4301.691 of the Revised Code 19645
is guilty of a minor misdemeanor. 19646

(B) Whoever violates section 4301.15, division (A) (2) or 19647
(C) of section 4301.22, division (C), (D), (E), (F), (G), (H), 19648
or (I) of section 4301.631, or section 4301.64 or 4301.67 of the 19649
Revised Code is guilty of a misdemeanor of the fourth degree. 19650

If an offender who violates section 4301.64 of the Revised 19651
Code was under the age of eighteen years at the time of the 19652
offense, the court, in addition to any other penalties it 19653
imposes upon the offender, may suspend the offender's temporary 19654
instruction permit, probationary driver's license, or driver's 19655

license for a period of not less than six months and not more
than one year. In lieu of suspending the offender's temporary
instruction permit, probationary driver's license, or driver's
license, the court instead may require the offender to perform
community service for a number of hours determined by the court.
If the offender is fifteen years and six months of age or older
and has not been issued a temporary instruction permit or
probationary driver's license, the offender shall not be
eligible to be issued such a license or permit for a period of
six months. If the offender has not attained the age of fifteen
years and six months, the offender shall not be eligible to be
issued a temporary instruction permit until the offender attains
the age of sixteen years.

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

~~If an offender who violates division (E)(1) of section
4301.69 of the Revised Code was under the age of eighteen years
at the time of the offense and the offense occurred while the
offender was the operator of or a passenger in a motor vehicle,
the court, in addition to any other penalties it imposes upon
the offender, shall suspend the offender's temporary instruction
permit or probationary driver's license for a period of not less
than six months and not more than one year. If the offender is
fifteen years and six months of age or older and has not been
issued a temporary instruction permit or probationary driver's
license, the offender shall not be eligible to be issued such a
license or permit for a period of six months. If the offender~~

~~has not attained the age of fifteen years and six months, the~~ 19687
~~offender shall not be eligible to be issued a temporary~~ 19688
~~instruction permit until the offender attains the age of sixteen~~ 19689
~~years.~~ 19690

(D) Whoever violates division (B) of section 4301.14, ~~or~~ 19691
division (A) (1) or (3) or (B) of section 4301.22, division (E) 19692
(1) of section 4301.69, or division (C) or (D) of section 19693
4301.691 of the Revised Code is guilty of a misdemeanor of the 19694
third degree. 19695

If an offender who violates division (E) (1) of section 19696
4301.69 of the Revised Code was under the age of eighteen years 19697
at the time of the offense and the offense occurred while the 19698
offender was the operator of or a passenger in a motor vehicle, 19699
the court, in addition to any other penalties it imposes upon 19700
the offender, shall suspend the offender's temporary instruction 19701
permit or probationary driver's license for a period of not less 19702
than six months and not more than one year. If the offender is 19703
fifteen years and six months of age or older and has not been 19704
issued a temporary instruction permit or probationary driver's 19705
license, the offender shall not be eligible to be issued such a 19706
license or permit for a period of six months. If the offender 19707
has not attained the age of fifteen years and six months, the 19708
offender shall not be eligible to be issued a temporary 19709
instruction permit until the offender attains the age of sixteen 19710
years. 19711

(E) Whoever violates section 4301.63 or division (B) of 19712
section 4301.631 of the Revised Code shall be fined not less 19713
than twenty-five nor more than one hundred dollars. The court 19714
imposing a fine for a violation of section 4301.63 or division 19715
(B) of section 4301.631 of the Revised Code may order that the 19716

fine be paid by the performance of public work at a reasonable 19717
hourly rate established by the court. The court shall designate 19718
the time within which the public work shall be completed. 19719

(F) (1) Whoever violates section 4301.634 of the Revised 19720
Code is guilty of a misdemeanor of the first degree. If, in 19721
committing a first violation of that section, the offender 19722
presented to the permit holder or the permit holder's employee 19723
or agent a false, fictitious, or altered identification card, a 19724
false or fictitious driver's license purportedly issued by any 19725
state, or a driver's license issued by any state that has been 19726
altered, the offender is guilty of a misdemeanor of the first 19727
degree and shall be fined not less than two hundred fifty and 19728
not more than one thousand dollars, and may be sentenced to a 19729
term of imprisonment of not more than six months. 19730

(2) On a second violation in which, for the second time, 19731
the offender presented to the permit holder or the permit 19732
holder's employee or agent a false, fictitious, or altered 19733
identification card, a false or fictitious driver's license 19734
purportedly issued by any state, or a driver's license issued by 19735
any state that has been altered, the offender is guilty of a 19736
misdemeanor of the first degree and shall be fined not less than 19737
five hundred nor more than one thousand dollars, and may be 19738
sentenced to a term of imprisonment of not more than six months. 19739
The court also may impose a class seven suspension of the 19740
offender's driver's or commercial driver's license or permit or 19741
nonresident operating privilege from the range specified in 19742
division (A) (7) of section 4510.02 of the Revised Code. 19743

(3) On a third or subsequent violation in which, for the 19744
third or subsequent time, the offender presented to the permit 19745
holder or the permit holder's employee or agent a false, 19746

fictitious, or altered identification card, a false or 19747
fictitious driver's license purportedly issued by any state, or 19748
a driver's license issued by any state that has been altered, 19749
the offender is guilty of a misdemeanor of the first degree and 19750
shall be fined not less than five hundred nor more than one 19751
thousand dollars, and may be sentenced to a term of imprisonment 19752
of not more than six months. Except as provided in this 19753
division, the court also may impose a class six suspension of 19754
the offender's driver's or commercial driver's license or permit 19755
or nonresident operating privilege from the range specified in 19756
division (A) (6) of section 4510.02 of the Revised Code, and the 19757
court may order that the suspension or denial remain in effect 19758
until the offender attains the age of twenty-one years. The 19759
court, in lieu of suspending the offender's temporary 19760
instruction permit, probationary driver's license, or driver's 19761
license, instead may order the offender to perform a determinate 19762
number of hours of community service, with the court determining 19763
the actual number of hours and the nature of the community 19764
service the offender shall perform. 19765

(G) Whoever violates section 4301.636 of the Revised Code 19766
is guilty of a felony of the fifth degree. 19767

(H) Whoever violates division (A) (1) of section 4301.22 of 19768
the Revised Code is guilty of a misdemeanor, shall be fined not 19769
less than five hundred and not more than one thousand dollars, 19770
and, in addition to the fine, may be imprisoned for a definite 19771
term of not more than sixty days. 19772

(I) Whoever violates division (A) of section 4301.69 or 19773
division (H) of section 4301.691 of the Revised Code is guilty 19774
of a misdemeanor, shall be fined not less than five hundred and 19775
not more than one thousand dollars, and, in addition to the 19776

fine, may be imprisoned for a definite term of not more than six months. 19777
19778

(J) Whoever violates division (B) of section 4301.65 of the Revised Code is guilty of a misdemeanor of the third degree. 19779
For a second or subsequent violation occurring within a period of five consecutive years after the first violation, a person is guilty of a misdemeanor of the first degree. 19780
19781
19782
19783

Sec. 4506.01. As used in this chapter: 19784

(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following: 19785
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19787

(1) One hundred milliliters of whole blood, blood serum, or blood plasma; 19788
19789

(2) Two hundred ten liters of breath; 19790

(3) One hundred milliliters of urine. 19791

(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. 19792
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(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701. 19795
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(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications: 19799
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19801
19802

(1) Any combination of vehicles with a gross vehicle 19803

weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or more;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

(E) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;

(2) Any substance included in schedules I through V of 21

C.F.R. part 1308, as amended;	19832
(3) Any drug of abuse.	19833
(F) "Conviction" means an unvacated adjudication of guilt	19834
or a determination that a person has violated or failed to	19835
comply with the law in a court of original jurisdiction or an	19836
authorized administrative tribunal, an unvacated forfeiture of	19837
bail or collateral deposited to secure the person's appearance	19838
in court, a plea of guilty or nolo contendere accepted by the	19839
court, the payment of a fine or court cost, or violation of a	19840
condition of release without bail, regardless of whether or not	19841
the penalty is rebated, suspended, or probated.	19842
(G) "Disqualification" means any of the following:	19843
(1) The suspension, revocation, or cancellation of a	19844
person's privileges to operate a commercial motor vehicle;	19845
(2) Any withdrawal of a person's privileges to operate a	19846
commercial motor vehicle as the result of a violation of state	19847
or local law relating to motor vehicle traffic control other	19848
than parking, vehicle weight, or vehicle defect violations;	19849
(3) A determination by the federal motor carrier safety	19850
administration that a person is not qualified to operate a	19851
commercial motor vehicle under 49 C.F.R. 391.	19852
(H) "Domiciled" means having a true, fixed, principal, and	19853
permanent residence to which an individual intends to return.	19854
(I) "Downgrade" means any of the following, as applicable:	19855
(1) A change in the commercial driver's license, or	19856
commercial driver's license temporary instruction permit,	19857
holder's self-certified status as described in division (A) (1)	19858
of section 4506.10 of the Revised Code;	19859

(2) A change to a lesser class of vehicle;	19860
(3) Removal of commercial driver's license privileges from the individual's driver's license.	19861 19862
(J) "Drive" means to drive, operate, or be in physical control of a motor vehicle.	19863 19864
(K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	19865 19866 19867
(L) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	19868 19869
(M) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, <u>harmful intoxicant as defined in section 2925.01 of the Revised Code</u> , or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.	19870 19871 19872 19873 19874 19875
(N) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.	19876 19877 19878
(O) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census.	19879 19880 19881
(P) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.	19882 19883 19884 19885
(Q) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the	19886 19887

person to operate a specified type of commercial motor vehicle. 19888

(R) "Farm truck" means a truck controlled and operated by 19889
a farmer for use in the transportation to or from a farm, for a 19890
distance of not more than one hundred fifty miles, of products 19891
of the farm, including livestock and its products, poultry and 19892
its products, floricultural and horticultural products, and in 19893
the transportation to the farm, from a distance of not more than 19894
one hundred fifty miles, of supplies for the farm, including 19895
tile, fence, and every other thing or commodity used in 19896
agricultural, floricultural, horticultural, livestock, and 19897
poultry production, and livestock, poultry, and other animals 19898
and things used for breeding, feeding, or other purposes 19899
connected with the operation of the farm, when the truck is 19900
operated in accordance with this division and is not used in the 19901
operations of a motor carrier, as defined in section 4923.01 of 19902
the Revised Code. 19903

(S) "Fatality" means the death of a person as the result 19904
of a motor vehicle accident occurring not more than three 19905
hundred sixty-five days prior to the date of death. 19906

(T) "Felony" means any offense under federal or state law 19907
that is punishable by death or specifically classified as a 19908
felony under the law of this state, regardless of the penalty 19909
that may be imposed. 19910

(U) "Foreign jurisdiction" means any jurisdiction other 19911
than a state. 19912

(V) "Gross vehicle weight rating" means the value 19913
specified by the manufacturer as the maximum loaded weight of a 19914
single or a combination vehicle. The gross vehicle weight rating 19915
of a combination vehicle is the gross vehicle weight rating of 19916

the power unit plus the gross vehicle weight rating of each 19917
towed unit. 19918

(W) "Hazardous materials" means any material that has been 19919
designated as hazardous under 49 U.S.C. 5103 and is required to 19920
be placarded under subpart F of 49 C.F.R. part 172 or any 19921
quantity of a material listed as a select agent or toxin in 42 19922
C.F.R. part 73, as amended. 19923

(X) "Imminent hazard" means the existence of a condition 19924
that presents a substantial likelihood that death, serious 19925
illness, severe personal injury, or a substantial endangerment 19926
to health, property, or the environment may occur before the 19927
reasonably foreseeable completion date of a formal proceeding 19928
begun to lessen the risk of that death, illness, injury, or 19929
endangerment. 19930

(Y) "Medical variance" means one of the following received 19931
by a driver from the federal motor carrier safety administration 19932
that allows the driver to be issued a medical certificate: 19933

(1) An exemption letter permitting operation of a 19934
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 19935
C.F.R. 391.64; 19936

(2) A skill performance evaluation certificate permitting 19937
operation of a commercial motor vehicle pursuant to 49 C.F.R. 19938
391.49. 19939

(Z) "Mobile telephone" means a mobile communication device 19940
that falls under or uses any commercial mobile radio service as 19941
defined in 47 C.F.R. 20, except that mobile telephone does not 19942
include two-way or citizens band radio services. 19943

(AA) "Motor vehicle" means a vehicle, machine, tractor, 19944
trailer, or semitrailer propelled or drawn by mechanical power 19945

used on highways, except that such term does not include a 19946
vehicle, machine, tractor, trailer, or semitrailer operated 19947
exclusively on a rail. 19948

(BB) "Out-of-service order" means a declaration by an 19949
authorized enforcement officer of a federal, state, local, 19950
Canadian, or Mexican jurisdiction declaring that a driver, 19951
commercial motor vehicle, or commercial motor carrier operation 19952
is out of service as defined in 49 C.F.R. 390.5. 19953

(CC) "Peace officer" has the same meaning as in section 19954
2935.01 of the Revised Code. 19955

(DD) "Portable tank" means a liquid or gaseous packaging 19956
designed primarily to be loaded onto or temporarily attached to 19957
a vehicle and equipped with skids, mountings, or accessories to 19958
facilitate handling of the tank by mechanical means. 19959

(EE) "Public safety vehicle" has the same meaning as in 19960
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 19961

(FF) "Recreational vehicle" includes every vehicle that is 19962
defined as a recreational vehicle in section 4501.01 of the 19963
Revised Code and is used exclusively for purposes other than 19964
engaging in business for profit. 19965

(GG) "Residence" means any person's residence determined 19966
in accordance with standards prescribed in rules adopted by the 19967
registrar. 19968

(HH) "School bus" has the same meaning as in section 19969
4511.01 of the Revised Code. 19970

(II) "Serious traffic violation" means any of the 19971
following: 19972

(1) A conviction arising from a single charge of operating 19973

a commercial motor vehicle in violation of any provision of	19974
section 4506.03 of the Revised Code;	19975
(2) (a) Except as provided in division (II) (2) (b) of this	19976
section, a violation while operating a commercial motor vehicle	19977
of a law of this state, or any municipal ordinance or county or	19978
township resolution, or any other substantially similar law of	19979
another state or political subdivision of another state	19980
prohibiting either of the following:	19981
(i) Texting while driving;	19982
(ii) Using a handheld mobile telephone.	19983
(b) It is not a serious traffic violation if the person	19984
was texting or using a handheld mobile telephone to contact law	19985
enforcement or other emergency services.	19986
(3) A conviction arising from the operation of any motor	19987
vehicle that involves any of the following:	19988
(a) A single charge of any speed in excess of the posted	19989
speed limit by fifteen miles per hour or more;	19990
(b) Violation of section 4511.20 or 4511.201 of the	19991
Revised Code or any similar ordinance or resolution, or of any	19992
similar law of another state or political subdivision of another	19993
state;	19994
(c) Violation of a law of this state or an ordinance or	19995
resolution relating to traffic control, other than a parking	19996
violation, or of any similar law of another state or political	19997
subdivision of another state, that results in a fatal accident;	19998
(d) Violation of section 4506.03 of the Revised Code or a	19999
substantially similar municipal ordinance or county or township	20000
resolution, or of any similar law of another state or political	20001

subdivision of another state, that involves the operation of a 20002
commercial motor vehicle without a valid commercial driver's 20003
license with the proper class or endorsement for the specific 20004
vehicle group being operated or for the passengers or type of 20005
cargo being transported; 20006

(e) Violation of section 4506.03 of the Revised Code or a 20007
substantially similar municipal ordinance or county or township 20008
resolution, or of any similar law of another state or political 20009
subdivision of another state, that involves the operation of a 20010
commercial motor vehicle without a valid commercial driver's 20011
license being in the person's possession; 20012

(f) Violation of section 4511.33 or 4511.34 of the Revised 20013
Code, or any municipal ordinance or county or township 20014
resolution substantially similar to either of those sections, or 20015
any substantially similar law of another state or political 20016
subdivision of another state; 20017

(g) Violation of any other law of this state, any law of 20018
another state, or any ordinance or resolution of a political 20019
subdivision of this state or another state that meets both of 20020
the following requirements: 20021

(i) It relates to traffic control, other than a parking 20022
violation; 20023

(ii) It is determined to be a serious traffic violation by 20024
the United States secretary of transportation and is designated 20025
by the director as such by rule. 20026

(JJ) "State" means a state of the United States and 20027
includes the District of Columbia. 20028

(KK) "Tank vehicle" means any commercial motor vehicle 20029
that is designed to transport any liquid or gaseous materials 20030

within a tank or tanks that are either permanently or 20031
temporarily attached to the vehicle or its chassis and have an 20032
individual rated capacity of more than one hundred nineteen 20033
gallons and an aggregate rated capacity of one thousand gallons 20034
or more. "Tank vehicle" does not include a commercial motor 20035
vehicle transporting an empty storage container tank that is not 20036
designed for transportation, has a rated capacity of one 20037
thousand gallons or more, and is temporarily attached to a 20038
flatbed trailer. 20039

(LL) "Tester" means a person or entity acting pursuant to 20040
a valid agreement entered into pursuant to division (B) of 20041
section 4506.09 of the Revised Code. 20042

(MM) "Texting" means manually entering alphanumeric text 20043
into, or reading text from, an electronic device. Texting 20044
includes short message service, e-mail, instant messaging, a 20045
command or request to access a world wide web page, pressing 20046
more than a single button to initiate or terminate a voice 20047
communication using a mobile telephone, or engaging in any other 20048
form of electronic text retrieval or entry, for present or 20049
future communication. Texting does not include the following: 20050

(1) Using voice commands to initiate, receive, or 20051
terminate a voice communication using a mobile telephone; 20052

(2) Inputting, selecting, or reading information on a 20053
global positioning system or navigation system; 20054

(3) Pressing a single button to initiate or terminate a 20055
voice communication using a mobile telephone; or 20056

(4) Using, for a purpose that is not otherwise prohibited 20057
by law, a device capable of performing multiple functions, such 20058
as a fleet management system, a dispatching device, a mobile 20059

telephone, a citizens band radio, or a music player. 20060

(NN) "Texting while driving" means texting while operating 20061
a commercial motor vehicle, with the motor running, including 20062
while temporarily stationary because of traffic, a traffic 20063
control device, or other momentary delays. Texting while driving 20064
does not include operating a commercial motor vehicle with or 20065
without the motor running when the driver has moved the vehicle 20066
to the side of, or off, a highway and is stopped in a location 20067
where the vehicle can safely remain stationary. 20068

(OO) "United States" means the fifty states and the 20069
District of Columbia. 20070

(PP) "Upgrade" means a change in the class of vehicles, 20071
endorsements, or self-certified status as described in division 20072
(A) (1) of section 4506.10 of the Revised Code, that expands the 20073
ability of a current commercial driver's license holder to 20074
operate commercial motor vehicles under this chapter; 20075

(QQ) "Use of a handheld mobile telephone" means: 20076

(1) Using at least one hand to hold a mobile telephone to 20077
conduct a voice communication; 20078

(2) Dialing or answering a mobile telephone by pressing 20079
more than a single button; or 20080

(3) Reaching for a mobile telephone in a manner that 20081
requires a driver to maneuver so that the driver is no longer in 20082
a seated driving position, or restrained by a seat belt that is 20083
installed in accordance with 49 C.F.R. 393.93 and adjusted in 20084
accordance with the vehicle manufacturer's instructions. 20085

(RR) "Vehicle" has the same meaning as in section 4511.01 20086
of the Revised Code. 20087

Sec. 4510.04. It is an affirmative defense to any 20088
prosecution brought under section 4510.037, 4510.11, 4510.111, 20089
4510.14, 4510.16, or 4510.21 of the Revised Code or under any 20090
substantially equivalent municipal ordinance that the alleged 20091
offender drove under suspension, without a valid permit or 20092
driver's or commercial driver's license, or in violation of a 20093
restriction because of a substantial emergency, and because no 20094
other person was reasonably available to drive in response to 20095
the emergency. 20096

Sec. 4510.17. (A) The registrar of motor vehicles shall 20097
impose a class D suspension of the person's driver's license, 20098
commercial driver's license, temporary instruction permit, 20099
probationary license, or nonresident operating privilege for the 20100
period of time specified in division (B) (4) of section 4510.02 20101
of the Revised Code on any person who is a resident of this 20102
state and is convicted of or pleads guilty to a violation of a 20103
statute of any other state or any federal statute that is 20104
substantially similar to section 2925.02, 2925.03, 2925.04, 20105
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 20106
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 20107
2925.37 of the Revised Code. Upon receipt of a report from a 20108
court, court clerk, or other official of any other state or from 20109
any federal authority that a resident of this state was 20110
convicted of or pleaded guilty to an offense described in this 20111
division, the registrar shall send a notice by regular first 20112
class mail to the person, at the person's last known address as 20113
shown in the records of the bureau of motor vehicles, informing 20114
the person of the suspension, that the suspension will take 20115
effect twenty-one days from the date of the notice, and that, if 20116
the person wishes to appeal the suspension or denial, the person 20117
must file a notice of appeal within twenty-one days of the date 20118

of the notice requesting a hearing on the matter. If the person 20119
requests a hearing, the registrar shall hold the hearing not 20120
more than forty days after receipt by the registrar of the 20121
notice of appeal. The filing of a notice of appeal does not stay 20122
the operation of the suspension that must be imposed pursuant to 20123
this division. The scope of the hearing shall be limited to 20124
whether the person actually was convicted of or pleaded guilty 20125
to the offense for which the suspension is to be imposed. 20126

The suspension the registrar is required to impose under 20127
this division shall end either on the last day of the class D 20128
suspension period or of the suspension of the person's 20129
nonresident operating privilege imposed by the state or federal 20130
court, whichever is earlier. 20131

The registrar shall subscribe to or otherwise participate 20132
in any information system or register, or enter into reciprocal 20133
and mutual agreements with other states and federal authorities, 20134
in order to facilitate the exchange of information with other 20135
states and the United States government regarding persons who 20136
plead guilty to or are convicted of offenses described in this 20137
division and therefore are subject to the suspension or denial 20138
described in this division. 20139

(B) The registrar shall impose a class D suspension of the 20140
person's driver's license, commercial driver's license, 20141
temporary instruction permit, probationary license, or 20142
nonresident operating privilege for the period of time specified 20143
in division (B) (4) of section 4510.02 of the Revised Code on any 20144
person who is a resident of this state and is convicted of or 20145
pleads guilty to a violation of a statute of any other state or 20146
a municipal ordinance of a municipal corporation located in any 20147
other state that is substantially similar to section 4511.19 of 20148

the Revised Code. Upon receipt of a report from another state 20149
made pursuant to section 4510.61 of the Revised Code indicating 20150
that a resident of this state was convicted of or pleaded guilty 20151
to an offense described in this division, the registrar shall 20152
send a notice by regular first class mail to the person, at the 20153
person's last known address as shown in the records of the 20154
bureau of motor vehicles, informing the person of the 20155
suspension, that the suspension or denial will take effect 20156
twenty-one days from the date of the notice, and that, if the 20157
person wishes to appeal the suspension, the person must file a 20158
notice of appeal within twenty-one days of the date of the 20159
notice requesting a hearing on the matter. If the person 20160
requests a hearing, the registrar shall hold the hearing not 20161
more than forty days after receipt by the registrar of the 20162
notice of appeal. The filing of a notice of appeal does not stay 20163
the operation of the suspension that must be imposed pursuant to 20164
this division. The scope of the hearing shall be limited to 20165
whether the person actually was convicted of or pleaded guilty 20166
to the offense for which the suspension is to be imposed. 20167

The suspension the registrar is required to impose under 20168
this division shall end either on the last day of the class D 20169
suspension period or of the suspension of the person's 20170
nonresident operating privilege imposed by the state or federal 20171
court, whichever is earlier. 20172

(C) The registrar shall impose a class D suspension of the 20173
child's driver's license, commercial driver's license, temporary 20174
instruction permit, or nonresident operating privilege for the 20175
period of time specified in division (B) (4) of section 4510.02 20176
of the Revised Code on any child who is a resident of this state 20177
and is convicted of or pleads guilty to a violation of a statute 20178
of any other state or any federal statute that is substantially 20179

similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 20180
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 20181
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 20182
Code. Upon receipt of a report from a court, court clerk, or 20183
other official of any other state or from any federal authority 20184
that a child who is a resident of this state was convicted of or 20185
pleaded guilty to an offense described in this division, the 20186
registrar shall send a notice by regular first class mail to the 20187
child, at the child's last known address as shown in the records 20188
of the bureau of motor vehicles, informing the child of the 20189
suspension, that the suspension or denial will take effect 20190
twenty-one days from the date of the notice, and that, if the 20191
child wishes to appeal the suspension, the child must file a 20192
notice of appeal within twenty-one days of the date of the 20193
notice requesting a hearing on the matter. If the child requests 20194
a hearing, the registrar shall hold the hearing not more than 20195
forty days after receipt by the registrar of the notice of 20196
appeal. The filing of a notice of appeal does not stay the 20197
operation of the suspension that must be imposed pursuant to 20198
this division. The scope of the hearing shall be limited to 20199
whether the child actually was convicted of or pleaded guilty to 20200
the offense for which the suspension is to be imposed. 20201

The suspension the registrar is required to impose under 20202
this division shall end either on the last day of the class D 20203
suspension period or of the suspension of the child's 20204
nonresident operating privilege imposed by the state or federal 20205
court, whichever is earlier. If the child is a resident of this 20206
state who is sixteen years of age or older and does not have a 20207
current, valid Ohio driver's or commercial driver's license or 20208
permit, the notice shall inform the child that the child will be 20209
denied issuance of a driver's or commercial driver's license or 20210

permit for six months beginning on the date of the notice. If 20211
the child has not attained the age of sixteen years on the date 20212
of the notice, the notice shall inform the child that the period 20213
of denial of six months shall commence on the date the child 20214
attains the age of sixteen years. 20215

The registrar shall subscribe to or otherwise participate 20216
in any information system or register, or enter into reciprocal 20217
and mutual agreements with other states and federal authorities, 20218
in order to facilitate the exchange of information with other 20219
states and the United States government regarding children who 20220
are residents of this state and plead guilty to or are convicted 20221
of offenses described in this division and therefore are subject 20222
to the suspension or denial described in this division. 20223

(D) The registrar shall impose a class D suspension of the 20224
child's driver's license, commercial driver's license, temporary 20225
instruction permit, probationary license, or nonresident 20226
operating privilege for the period of time specified in division 20227
(B) (4) of section 4510.02 of the Revised Code on any child who 20228
is a resident of this state and is convicted of or pleads guilty 20229
to a violation of a statute of any other state or a municipal 20230
ordinance of a municipal corporation located in any other state 20231
that is substantially similar to section 4511.19 of the Revised 20232
Code. Upon receipt of a report from another state made pursuant 20233
to section 4510.61 of the Revised Code indicating that a child 20234
who is a resident of this state was convicted of or pleaded 20235
guilty to an offense described in this division, the registrar 20236
shall send a notice by regular first class mail to the child, at 20237
the child's last known address as shown in the records of the 20238
bureau of motor vehicles, informing the child of the suspension, 20239
that the suspension will take effect twenty-one days from the 20240
date of the notice, and that, if the child wishes to appeal the 20241

suspension, the child must file a notice of appeal within 20242
twenty-one days of the date of the notice requesting a hearing 20243
on the matter. If the child requests a hearing, the registrar 20244
shall hold the hearing not more than forty days after receipt by 20245
the registrar of the notice of appeal. The filing of a notice of 20246
appeal does not stay the operation of the suspension that must 20247
be imposed pursuant to this division. The scope of the hearing 20248
shall be limited to whether the child actually was convicted of 20249
or pleaded guilty to the offense for which the suspension is to 20250
be imposed. 20251

The suspension the registrar is required to impose under 20252
this division shall end either on the last day of the class D 20253
suspension period or of the suspension of the child's 20254
nonresident operating privilege imposed by the state or federal 20255
court, whichever is earlier. If the child is a resident of this 20256
state who is sixteen years of age or older and does not have a 20257
current, valid Ohio driver's or commercial driver's license or 20258
permit, the notice shall inform the child that the child will be 20259
denied issuance of a driver's or commercial driver's license or 20260
permit for six months beginning on the date of the notice. If 20261
the child has not attained the age of sixteen years on the date 20262
of the notice, the notice shall inform the child that the period 20263
of denial of six months shall commence on the date the child 20264
attains the age of sixteen years. 20265

(E) (1) Any person whose license or permit has been 20266
suspended pursuant to this section may file a petition in the 20267
municipal or county court, or in case the person is under 20268
eighteen years of age, the juvenile court, in whose jurisdiction 20269
the person resides, requesting limited driving privileges and 20270
agreeing to pay the cost of the proceedings. Except as provided 20271
in division (E) (2) or (3) of this section, the judge may grant 20272

the person limited driving privileges during the period during 20273
which the suspension otherwise would be imposed for any of the 20274
purposes set forth in division (A) of section 4510.021 of the 20275
Revised Code. 20276

(2) No judge shall grant limited driving privileges for 20277
employment as a driver of a commercial motor vehicle to any 20278
person who would be disqualified from operating a commercial 20279
motor vehicle under section 4506.16 of the Revised Code if the 20280
violation had occurred in this state. Further, no judge shall 20281
grant limited driving privileges during any of the following 20282
periods of time: 20283

(a) The first fifteen days of a suspension under division 20284
(B) or (D) of this section, if the person has not been convicted 20285
within ten years of the date of the offense giving rise to the 20286
suspension under this section of a violation of any of the 20287
following: 20288

(i) ~~Section~~ Division (A) of section 4511.19 of the Revised 20289
Code, or a municipal ordinance relating to operating a vehicle 20290
while under the influence of alcohol, a drug of abuse, or 20291
alcohol and a drug of abuse; 20292

(ii) A municipal ordinance relating to operating a motor 20293
vehicle with a prohibited concentration of alcohol, a controlled 20294
substance, or a metabolite of a controlled substance in the 20295
whole blood, blood serum or plasma, breath, or urine; 20296

(iii) Section 2903.04 of the Revised Code in a case in 20297
which the person was subject to the sanctions described in 20298
division (D) of that section; 20299

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 20300
of section 2903.08 of the Revised Code or a municipal ordinance 20301

that is substantially similar to either of those divisions; 20302

(v) Division (A) (2), (3), or (4) of section 2903.06, 20303
division (A) (2) of section 2903.08, or as it existed prior to 20304
March 23, 2000, section 2903.07 of the Revised Code, or a 20305
municipal ordinance that is substantially similar to any of 20306
those divisions or that former section, in a case in which the 20307
jury or judge found that the person was under the influence of 20308
alcohol, a drug of abuse, or alcohol and a drug of abuse. 20309

(b) The first thirty days of a suspension under division 20310
(B) or (D) of this section, if the person has been convicted one 20311
time within ten years of the date of the offense giving rise to 20312
the suspension under this section of any violation identified in 20313
division (E) (1) (a) of this section. 20314

(c) The first one hundred eighty days of a suspension 20315
under division (B) or (D) of this section, if the person has 20316
been convicted two times within ten years of the date of the 20317
offense giving rise to the suspension under this section of any 20318
violation identified in division (E) (1) (a) of this section. 20319

(3) No limited driving privileges may be granted if the 20320
person has been convicted three or more times within five years 20321
of the date of the offense giving rise to a suspension under 20322
division (B) or (D) of this section of any violation identified 20323
in division (E) (1) (a) of this section. 20324

(4) In accordance with section 4510.022 of the Revised 20325
Code, a person may petition for, and a judge may grant, 20326
unlimited driving privileges with a certified ignition interlock 20327
device during the period of suspension imposed under division 20328
(B) or (D) of this section to a person described in division (E) 20329
(2) (a) of this section. 20330

(5) If a person petitions for limited driving privileges 20331
under division (E) (1) of this section or unlimited driving 20332
privileges with a certified ignition interlock device as 20333
provided in division (E) (4) of this section, the registrar shall 20334
be represented by the county prosecutor of the county in which 20335
the person resides if the petition is filed in a juvenile court 20336
or county court, except that if the person resides within a city 20337
or village that is located within the jurisdiction of the county 20338
in which the petition is filed, the city director of law or 20339
village solicitor of that city or village shall represent the 20340
registrar. If the petition is filed in a municipal court, the 20341
registrar shall be represented as provided in section 1901.34 of 20342
the Revised Code. 20343

(6) (a) In issuing an order granting limited driving 20344
privileges under division (E) (1) of this section, the court may 20345
impose any condition it considers reasonable and necessary to 20346
limit the use of a vehicle by the person. The court shall 20347
deliver to the person a copy of the order setting forth the 20348
time, place, and other conditions limiting the person's use of a 20349
motor vehicle. Unless division (E) (6) (b) of this section 20350
applies, the grant of limited driving privileges shall be 20351
conditioned upon the person's having the order in the person's 20352
possession at all times during which the person is operating a 20353
vehicle. 20354

(b) If, under the order, the court requires the use of an 20355
immobilizing or disabling device as a condition of the grant of 20356
limited or unlimited driving privileges, the person shall 20357
present to the registrar or to a deputy registrar the copy of 20358
the order granting limited driving privileges and a certificate 20359
affirming the installation of an immobilizing or disabling 20360
device that is in a form established by the director of public 20361

safety and is signed by the person who installed the device. 20362
Upon presentation of the order and the certificate to the 20363
registrar or a deputy registrar, the registrar or deputy 20364
registrar shall issue to the offender a restricted license, 20365
unless the offender's driver's or commercial driver's license or 20366
permit is suspended under any other provision of law and limited 20367
driving privileges have not been granted with regard to that 20368
suspension. A restricted license issued under this division 20369
shall be identical to an Ohio driver's license, except that it 20370
shall have printed on its face a statement that the offender is 20371
prohibited from operating any motor vehicle that is not equipped 20372
with an immobilizing or disabling device in violation of the 20373
order. 20374

(7) (a) Unless division (E) (7) (b) applies, a person granted 20375
limited driving privileges who operates a vehicle for other than 20376
limited purposes, in violation of any condition imposed by the 20377
court or without having the order in the person's possession, is 20378
guilty of a violation of section 4510.11 of the Revised Code. 20379

(b) No person who has been granted limited or unlimited 20380
driving privileges under division (E) of this section subject to 20381
an immobilizing or disabling device order shall operate a motor 20382
vehicle prior to obtaining a restricted license. Any person who 20383
violates this prohibition is subject to the penalties prescribed 20384
in section 4510.14 of the Revised Code. 20385

(c) The offenses established under division (E) (7) of this 20386
section are strict liability offenses and section 2901.20 of the 20387
Revised Code does not apply. 20388

(F) The provisions of division (A) (8) of section 4510.13 20389
of the Revised Code apply to a person who has been granted 20390
limited or unlimited driving privileges with a certified 20391

ignition interlock device under this section and who either 20392
commits an ignition interlock device violation as defined under 20393
section 4510.46 of the Revised Code or operates a motor vehicle 20394
that is not equipped with a certified ignition interlock device. 20395

(G) Any person whose license or permit has been suspended 20396
under division (A) or (C) of this section may file a petition in 20397
the municipal or county court, or in case the person is under 20398
eighteen years of age, the juvenile court, in whose jurisdiction 20399
the person resides, requesting the termination of the suspension 20400
and agreeing to pay the cost of the proceedings. If the court, 20401
in its discretion, determines that a termination of the 20402
suspension is appropriate, the court shall issue an order to the 20403
registrar to terminate the suspension. Upon receiving such an 20404
order, the registrar shall reinstate the license. 20405

(H) As used in divisions (C) and (D) of this section: 20406

(1) "Child" means a person who is under the age of 20407
eighteen years, except that any person who violates a statute or 20408
ordinance described in division (C) or (D) of this section prior 20409
to attaining eighteen years of age shall be deemed a "child" 20410
irrespective of the person's age at the time the complaint or 20411
other equivalent document is filed in the other state or a 20412
hearing, trial, or other proceeding is held in the other state 20413
on the complaint or other equivalent document, and irrespective 20414
of the person's age when the period of license suspension or 20415
denial prescribed in division (C) or (D) of this section is 20416
imposed. 20417

(2) "Is convicted of or pleads guilty to" means, as it 20418
relates to a child who is a resident of this state, that in a 20419
proceeding conducted in a state or federal court located in 20420
another state for a violation of a statute or ordinance 20421

described in division (C) or (D) of this section, the result of 20422
the proceeding is any of the following: 20423

(a) Under the laws that govern the proceedings of the 20424
court, the child is adjudicated to be or admits to being a 20425
delinquent child or a juvenile traffic offender for a violation 20426
described in division (C) or (D) of this section that would be a 20427
crime if committed by an adult; 20428

(b) Under the laws that govern the proceedings of the 20429
court, the child is convicted of or pleads guilty to a violation 20430
described in division (C) or (D) of this section; 20431

(c) Under the laws that govern the proceedings of the 20432
court, irrespective of the terminology utilized in those laws, 20433
the result of the court's proceedings is the functional 20434
equivalent of division (H)(2)(a) or (b) of this section. 20435

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 20436
the Revised Code: 20437

(A) "Equivalent offense" means any of the following: 20438

(1) A violation of division (A) ~~or (B)~~ of section 4511.19 20439
of the Revised Code; 20440

(2) A violation of a municipal OVI ordinance; 20441

(3) A violation of section 2903.04 of the Revised Code in 20442
a case in which the offender was subject to the sanctions 20443
described in division (D) of that section; 20444

(4) A violation of division (A)(1) of section 2903.06 or 20445
2903.08 of the Revised Code or a municipal ordinance that is 20446
substantially equivalent to either of those divisions; 20447

(5) A violation of division (A)(2), (3), or (4) of section 20448

2903.06, division (A) (2) of section 2903.08, or former section 20449
2903.07 of the Revised Code, or a municipal ordinance that is 20450
substantially equivalent to any of those divisions or that 20451
former section, in a case in which a judge or jury as the trier 20452
of fact found that the offender was under the influence of 20453
alcohol, a drug of abuse, or a combination of them; 20454

(6) A violation of division (A) ~~or (B)~~ of section 1547.11 20455
of the Revised Code; 20456

(7) A violation of a municipal ordinance prohibiting a 20457
person from operating or being in physical control of any vessel 20458
underway or from manipulating any water skis, aquaplane, or 20459
similar device on the waters of this state while under the 20460
influence of alcohol, a drug of abuse, or a combination of them 20461
or prohibiting a person from operating or being in physical 20462
control of any vessel underway or from manipulating any water 20463
skis, aquaplane, or similar device on the waters of this state 20464
with a prohibited concentration of alcohol, a controlled 20465
substance, or a metabolite of a controlled substance in the 20466
whole blood, blood serum or plasma, breath, or urine; 20467

(8) A violation of an existing or former municipal 20468
ordinance, law of another state, or law of the United States 20469
that is substantially equivalent to division (A) ~~or (B)~~ of 20470
section 4511.19 or division (A) ~~or (B)~~ of section 1547.11 of the 20471
Revised Code; 20472

(9) A violation of a former law of this state that was 20473
substantially equivalent to division (A) ~~or (B)~~ of section 20474
4511.19 or division (A) ~~or (B)~~ of section 1547.11 of the Revised 20475
Code. 20476

(B) "Mandatory jail term" means the mandatory term in jail 20477

of three, six, ten, twenty, thirty, or sixty days that must be 20478
imposed under division (G) (1) (a), (b), or (c) of section 4511.19 20479
of the Revised Code upon an offender convicted of a violation of 20480
division (A) of that section and in relation to which all of the 20481
following apply: 20482

(1) Except as specifically authorized under section 20483
4511.19 of the Revised Code, the term must be served in a jail. 20484

(2) Except as specifically authorized under section 20485
4511.19 of the Revised Code, the term cannot be suspended, 20486
reduced, or otherwise modified pursuant to sections 2929.21 to 20487
2929.28 or any other provision of the Revised Code. 20488

(C) "Municipal OVI ordinance" and "municipal OVI offense" 20489
mean any municipal ordinance prohibiting a person from operating 20490
a vehicle while under the influence of alcohol, a drug of abuse, 20491
or a combination of them or prohibiting a person from operating 20492
a vehicle with a prohibited concentration of alcohol, a 20493
controlled substance, or a metabolite of a controlled substance 20494
in the whole blood, blood serum or plasma, breath, or urine. 20495

(D) "Community residential sanction," "continuous alcohol 20496
monitoring," "jail," "mandatory prison term," "mandatory term of 20497
local incarceration," "sanction," and "prison term" have the 20498
same meanings as in section 2929.01 of the Revised Code. 20499

(E) "Drug of abuse" has the same meaning as in section 20500
4506.01 of the Revised Code. 20501

(F) "Equivalent offense that is vehicle-related" means an 20502
equivalent offense that is any of the following: 20503

(1) A violation described in division (A) (1), (2), (3), 20504
(4), or (5) of this section; 20505

(2) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) ~~or (B)~~ of section 4511.19 of the Revised Code;

(3) A violation of a former law of this state that was substantially equivalent to division (A) ~~or (B)~~ of section 4511.19 of the Revised Code.

Sec. 4511.19. (A) (1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood. 20534
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(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 20537
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(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 20540
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(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine. 20543
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(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following: 20546
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(i) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma. 20551
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(ii) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma. 20557
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(iii) The person has a concentration of cocaine metabolite 20563
in the person's urine of at least one hundred fifty nanograms of 20564
cocaine metabolite per milliliter of the person's urine or has a 20565
concentration of cocaine metabolite in the person's whole blood 20566
or blood serum or plasma of at least fifty nanograms of cocaine 20567
metabolite per milliliter of the person's whole blood or blood 20568
serum or plasma. 20569

(iv) The person has a concentration of heroin in the 20570
person's urine of at least two thousand nanograms of heroin per 20571
milliliter of the person's urine or has a concentration of 20572
heroin in the person's whole blood or blood serum or plasma of 20573
at least fifty nanograms of heroin per milliliter of the 20574
person's whole blood or blood serum or plasma. 20575

(v) The person has a concentration of heroin metabolite 20576
(6-monoacetyl morphine) in the person's urine of at least ten 20577
nanograms of heroin metabolite (6-monoacetyl morphine) per 20578
milliliter of the person's urine or has a concentration of 20579
heroin metabolite (6-monoacetyl morphine) in the person's whole 20580
blood or blood serum or plasma of at least ten nanograms of 20581
heroin metabolite (6-monoacetyl morphine) per milliliter of the 20582
person's whole blood or blood serum or plasma. 20583

(vi) The person has a concentration of L.S.D. in the 20584
person's urine of at least twenty-five nanograms of L.S.D. per 20585
milliliter of the person's urine or a concentration of L.S.D. in 20586
the person's whole blood or blood serum or plasma of at least 20587
ten nanograms of L.S.D. per milliliter of the person's whole 20588
blood or blood serum or plasma. 20589

(vii) The person has a concentration of marihuana in the 20590
person's urine of at least ten nanograms of marihuana per 20591
milliliter of the person's urine or has a concentration of 20592

marihuana in the person's whole blood or blood serum or plasma 20593
of at least two nanograms of marihuana per milliliter of the 20594
person's whole blood or blood serum or plasma. 20595

(viii) Either of the following applies: 20596

(I) The person is under the influence of alcohol, a drug 20597
of abuse, or a combination of them, and the person has a 20598
concentration of marihuana metabolite in the person's urine of 20599
at least fifteen nanograms of marihuana metabolite per 20600
milliliter of the person's urine or has a concentration of 20601
marihuana metabolite in the person's whole blood or blood serum 20602
or plasma of at least five nanograms of marihuana metabolite per 20603
milliliter of the person's whole blood or blood serum or plasma. 20604

(II) The person has a concentration of marihuana 20605
metabolite in the person's urine of at least thirty-five 20606
nanograms of marihuana metabolite per milliliter of the person's 20607
urine or has a concentration of marihuana metabolite in the 20608
person's whole blood or blood serum or plasma of at least fifty 20609
nanograms of marihuana metabolite per milliliter of the person's 20610
whole blood or blood serum or plasma. 20611

(ix) The person has a concentration of methamphetamine in 20612
the person's urine of at least five hundred nanograms of 20613
methamphetamine per milliliter of the person's urine or has a 20614
concentration of methamphetamine in the person's whole blood or 20615
blood serum or plasma of at least one hundred nanograms of 20616
methamphetamine per milliliter of the person's whole blood or 20617
blood serum or plasma. 20618

(x) The person has a concentration of phencyclidine in the 20619
person's urine of at least twenty-five nanograms of 20620
phencyclidine per milliliter of the person's urine or has a 20621

concentration of phencyclidine in the person's whole blood or 20622
blood serum or plasma of at least ten nanograms of phencyclidine 20623
per milliliter of the person's whole blood or blood serum or 20624
plasma. 20625

(xi) The state board of pharmacy has adopted a rule 20626
pursuant to section 4729.041 of the Revised Code that specifies 20627
the amount of salvia divinorum and the amount of salvinorin A 20628
that constitute concentrations of salvia divinorum and 20629
salvinorin A in a person's urine, in a person's whole blood, or 20630
in a person's blood serum or plasma at or above which the person 20631
is impaired for purposes of operating any vehicle, streetcar, or 20632
trackless trolley within this state, the rule is in effect, and 20633
the person has a concentration of salvia divinorum or salvinorin 20634
A of at least that amount so specified by rule in the person's 20635
urine, in the person's whole blood, or in the person's blood 20636
serum or plasma. 20637

(2) No person who, within twenty years of the conduct 20638
described in division (A) (2) (a) of this section, previously has 20639
been convicted of or pleaded guilty to a violation of this 20640
division, a violation of division (A) (1) ~~or (B)~~ of this section, 20641
or any other equivalent offense shall do both of the following: 20642

(a) Operate any vehicle, streetcar, or trackless trolley 20643
within this state while under the influence of alcohol, a drug 20644
of abuse, or a combination of them; 20645

(b) Subsequent to being arrested for operating the 20646
vehicle, streetcar, or trackless trolley as described in 20647
division (A) (2) (a) of this section, being asked by a law 20648
enforcement officer to submit to a chemical test or tests under 20649
section 4511.191 of the Revised Code, and being advised by the 20650
officer in accordance with section 4511.192 of the Revised Code 20651

of the consequences of the person's refusal or submission to the 20652
test or tests, refuse to submit to the test or tests. 20653

(B) No person under twenty-one years of age shall operate 20654
any vehicle, streetcar, or trackless trolley within this state, 20655
if, at the time of the operation, any of the following apply: 20656

(1) The person has a concentration of at least two- 20657
hundredths of one per cent but less than eight-hundredths of one 20658
per cent by weight per unit volume of alcohol in the person's 20659
whole blood. 20660

(2) The person has a concentration of at least three- 20661
hundredths of one per cent but less than ninety-six-thousandths 20662
of one per cent by weight per unit volume of alcohol in the 20663
person's blood serum or plasma. 20664

(3) The person has a concentration of at least two- 20665
hundredths of one gram but less than eight-hundredths of one 20666
gram by weight of alcohol per two hundred ten liters of the 20667
person's breath. 20668

(4) The person has a concentration of at least twenty- 20669
eight one-thousandths of one gram but less than eleven- 20670
hundredths of one gram by weight of alcohol per one hundred 20671
milliliters of the person's urine. 20672

(C) In any proceeding arising out of one incident, a 20673
person may be charged with a violation of division (A) (1) (a) or 20674
(A) (2) and a violation of division (B) (1), (2), or (3) of this 20675
section, but the person may not be convicted of more than one 20676
violation of these divisions. 20677

(D) (1) (a) In any criminal prosecution or juvenile court 20678
proceeding for a violation of division (A) (1) (a) of this section 20679
or for an equivalent offense that is vehicle-related, the result 20680

of any test of any blood or urine withdrawn and analyzed at any 20681
health care provider, as defined in section 2317.02 of the 20682
Revised Code, may be admitted with expert testimony to be 20683
considered with any other relevant and competent evidence in 20684
determining the guilt or innocence of the defendant. 20685

(b) In any criminal prosecution or juvenile court 20686
proceeding for a violation of division (A) or (B) of this 20687
section or for an equivalent offense that is vehicle-related, 20688
the court may admit evidence on the concentration of alcohol, 20689
drugs of abuse, controlled substances, metabolites of a 20690
controlled substance, or a combination of them in the 20691
defendant's whole blood, blood serum or plasma, breath, urine, 20692
or other bodily substance at the time of the alleged violation 20693
as shown by chemical analysis of the substance withdrawn within 20694
three hours of the time of the alleged violation. The three-hour 20695
time limit specified in this division regarding the admission of 20696
evidence does not extend or affect the two-hour time limit 20697
specified in division (A) of section 4511.192 of the Revised 20698
Code as the maximum period of time during which a person may 20699
consent to a chemical test or tests as described in that 20700
section. The court may admit evidence on the concentration of 20701
alcohol, drugs of abuse, or a combination of them as described 20702
in this division when a person submits to a blood, breath, 20703
urine, or other bodily substance test at the request of a law 20704
enforcement officer under section 4511.191 of the Revised Code 20705
or a blood or urine sample is obtained pursuant to a search 20706
warrant. Only a physician, a registered nurse, an emergency 20707
medical technician-intermediate, an emergency medical 20708
technician-paramedic, or a qualified technician, chemist, or 20709
phlebotomist shall withdraw a blood sample for the purpose of 20710
determining the alcohol, drug, controlled substance, metabolite 20711

of a controlled substance, or combination content of the whole 20712
blood, blood serum, or blood plasma. This limitation does not 20713
apply to the taking of breath or urine specimens. A person 20714
authorized to withdraw blood under this division may refuse to 20715
withdraw blood under this division, if in that person's opinion, 20716
the physical welfare of the person would be endangered by the 20717
withdrawing of blood. 20718

The bodily substance withdrawn under division (D) (1) (b) of 20719
this section shall be analyzed in accordance with methods 20720
approved by the director of health by an individual possessing a 20721
valid permit issued by the director pursuant to section 3701.143 20722
of the Revised Code. 20723

(c) As used in division (D) (1) (b) of this section, 20724
"emergency medical technician-intermediate" and "emergency 20725
medical technician-paramedic" have the same meanings as in 20726
section 4765.01 of the Revised Code. 20727

(2) In a criminal prosecution or juvenile court proceeding 20728
for a violation of division (A) of this section or for an 20729
equivalent offense that is vehicle-related, if there was at the 20730
time the bodily substance was withdrawn a concentration of less 20731
than the applicable concentration of alcohol specified in 20732
divisions (A) (1) (b), (c), (d), and (e) of this section or less 20733
than the applicable concentration of a listed controlled 20734
substance or a listed metabolite of a controlled substance 20735
specified for a violation of division (A) (1) (j) of this section, 20736
that fact may be considered with other competent evidence in 20737
determining the guilt or innocence of the defendant. This 20738
division does not limit or affect a criminal prosecution or 20739
juvenile court proceeding for a violation of division (B) of 20740
this section or for an equivalent offense that is substantially 20741

equivalent to that division. 20742

(3) Upon the request of the person who was tested, the 20743
results of the chemical test shall be made available to the 20744
person or the person's attorney, immediately upon the completion 20745
of the chemical test analysis. 20746

If the chemical test was obtained pursuant to division (D) 20747
(1) (b) of this section, the person tested may have a physician, 20748
a registered nurse, or a qualified technician, chemist, or 20749
phlebotomist of the person's own choosing administer a chemical 20750
test or tests, at the person's expense, in addition to any 20751
administered at the request of a law enforcement officer. If the 20752
person was under arrest as described in division (A) (5) of 20753
section 4511.191 of the Revised Code, the arresting officer 20754
shall advise the person at the time of the arrest that the 20755
person may have an independent chemical test taken at the 20756
person's own expense. If the person was under arrest other than 20757
described in division (A) (5) of section 4511.191 of the Revised 20758
Code, the form to be read to the person to be tested, as 20759
required under section 4511.192 of the Revised Code, shall state 20760
that the person may have an independent test performed at the 20761
person's expense. The failure or inability to obtain an 20762
additional chemical test by a person shall not preclude the 20763
admission of evidence relating to the chemical test or tests 20764
taken at the request of a law enforcement officer. 20765

(4) (a) As used in divisions (D) (4) (b) and (c) of this 20766
section, "national highway traffic safety administration" means 20767
the national highway traffic safety administration established 20768
as an administration of the United States department of 20769
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 20770

(b) In any criminal prosecution or juvenile court 20771

proceeding for a violation of division (A) or (B) of this 20772
section, of a municipal ordinance relating to operating a 20773
vehicle while under the influence of alcohol, a drug of abuse, 20774
or alcohol and a drug of abuse, or of a municipal ordinance 20775
relating to operating a vehicle with a prohibited concentration 20776
of alcohol, a controlled substance, or a metabolite of a 20777
controlled substance in the whole blood, blood serum or plasma, 20778
breath, or urine, if a law enforcement officer has administered 20779
a field sobriety test to the operator of the vehicle involved in 20780
the violation and if it is shown by clear and convincing 20781
evidence that the officer administered the test in substantial 20782
compliance with the testing standards for any reliable, 20783
credible, and generally accepted field sobriety tests that were 20784
in effect at the time the tests were administered, including, 20785
but not limited to, any testing standards then in effect that 20786
were set by the national highway traffic safety administration, 20787
all of the following apply: 20788

(i) The officer may testify concerning the results of the 20789
field sobriety test so administered. 20790

(ii) The prosecution may introduce the results of the 20791
field sobriety test so administered as evidence in any 20792
proceedings in the criminal prosecution or juvenile court 20793
proceeding. 20794

(iii) If testimony is presented or evidence is introduced 20795
under division (D) (4) (b) (i) or (ii) of this section and if the 20796
testimony or evidence is admissible under the Rules of Evidence, 20797
the court shall admit the testimony or evidence and the trier of 20798
fact shall give it whatever weight the trier of fact considers 20799
to be appropriate. 20800

(c) Division (D) (4) (b) of this section does not limit or 20801

preclude a court, in its determination of whether the arrest of 20802
a person was supported by probable cause or its determination of 20803
any other matter in a criminal prosecution or juvenile court 20804
proceeding of a type described in that division, from 20805
considering evidence or testimony that is not otherwise 20806
disallowed by division (D) (4) (b) of this section. 20807

(E) (1) Subject to division (E) (3) of this section, in any 20808
criminal prosecution or juvenile court proceeding for a 20809
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 20810
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 20811
an equivalent offense that is substantially equivalent to any of 20812
those divisions, a laboratory report from any laboratory 20813
personnel issued a permit by the department of health 20814
authorizing an analysis as described in this division that 20815
contains an analysis of the whole blood, blood serum or plasma, 20816
breath, urine, or other bodily substance tested and that 20817
contains all of the information specified in this division shall 20818
be admitted as prima-facie evidence of the information and 20819
statements that the report contains. The laboratory report shall 20820
contain all of the following: 20821

(a) The signature, under oath, of any person who performed 20822
the analysis; 20823

(b) Any findings as to the identity and quantity of 20824
alcohol, a drug of abuse, a controlled substance, a metabolite 20825
of a controlled substance, or a combination of them that was 20826
found; 20827

(c) A copy of a notarized statement by the laboratory 20828
director or a designee of the director that contains the name of 20829
each certified analyst or test performer involved with the 20830
report, the analyst's or test performer's employment 20831

relationship with the laboratory that issued the report, and a 20832
notation that performing an analysis of the type involved is 20833
part of the analyst's or test performer's regular duties; 20834

(d) An outline of the analyst's or test performer's 20835
education, training, and experience in performing the type of 20836
analysis involved and a certification that the laboratory 20837
satisfies appropriate quality control standards in general and, 20838
in this particular analysis, under rules of the department of 20839
health. 20840

(2) Notwithstanding any other provision of law regarding 20841
the admission of evidence, a report of the type described in 20842
division (E) (1) of this section is not admissible against the 20843
defendant to whom it pertains in any proceeding, other than a 20844
preliminary hearing or a grand jury proceeding, unless the 20845
prosecutor has served a copy of the report on the defendant's 20846
attorney or, if the defendant has no attorney, on the defendant. 20847

(3) A report of the type described in division (E) (1) of 20848
this section shall not be prima-facie evidence of the contents, 20849
identity, or amount of any substance if, within seven days after 20850
the defendant to whom the report pertains or the defendant's 20851
attorney receives a copy of the report, the defendant or the 20852
defendant's attorney demands the testimony of the person who 20853
signed the report. The judge in the case may extend the seven- 20854
day time limit in the interest of justice. 20855

(F) Except as otherwise provided in this division, any 20856
physician, registered nurse, emergency medical technician- 20857
intermediate, emergency medical technician-paramedic, or 20858
qualified technician, chemist, or phlebotomist who withdraws 20859
blood from a person pursuant to this section or section 4511.191 20860
or 4511.192 of the Revised Code, and any hospital, first-aid 20861

station, or clinic at which blood is withdrawn from a person 20862
pursuant to this section or section 4511.191 or 4511.192 of the 20863
Revised Code, is immune from criminal liability and civil 20864
liability based upon a claim of assault and battery or any other 20865
claim that is not a claim of malpractice, for any act performed 20866
in withdrawing blood from the person. The immunity provided in 20867
this division also extends to an emergency medical service 20868
organization that employs an emergency medical technician- 20869
intermediate or emergency medical technician-paramedic who 20870
withdraws blood under this section. The immunity provided in 20871
this division is not available to a person who withdraws blood 20872
if the person engages in willful or wanton misconduct. 20873

As used in this division, "emergency medical technician- 20874
intermediate" and "emergency medical technician-paramedic" have 20875
the same meanings as in section 4765.01 of the Revised Code. 20876

(G) (1) Whoever violates any provision of divisions (A) (1) 20877
(a) to (i) or (A) (2) of this section is guilty of operating a 20878
vehicle under the influence of alcohol, a drug of abuse, or a 20879
combination of them. Whoever violates division (A) (1) (j) of this 20880
section is guilty of operating a vehicle while under the 20881
influence of a listed controlled substance or a listed 20882
metabolite of a controlled substance. The court shall sentence 20883
the offender for either offense under Chapter 2929. of the 20884
Revised Code, except as otherwise authorized or required by 20885
divisions (G) (1) (a) to (e) of this section: 20886

(a) Except as otherwise provided in division (G) (1) (b), 20887
(c), (d), or (e) of this section, the offender is guilty of a 20888
misdemeanor of the first degree, and the court shall sentence 20889
the offender to all of the following: 20890

(i) If the sentence is being imposed for a violation of 20891

division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 20892
a mandatory jail term of three consecutive days. As used in this 20893
division, three consecutive days means seventy-two consecutive 20894
hours. The court may sentence an offender to both an 20895
intervention program and a jail term. The court may impose a 20896
jail term in addition to the three-day mandatory jail term or 20897
intervention program. However, in no case shall the cumulative 20898
jail term imposed for the offense exceed six months. 20899

The court may suspend the execution of the three-day jail 20900
term under this division if the court, in lieu of that suspended 20901
term, places the offender under a community control sanction 20902
pursuant to section 2929.25 of the Revised Code and requires the 20903
offender to attend, for three consecutive days, a drivers' 20904
intervention program certified under section 5119.38 of the 20905
Revised Code. The court also may suspend the execution of any 20906
part of the three-day jail term under this division if it places 20907
the offender under a community control sanction pursuant to 20908
section 2929.25 of the Revised Code for part of the three days, 20909
requires the offender to attend for the suspended part of the 20910
term a drivers' intervention program so certified, and sentences 20911
the offender to a jail term equal to the remainder of the three 20912
consecutive days that the offender does not spend attending the 20913
program. The court may require the offender, as a condition of 20914
community control and in addition to the required attendance at 20915
a drivers' intervention program, to attend and satisfactorily 20916
complete any treatment or education programs that comply with 20917
the minimum standards adopted pursuant to Chapter 5119. of the 20918
Revised Code by the director of mental health and addiction 20919
services that the operators of the drivers' intervention program 20920
determine that the offender should attend and to report 20921
periodically to the court on the offender's progress in the 20922

programs. The court also may impose on the offender any other 20923
conditions of community control that it considers necessary. 20924

If the court grants unlimited driving privileges to a 20925
first-time offender under section 4510.022 of the Revised Code, 20926
all penalties imposed upon the offender by the court under 20927
division (G) (1) (a) (i) of this section for the offense apply, 20928
except that the court shall suspend any mandatory or additional 20929
jail term imposed by the court under division (G) (1) (a) (i) of 20930
this section upon granting unlimited driving privileges in 20931
accordance with section 4510.022 of the Revised Code. 20932

(ii) If the sentence is being imposed for a violation of 20933
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 20934
section, except as otherwise provided in this division, a 20935
mandatory jail term of at least three consecutive days and a 20936
requirement that the offender attend, for three consecutive 20937
days, a drivers' intervention program that is certified pursuant 20938
to section 5119.38 of the Revised Code. As used in this 20939
division, three consecutive days means seventy-two consecutive 20940
hours. If the court determines that the offender is not 20941
conducive to treatment in a drivers' intervention program, if 20942
the offender refuses to attend a drivers' intervention program, 20943
or if the jail at which the offender is to serve the jail term 20944
imposed can provide a driver's intervention program, the court 20945
shall sentence the offender to a mandatory jail term of at least 20946
six consecutive days. 20947

If the court grants unlimited driving privileges to a 20948
first-time offender under section 4510.022 of the Revised Code, 20949
all penalties imposed upon the offender by the court under 20950
division (G) (1) (a) (ii) of this section for the offense apply, 20951
except that the court shall suspend any mandatory or additional 20952

jail term imposed by the court under division (G) (1) (a) (ii) of 20953
this section upon granting unlimited driving privileges in 20954
accordance with section 4510.022 of the Revised Code. 20955

The court may require the offender, under a community 20956
control sanction imposed under section 2929.25 of the Revised 20957
Code, to attend and satisfactorily complete any treatment or 20958
education programs that comply with the minimum standards 20959
adopted pursuant to Chapter 5119. of the Revised Code by the 20960
director of mental health and addiction services, in addition to 20961
the required attendance at drivers' intervention program, that 20962
the operators of the drivers' intervention program determine 20963
that the offender should attend and to report periodically to 20964
the court on the offender's progress in the programs. The court 20965
also may impose any other conditions of community control on the 20966
offender that it considers necessary. 20967

(iii) In all cases, a fine of not less than three hundred 20968
seventy-five and not more than one thousand seventy-five 20969
dollars; 20970

(iv) In all cases, a suspension of the offender's driver's 20971
or commercial driver's license or permit or nonresident 20972
operating privilege for a definite period of one to three years. 20973
The court may grant limited driving privileges relative to the 20974
suspension under sections 4510.021 and 4510.13 of the Revised 20975
Code. The court may grant unlimited driving privileges with an 20976
ignition interlock device relative to the suspension and may 20977
reduce the period of suspension as authorized under section 20978
4510.022 of the Revised Code. 20979

(b) Except as otherwise provided in division (G) (1) (e) of 20980
this section, an offender who, within ten years of the offense, 20981
previously has been convicted of or pleaded guilty to one 20982

violation of division (A) ~~or (B)~~ of this section or one other 20983
equivalent offense is guilty of a misdemeanor of the first 20984
degree. The court shall sentence the offender to all of the 20985
following: 20986

(i) If the sentence is being imposed for a violation of 20987
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 20988
a mandatory jail term of ten consecutive days. The court shall 20989
impose the ten-day mandatory jail term under this division 20990
unless, subject to division (G)(3) of this section, it instead 20991
imposes a sentence under that division consisting of both a jail 20992
term and a term of house arrest with electronic monitoring, with 20993
continuous alcohol monitoring, or with both electronic 20994
monitoring and continuous alcohol monitoring. The court may 20995
impose a jail term in addition to the ten-day mandatory jail 20996
term. The cumulative jail term imposed for the offense shall not 20997
exceed six months. 20998

In addition to the jail term or the term of house arrest 20999
with electronic monitoring or continuous alcohol monitoring or 21000
both types of monitoring and jail term, the court shall require 21001
the offender to be assessed by a community addiction services 21002
provider that is authorized by section 5119.21 of the Revised 21003
Code, subject to division (I) of this section, and shall order 21004
the offender to follow the treatment recommendations of the 21005
services provider. The purpose of the assessment is to determine 21006
the degree of the offender's alcohol usage and to determine 21007
whether or not treatment is warranted. Upon the request of the 21008
court, the services provider shall submit the results of the 21009
assessment to the court, including all treatment recommendations 21010
and clinical diagnoses related to alcohol use. 21011

(ii) If the sentence is being imposed for a violation of 21012

division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 21013
section, except as otherwise provided in this division, a 21014
mandatory jail term of twenty consecutive days. The court shall 21015
impose the twenty-day mandatory jail term under this division 21016
unless, subject to division (G)(3) of this section, it instead 21017
imposes a sentence under that division consisting of both a jail 21018
term and a term of house arrest with electronic monitoring, with 21019
continuous alcohol monitoring, or with both electronic 21020
monitoring and continuous alcohol monitoring. The court may 21021
impose a jail term in addition to the twenty-day mandatory jail 21022
term. The cumulative jail term imposed for the offense shall not 21023
exceed six months. 21024

In addition to the jail term or the term of house arrest 21025
with electronic monitoring or continuous alcohol monitoring or 21026
both types of monitoring and jail term, the court shall require 21027
the offender to be assessed by a community addiction service 21028
provider that is authorized by section 5119.21 of the Revised 21029
Code, subject to division (I) of this section, and shall order 21030
the offender to follow the treatment recommendations of the 21031
services provider. The purpose of the assessment is to determine 21032
the degree of the offender's alcohol usage and to determine 21033
whether or not treatment is warranted. Upon the request of the 21034
court, the services provider shall submit the results of the 21035
assessment to the court, including all treatment recommendations 21036
and clinical diagnoses related to alcohol use. 21037

(iii) In all cases, notwithstanding the fines set forth in 21038
Chapter 2929. of the Revised Code, a fine of not less than five 21039
hundred twenty-five and not more than one thousand six hundred 21040
twenty-five dollars; 21041

(iv) In all cases, a suspension of the offender's driver's 21042

license, commercial driver's license, temporary instruction 21043
permit, probationary license, or nonresident operating privilege 21044
for a definite period of one to seven years. The court may grant 21045
limited driving privileges relative to the suspension under 21046
sections 4510.021 and 4510.13 of the Revised Code. 21047

(v) In all cases, if the vehicle is registered in the 21048
offender's name, immobilization of the vehicle involved in the 21049
offense for ninety days in accordance with section 4503.233 of 21050
the Revised Code and impoundment of the license plates of that 21051
vehicle for ninety days. 21052

(c) Except as otherwise provided in division (G)(1)(e) of 21053
this section, an offender who, within ten years of the offense, 21054
previously has been convicted of or pleaded guilty to two 21055
violations of division (A) ~~or (B)~~ of this section or other 21056
equivalent offenses is guilty of a misdemeanor. The court shall 21057
sentence the offender to all of the following: 21058

(i) If the sentence is being imposed for a violation of 21059
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 21060
a mandatory jail term of thirty consecutive days. The court 21061
shall impose the thirty-day mandatory jail term under this 21062
division unless, subject to division (G)(3) of this section, it 21063
instead imposes a sentence under that division consisting of 21064
both a jail term and a term of house arrest with electronic 21065
monitoring, with continuous alcohol monitoring, or with both 21066
electronic monitoring and continuous alcohol monitoring. The 21067
court may impose a jail term in addition to the thirty-day 21068
mandatory jail term. Notwithstanding the jail terms set forth in 21069
sections 2929.21 to 2929.28 of the Revised Code, the additional 21070
jail term shall not exceed one year, and the cumulative jail 21071
term imposed for the offense shall not exceed one year. 21072

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars;

(iv) In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of two to twelve years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G) (1) (e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of division (A) ~~or (B)~~ of this section or other equivalent offenses ~~or,~~ an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G) (2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G) (1) of

section 2929.13 of the Revised Code or a mandatory prison term 21134
of sixty consecutive days in accordance with division (G) (2) of 21135
that section if the offender is not convicted of and does not 21136
plead guilty to a specification of that type. If the court 21137
imposes a mandatory term of local incarceration, it may impose a 21138
jail term in addition to the sixty-day mandatory term, the 21139
cumulative total of the mandatory term and the jail term for the 21140
offense shall not exceed one year, and, except as provided in 21141
division (A) (1) of section 2929.13 of the Revised Code, no 21142
prison term is authorized for the offense. If the court imposes 21143
a mandatory prison term, notwithstanding division (A) (4) of 21144
section 2929.14 of the Revised Code, it also may sentence the 21145
offender to a definite prison term that shall be not less than 21146
six months and not more than thirty months and the prison terms 21147
shall be imposed as described in division (G) (2) of section 21148
2929.13 of the Revised Code. If the court imposes a mandatory 21149
prison term or mandatory prison term and additional prison term, 21150
in addition to the term or terms so imposed, the court also may 21151
sentence the offender to a community control sanction for the 21152
offense, but the offender shall serve all of the prison terms so 21153
imposed prior to serving the community control sanction. 21154

(ii) If the sentence is being imposed for a violation of 21155
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 21156
section, a mandatory prison term of one, two, three, four, or 21157
five years as required by and in accordance with division (G) (2) 21158
of section 2929.13 of the Revised Code if the offender also is 21159
convicted of or also pleads guilty to a specification of the 21160
type described in section 2941.1413 of the Revised Code or, in 21161
the discretion of the court, either a mandatory term of local 21162
incarceration of one hundred twenty consecutive days in 21163
accordance with division (G) (1) of section 2929.13 of the 21164

Revised Code or a mandatory prison term of one hundred twenty 21165
consecutive days in accordance with division (G) (2) of that 21166
section if the offender is not convicted of and does not plead 21167
guilty to a specification of that type. If the court imposes a 21168
mandatory term of local incarceration, it may impose a jail term 21169
in addition to the one hundred twenty-day mandatory term, the 21170
cumulative total of the mandatory term and the jail term for the 21171
offense shall not exceed one year, and, except as provided in 21172
division (A) (1) of section 2929.13 of the Revised Code, no 21173
prison term is authorized for the offense. If the court imposes 21174
a mandatory prison term, notwithstanding division (A) (4) of 21175
section 2929.14 of the Revised Code, it also may sentence the 21176
offender to a definite prison term that shall be not less than 21177
six months and not more than thirty months and the prison terms 21178
shall be imposed as described in division (G) (2) of section 21179
2929.13 of the Revised Code. If the court imposes a mandatory 21180
prison term or mandatory prison term and additional prison term, 21181
in addition to the term or terms so imposed, the court also may 21182
sentence the offender to a community control sanction for the 21183
offense, but the offender shall serve all of the prison terms so 21184
imposed prior to serving the community control sanction. 21185

(iii) In all cases, notwithstanding section 2929.18 of the 21186
Revised Code, a fine of not less than one thousand three hundred 21187
fifty nor more than ten thousand five hundred dollars; 21188

(iv) In all cases, a class two license suspension of the 21189
offender's driver's license, commercial driver's license, 21190
temporary instruction permit, probationary license, or 21191
nonresident operating privilege from the range specified in 21192
division (A) (2) of section 4510.02 of the Revised Code. The 21193
court may grant limited driving privileges relative to the 21194
suspension under sections 4510.021 and 4510.13 of the Revised 21195

Code. 21196

(v) In all cases, if the vehicle is registered in the 21197
offender's name, criminal forfeiture of the vehicle involved in 21198
the offense in accordance with section 4503.234 of the Revised 21199
Code. Division (G) (6) of this section applies regarding any 21200
vehicle that is subject to an order of criminal forfeiture under 21201
this division. 21202

(vi) In all cases, the court shall order the offender to 21203
participate with a community addiction services provider 21204
authorized by section 5119.21 of the Revised Code, subject to 21205
division (I) of this section, and shall order the offender to 21206
follow the treatment recommendations of the services provider. 21207
The operator of the services provider shall determine and assess 21208
the degree of the offender's alcohol dependency and shall make 21209
recommendations for treatment. Upon the request of the court, 21210
the services provider shall submit the results of the assessment 21211
to the court, including all treatment recommendations and 21212
clinical diagnoses related to alcohol use. 21213

(vii) In all cases, if the court sentences the offender to 21214
a mandatory term of local incarceration, in addition to the 21215
mandatory term, the court, pursuant to section 2929.17 of the 21216
Revised Code, may impose a term of house arrest with electronic 21217
monitoring. The term shall not commence until after the offender 21218
has served the mandatory term of local incarceration. 21219

(e) An offender who previously has been convicted of or 21220
pleaded guilty to a violation of division (A) of this section 21221
that was a felony, regardless of when the violation and the 21222
conviction or guilty plea occurred, is guilty of a felony of the 21223
third degree. The court shall sentence the offender to all of 21224
the following: 21225

(i) If the offender is being sentenced for a violation of 21226
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 21227
a mandatory prison term of one, two, three, four, or five years 21228
as required by and in accordance with division (G)(2) of section 21229
2929.13 of the Revised Code if the offender also is convicted of 21230
or also pleads guilty to a specification of the type described 21231
in section 2941.1413 of the Revised Code or a mandatory prison 21232
term of sixty consecutive days in accordance with division (G) 21233
(2) of section 2929.13 of the Revised Code if the offender is 21234
not convicted of and does not plead guilty to a specification of 21235
that type. The court may impose a prison term in addition to the 21236
mandatory prison term. The cumulative total of a sixty-day 21237
mandatory prison term and the additional prison term for the 21238
offense shall not exceed five years. In addition to the 21239
mandatory prison term or mandatory prison term and additional 21240
prison term the court imposes, the court also may sentence the 21241
offender to a community control sanction for the offense, but 21242
the offender shall serve all of the prison terms so imposed 21243
prior to serving the community control sanction. 21244

(ii) If the sentence is being imposed for a violation of 21245
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 21246
section, a mandatory prison term of one, two, three, four, or 21247
five years as required by and in accordance with division (G)(2) 21248
of section 2929.13 of the Revised Code if the offender also is 21249
convicted of or also pleads guilty to a specification of the 21250
type described in section 2941.1413 of the Revised Code or a 21251
mandatory prison term of one hundred twenty consecutive days in 21252
accordance with division (G)(2) of section 2929.13 of the 21253
Revised Code if the offender is not convicted of and does not 21254
plead guilty to a specification of that type. The court may 21255
impose a prison term in addition to the mandatory prison term. 21256

The cumulative total of a one hundred twenty-day mandatory 21257
prison term and the additional prison term for the offense shall 21258
not exceed five years. In addition to the mandatory prison term 21259
or mandatory prison term and additional prison term the court 21260
imposes, the court also may sentence the offender to a community 21261
control sanction for the offense, but the offender shall serve 21262
all of the prison terms so imposed prior to serving the 21263
community control sanction. 21264

(iii) In all cases, notwithstanding section 2929.18 of the 21265
Revised Code, a fine of not less than one thousand three hundred 21266
fifty nor more than ten thousand five hundred dollars; 21267

(iv) In all cases, a class two license suspension of the 21268
offender's driver's license, commercial driver's license, 21269
temporary instruction permit, probationary license, or 21270
nonresident operating privilege from the range specified in 21271
division (A) (2) of section 4510.02 of the Revised Code. The 21272
court may grant limited driving privileges relative to the 21273
suspension under sections 4510.021 and 4510.13 of the Revised 21274
Code. 21275

(v) In all cases, if the vehicle is registered in the 21276
offender's name, criminal forfeiture of the vehicle involved in 21277
the offense in accordance with section 4503.234 of the Revised 21278
Code. Division (G) (6) of this section applies regarding any 21279
vehicle that is subject to an order of criminal forfeiture under 21280
this division. 21281

(vi) In all cases, the court shall order the offender to 21282
participate with a community addiction services provider 21283
authorized by section 5119.21 of the Revised Code, subject to 21284
division (I) of this section, and shall order the offender to 21285
follow the treatment recommendations of the services provider. 21286

The operator of the services provider shall determine and assess 21287
the degree of the offender's alcohol dependency and shall make 21288
recommendations for treatment. Upon the request of the court, 21289
the services provider shall submit the results of the assessment 21290
to the court, including all treatment recommendations and 21291
clinical diagnoses related to alcohol use. 21292

(2) An offender who is convicted of or pleads guilty to a 21293
violation of division (A) of this section and who subsequently 21294
seeks reinstatement of the driver's or occupational driver's 21295
license or permit or nonresident operating privilege suspended 21296
under this section as a result of the conviction or guilty plea 21297
shall pay a reinstatement fee as provided in division (F) (2) of 21298
section 4511.191 of the Revised Code. 21299

(3) If an offender is sentenced to a jail term under 21300
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 21301
section and if, within sixty days of sentencing of the offender, 21302
the court issues a written finding on the record that, due to 21303
the unavailability of space at the jail where the offender is 21304
required to serve the term, the offender will not be able to 21305
begin serving that term within the sixty-day period following 21306
the date of sentencing, the court may impose an alternative 21307
sentence under this division that includes a term of house 21308
arrest with electronic monitoring, with continuous alcohol 21309
monitoring, or with both electronic monitoring and continuous 21310
alcohol monitoring. 21311

As an alternative to a mandatory jail term of ten 21312
consecutive days required by division (G) (1) (b) (i) of this 21313
section, the court, under this division, may sentence the 21314
offender to five consecutive days in jail and not less than 21315
eighteen consecutive days of house arrest with electronic 21316

monitoring, with continuous alcohol monitoring, or with both 21317
electronic monitoring and continuous alcohol monitoring. The 21318
cumulative total of the five consecutive days in jail and the 21319
period of house arrest with electronic monitoring, continuous 21320
alcohol monitoring, or both types of monitoring shall not exceed 21321
six months. The five consecutive days in jail do not have to be 21322
served prior to or consecutively to the period of house arrest. 21323

As an alternative to the mandatory jail term of twenty 21324
consecutive days required by division (G) (1) (b) (ii) of this 21325
section, the court, under this division, may sentence the 21326
offender to ten consecutive days in jail and not less than 21327
thirty-six consecutive days of house arrest with electronic 21328
monitoring, with continuous alcohol monitoring, or with both 21329
electronic monitoring and continuous alcohol monitoring. The 21330
cumulative total of the ten consecutive days in jail and the 21331
period of house arrest with electronic monitoring, continuous 21332
alcohol monitoring, or both types of monitoring shall not exceed 21333
six months. The ten consecutive days in jail do not have to be 21334
served prior to or consecutively to the period of house arrest. 21335

As an alternative to a mandatory jail term of thirty 21336
consecutive days required by division (G) (1) (c) (i) of this 21337
section, the court, under this division, may sentence the 21338
offender to fifteen consecutive days in jail and not less than 21339
fifty-five consecutive days of house arrest with electronic 21340
monitoring, with continuous alcohol monitoring, or with both 21341
electronic monitoring and continuous alcohol monitoring. The 21342
cumulative total of the fifteen consecutive days in jail and the 21343
period of house arrest with electronic monitoring, continuous 21344
alcohol monitoring, or both types of monitoring shall not exceed 21345
one year. The fifteen consecutive days in jail do not have to be 21346
served prior to or consecutively to the period of house arrest. 21347

As an alternative to the mandatory jail term of sixty 21348
consecutive days required by division (G) (1) (c) (ii) of this 21349
section, the court, under this division, may sentence the 21350
offender to thirty consecutive days in jail and not less than 21351
one hundred ten consecutive days of house arrest with electronic 21352
monitoring, with continuous alcohol monitoring, or with both 21353
electronic monitoring and continuous alcohol monitoring. The 21354
cumulative total of the thirty consecutive days in jail and the 21355
period of house arrest with electronic monitoring, continuous 21356
alcohol monitoring, or both types of monitoring shall not exceed 21357
one year. The thirty consecutive days in jail do not have to be 21358
served prior to or consecutively to the period of house arrest. 21359

(4) If an offender's driver's or occupational driver's 21360
license or permit or nonresident operating privilege is 21361
suspended under division (G) of this section and if section 21362
4510.13 of the Revised Code permits the court to grant limited 21363
driving privileges, the court may grant the limited driving 21364
privileges in accordance with that section. If division (A) (7) 21365
of that section requires that the court impose as a condition of 21366
the privileges that the offender must display on the vehicle 21367
that is driven subject to the privileges restricted license 21368
plates that are issued under section 4503.231 of the Revised 21369
Code, except as provided in division (B) of that section, the 21370
court shall impose that condition as one of the conditions of 21371
the limited driving privileges granted to the offender, except 21372
as provided in division (B) of section 4503.231 of the Revised 21373
Code. 21374

(5) Fines imposed under this section for a violation of 21375
division (A) of this section shall be distributed as follows: 21376

(a) Twenty-five dollars of the fine imposed under division 21377

(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 21378
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 21379
fine imposed under division (G) (1) (c) (iii), and two hundred ten 21380
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 21381
(iii) of this section shall be paid to an enforcement and 21382
education fund established by the legislative authority of the 21383
law enforcement agency in this state that primarily was 21384
responsible for the arrest of the offender, as determined by the 21385
court that imposes the fine. The agency shall use this share to 21386
pay only those costs it incurs in enforcing this section or a 21387
municipal OVI ordinance and in informing the public of the laws 21388
governing the operation of a vehicle while under the influence 21389
of alcohol, the dangers of the operation of a vehicle under the 21390
influence of alcohol, and other information relating to the 21391
operation of a vehicle under the influence of alcohol and the 21392
consumption of alcoholic beverages. 21393

(b) Fifty dollars of the fine imposed under division (G) 21394
(1) (a) (iii) of this section shall be paid to the political 21395
subdivision that pays the cost of housing the offender during 21396
the offender's term of incarceration. If the offender is being 21397
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 21398
(e), or (j) of this section and was confined as a result of the 21399
offense prior to being sentenced for the offense but is not 21400
sentenced to a term of incarceration, the fifty dollars shall be 21401
paid to the political subdivision that paid the cost of housing 21402
the offender during that period of confinement. The political 21403
subdivision shall use the share under this division to pay or 21404
reimburse incarceration or treatment costs it incurs in housing 21405
or providing drug and alcohol treatment to persons who violate 21406
this section or a municipal OVI ordinance, costs of any 21407
immobilizing or disabling device used on the offender's vehicle, 21408

and costs of electronic house arrest equipment needed for 21409
persons who violate this section. 21410

(c) Twenty-five dollars of the fine imposed under division 21411
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 21412
division (G) (1) (b) (iii) of this section shall be deposited into 21413
the county or municipal indigent drivers' alcohol treatment fund 21414
under the control of that court, as created by the county or 21415
municipal corporation under division (F) of section 4511.191 of 21416
the Revised Code. 21417

(d) One hundred fifteen dollars of the fine imposed under 21418
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 21419
the fine imposed under division (G) (1) (c) (iii), and four hundred 21420
forty dollars of the fine imposed under division (G) (1) (d) (iii) 21421
or (e) (iii) of this section shall be paid to the political 21422
subdivision that pays the cost of housing the offender during 21423
the offender's term of incarceration. The political subdivision 21424
shall use this share to pay or reimburse incarceration or 21425
treatment costs it incurs in housing or providing drug and 21426
alcohol treatment to persons who violate this section or a 21427
municipal OVI ordinance, costs for any immobilizing or disabling 21428
device used on the offender's vehicle, and costs of electronic 21429
house arrest equipment needed for persons who violate this 21430
section. 21431

(e) Fifty dollars of the fine imposed under divisions (G) 21432
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 21433
(G) (1) (e) (iii) of this section shall be deposited into the 21434
special projects fund of the court in which the offender was 21435
convicted and that is established under division (E) (1) of 21436
section 2303.201, division (B) (1) of section 1901.26, or 21437
division (B) (1) of section 1907.24 of the Revised Code, to be 21438

used exclusively to cover the cost of immobilizing or disabling 21439
devices, including certified ignition interlock devices, and 21440
remote alcohol monitoring devices for indigent offenders who are 21441
required by a judge to use either of these devices. If the court 21442
in which the offender was convicted does not have a special 21443
projects fund that is established under division (E) (1) of 21444
section 2303.201, division (B) (1) of section 1901.26, or 21445
division (B) (1) of section 1907.24 of the Revised Code, the 21446
fifty dollars shall be deposited into the indigent drivers 21447
interlock and alcohol monitoring fund under division (I) of 21448
section 4511.191 of the Revised Code. 21449

(f) Seventy-five dollars of the fine imposed under 21450
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 21451
fine imposed under division (G) (1) (b) (iii), two hundred fifty 21452
dollars of the fine imposed under division (G) (1) (c) (iii), and 21453
five hundred dollars of the fine imposed under division (G) (1) 21454
(d) (iii) or (e) (iii) of this section shall be transmitted to the 21455
treasurer of state for deposit into the indigent defense support 21456
fund established under section 120.08 of the Revised Code. 21457

(g) The balance of the fine imposed under division (G) (1) 21458
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 21459
section shall be disbursed as otherwise provided by law. 21460

(6) If title to a motor vehicle that is subject to an 21461
order of criminal forfeiture under division (G) (1) (c), (d), or 21462
(e) of this section is assigned or transferred and division (B) 21463
(2) or (3) of section 4503.234 of the Revised Code applies, in 21464
addition to or independent of any other penalty established by 21465
law, the court may fine the offender the value of the vehicle as 21466
determined by publications of the national automobile dealers 21467
association. The proceeds of any fine so imposed shall be 21468

distributed in accordance with division (C) (2) of that section. 21469

(7) In all cases in which an offender is sentenced under 21470
division (G) of this section, the offender shall provide the 21471
court with proof of financial responsibility as defined in 21472
section 4509.01 of the Revised Code. If the offender fails to 21473
provide that proof of financial responsibility, the court, in 21474
addition to any other penalties provided by law, may order 21475
restitution pursuant to section 2929.18 or 2929.28 of the 21476
Revised Code in an amount not exceeding five thousand dollars 21477
for any economic loss arising from an accident or collision that 21478
was the direct and proximate result of the offender's operation 21479
of the vehicle before, during, or after committing the offense 21480
for which the offender is sentenced under division (G) of this 21481
section. 21482

(8) A court may order an offender to reimburse a law 21483
enforcement agency for any costs incurred by the agency with 21484
respect to a chemical test or tests administered to the offender 21485
if all of the following apply: 21486

(a) The offender is convicted of or pleads guilty to a 21487
violation of division (A) of this section. 21488

(b) The test or tests were of the offender's whole blood, 21489
blood serum or plasma, or urine. 21490

(c) The test or tests indicated that the offender had a 21491
prohibited concentration of a controlled substance or a 21492
metabolite of a controlled substance in the offender's whole 21493
blood, blood serum or plasma, or urine at the time of the 21494
offense. 21495

(9) As used in division (G) of this section, "electronic 21496
monitoring," "mandatory prison term," and "mandatory term of 21497

local incarceration" have the same meanings as in section 21498
2929.01 of the Revised Code. 21499

(H) Whoever violates division (B) of this section is 21500
guilty of operating a vehicle after underage alcohol consumption 21501
and shall be punished as follows: 21502

(1) Except as otherwise provided in division (H) (2) of 21503
this section, the offender is guilty of a misdemeanor of the 21504
fourth degree. In addition to any other sanction imposed for the 21505
offense, the court shall impose a class six suspension of the 21506
offender's driver's license, commercial driver's license, 21507
temporary instruction permit, probationary license, or 21508
nonresident operating privilege from the range specified in 21509
division (A) (6) of section 4510.02 of the Revised Code. The 21510
court may grant limited driving privileges relative to the 21511
suspension under sections 4510.021 and 4510.13 of the Revised 21512
Code. The court may grant unlimited driving privileges with an 21513
ignition interlock device relative to the suspension and may 21514
reduce the period of suspension as authorized under section 21515
4510.022 of the Revised Code. If the court grants unlimited 21516
driving privileges under section 4510.022 of the Revised Code, 21517
the court shall suspend any jail term imposed under division (H) 21518
(1) of this section as required under that section. 21519

(2) If, within one year of the offense, the offender 21520
previously has been convicted of or pleaded guilty to one or 21521
more violations of division (A) ~~or (B)~~ of this section or other 21522
equivalent offenses, the offender is guilty of a misdemeanor of 21523
the third degree. In addition to any other sanction imposed for 21524
the offense, the court shall impose a class four suspension of 21525
the offender's driver's license, commercial driver's license, 21526
temporary instruction permit, probationary license, or 21527

nonresident operating privilege from the range specified in 21528
division (A) (4) of section 4510.02 of the Revised Code. The 21529
court may grant limited driving privileges relative to the 21530
suspension under sections 4510.021 and 4510.13 of the Revised 21531
Code. 21532

~~(3) If the offender also is convicted of or also pleads 21533
guilty to a specification of the type described in section 21534
2941.1416 of the Revised Code and if the court imposes a jail 21535
term for the violation of division (B) of this section, the 21536
court shall impose upon the offender an additional definite jail 21537
term pursuant to division (E) of section 2929.24 of the Revised 21538
Code. 21539~~

~~(4) The offender shall provide the court with proof of 21540
financial responsibility as defined in section 4509.01 of the 21541
Revised Code. If the offender fails to provide that proof of 21542
financial responsibility, then, in addition to any other 21543
penalties provided by law, the court may order restitution 21544
pursuant to section 2929.28 of the Revised Code in an amount not 21545
exceeding five thousand dollars for any economic loss arising 21546
from an accident or collision that was the direct and proximate 21547
result of the offender's operation of the vehicle before, 21548
during, or after committing the violation of division (B) of 21549
this section. 21550~~

(I) (1) No court shall sentence an offender to an alcohol 21551
treatment program under this section unless the treatment 21552
program complies with the minimum standards for alcohol 21553
treatment programs adopted under Chapter 5119. of the Revised 21554
Code by the director of mental health and addiction services. 21555

(2) An offender who stays in a drivers' intervention 21556
program or in an alcohol treatment program under an order issued 21557

under this section shall pay the cost of the stay in the 21558
program. However, if the court determines that an offender who 21559
stays in an alcohol treatment program under an order issued 21560
under this section is unable to pay the cost of the stay in the 21561
program, the court may order that the cost be paid from the 21562
court's indigent drivers' alcohol treatment fund. 21563

(J) If a person whose driver's or commercial driver's 21564
license or permit or nonresident operating privilege is 21565
suspended under this section files an appeal regarding any 21566
aspect of the person's trial or sentence, the appeal itself does 21567
not stay the operation of the suspension. 21568

(K) Division (A) (1) (j) of this section does not apply to a 21569
person who operates a vehicle, streetcar, or trackless trolley 21570
while the person has a concentration of a listed controlled 21571
substance or a listed metabolite of a controlled substance in 21572
the person's whole blood, blood serum or plasma, or urine that 21573
equals or exceeds the amount specified in that division, if both 21574
of the following apply: 21575

(1) The person obtained the controlled substance pursuant 21576
to a prescription issued by a licensed health professional 21577
authorized to prescribe drugs. 21578

(2) The person injected, ingested, or inhaled the 21579
controlled substance in accordance with the health 21580
professional's directions. 21581

(L) The prohibited concentrations of a controlled 21582
substance or a metabolite of a controlled substance listed in 21583
division (A) (1) (j) of this section also apply in a prosecution 21584
of a violation of division (D) of section 2923.16 of the Revised 21585
Code in the same manner as if the offender is being prosecuted 21586

for a prohibited concentration of alcohol. 21587

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 21588
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(N) (1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N) (2) of this section, the Rules of Criminal Procedure apply to felony violations of this section. 21594
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(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section. 21600
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Sec. 4511.191. (A) (1) As used in this section: 21604

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 21605
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(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense. 21607
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(c) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 21616
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(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance. 21618
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(3) The chemical test or tests under division (A) (2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A) (2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered. 21632
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(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A) (2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the 21641
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Revised Code. 21646

(5) (a) If a law enforcement officer arrests a person for a 21647
violation of division (A) or (B) of section 4511.19 of the 21648
Revised Code, section 4511.194 of the Revised Code or a 21649
substantially equivalent municipal ordinance, or a municipal OVI 21650
ordinance and if the person if convicted would be required to be 21651
sentenced under division (G) (1) (c), (d), or (e) of section 21652
4511.19 of the Revised Code, the law enforcement officer shall 21653
request the person to submit, and the person shall submit, to a 21654
chemical test or tests of the person's whole blood, blood serum 21655
or plasma, breath, or urine for the purpose of determining the 21656
alcohol, drug of abuse, controlled substance, metabolite of a 21657
controlled substance, or combination content of the person's 21658
whole blood, blood serum or plasma, breath, or urine. A law 21659
enforcement officer who makes a request pursuant to this 21660
division that a person submit to a chemical test or tests is not 21661
required to advise the person of the consequences of submitting 21662
to, or refusing to submit to, the test or tests and is not 21663
required to give the person the form described in division (B) 21664
of section 4511.192 of the Revised Code, but the officer shall 21665
advise the person at the time of the arrest that if the person 21666
refuses to take a chemical test the officer may employ whatever 21667
reasonable means are necessary to ensure that the person submits 21668
to a chemical test of the person's whole blood or blood serum or 21669
plasma. The officer shall also advise the person at the time of 21670
the arrest that the person may have an independent chemical test 21671
taken at the person's own expense. Divisions (A) (3) and (4) of 21672
this section apply to the administration of a chemical test or 21673
tests pursuant to this division. 21674

(b) If a person refuses to submit to a chemical test upon 21675
a request made pursuant to division (A) (5) (a) of this section, 21676

the law enforcement officer who made the request may employ 21677
whatever reasonable means are necessary to ensure that the 21678
person submits to a chemical test of the person's whole blood or 21679
blood serum or plasma. A law enforcement officer who acts 21680
pursuant to this division to ensure that a person submits to a 21681
chemical test of the person's whole blood or blood serum or 21682
plasma is immune from criminal and civil liability based upon a 21683
claim for assault and battery or any other claim for the acts, 21684
unless the officer so acted with malicious purpose, in bad 21685
faith, or in a wanton or reckless manner. 21686

(B) (1) Upon receipt of the sworn report of a law 21687
enforcement officer who arrested a person for a violation of 21688
division (A) or (B) of section 4511.19 of the Revised Code, 21689
section 4511.194 of the Revised Code or a substantially 21690
equivalent municipal ordinance, or a municipal OVI ordinance 21691
that was completed and sent to the registrar of motor vehicles 21692
and a court pursuant to section 4511.192 of the Revised Code in 21693
regard to a person who refused to take the designated chemical 21694
test, the registrar shall enter into the registrar's records the 21695
fact that the person's driver's or commercial driver's license 21696
or permit or nonresident operating privilege was suspended by 21697
the arresting officer under this division and that section and 21698
the period of the suspension, as determined under this section. 21699
The suspension shall be subject to appeal as provided in section 21700
4511.197 of the Revised Code. The suspension shall be for 21701
whichever of the following periods applies: 21702

(a) Except when division (B) (1) (b), (c), or (d) of this 21703
section applies and specifies a different class or length of 21704
suspension, the suspension shall be a class C suspension for the 21705
period of time specified in division (B) (3) of section 4510.02 21706
of the Revised Code. 21707

(b) If the arrested person, within ten years of the date 21708
on which the person refused the request to consent to the 21709
chemical test, had refused one previous request to consent to a 21710
chemical test or had been convicted of or pleaded guilty to one 21711
violation of division (A) ~~or (B)~~ of section 4511.19 of the 21712
Revised Code or one other equivalent offense, the suspension 21713
shall be a class B suspension imposed for the period of time 21714
specified in division (B) (2) of section 4510.02 of the Revised 21715
Code. 21716

(c) If the arrested person, within ten years of the date 21717
on which the person refused the request to consent to the 21718
chemical test, had refused two previous requests to consent to a 21719
chemical test, had been convicted of or pleaded guilty to two 21720
violations of division (A) ~~or (B)~~ of section 4511.19 of the 21721
Revised Code or other equivalent offenses, or had refused one 21722
previous request to consent to a chemical test and also had been 21723
convicted of or pleaded guilty to one violation of division (A) 21724
~~or (B)~~ of section 4511.19 of the Revised Code or other 21725
equivalent offenses, which violation or offense arose from an 21726
incident other than the incident that led to the refusal, the 21727
suspension shall be a class A suspension imposed for the period 21728
of time specified in division (B) (1) of section 4510.02 of the 21729
Revised Code. 21730

(d) If the arrested person, within ten years of the date 21731
on which the person refused the request to consent to the 21732
chemical test, had refused three or more previous requests to 21733
consent to a chemical test, had been convicted of or pleaded 21734
guilty to three or more violations of division (A) ~~or (B)~~ of 21735
section 4511.19 of the Revised Code or other equivalent 21736
offenses, or had refused a number of previous requests to 21737
consent to a chemical test and also had been convicted of or 21738

pleaded guilty to a number of violations of division (A) ~~or (B)~~ 21739
of section 4511.19 of the Revised Code or other equivalent 21740
offenses that cumulatively total three or more such refusals, 21741
convictions, and guilty pleas, the suspension shall be for five 21742
years. 21743

(2) The registrar shall terminate a suspension of the 21744
driver's or commercial driver's license or permit of a resident 21745
or of the operating privilege of a nonresident, or a denial of a 21746
driver's or commercial driver's license or permit, imposed 21747
pursuant to division (B) (1) of this section upon receipt of 21748
notice that the person has entered a plea of guilty to, or that 21749
the person has been convicted after entering a plea of no 21750
contest to, operating a vehicle in violation of section 4511.19 21751
of the Revised Code or in violation of a municipal OVI 21752
ordinance, if the offense for which the conviction is had or the 21753
plea is entered arose from the same incident that led to the 21754
suspension or denial. 21755

The registrar shall credit against any judicial suspension 21756
of a person's driver's or commercial driver's license or permit 21757
or nonresident operating privilege imposed pursuant to section 21758
4511.19 of the Revised Code, or pursuant to section 4510.07 of 21759
the Revised Code for a violation of a municipal OVI ordinance, 21760
any time during which the person serves a related suspension 21761
imposed pursuant to division (B) (1) of this section. 21762

(C) (1) Upon receipt of the sworn report of the law 21763
enforcement officer who arrested a person for a violation of 21764
division (A) or (B) of section 4511.19 of the Revised Code or a 21765
municipal OVI ordinance that was completed and sent to the 21766
registrar and a court pursuant to section 4511.192 of the 21767
Revised Code in regard to a person whose test results indicate 21768

that the person's whole blood, blood serum or plasma, breath, or 21769
urine contained at least the concentration of alcohol specified 21770
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 21771
the Revised Code or at least the concentration of a listed 21772
controlled substance or a listed metabolite of a controlled 21773
substance specified in division (A) (1) (j) of section 4511.19 of 21774
the Revised Code, the registrar shall enter into the registrar's 21775
records the fact that the person's driver's or commercial 21776
driver's license or permit or nonresident operating privilege 21777
was suspended by the arresting officer under this division and 21778
section 4511.192 of the Revised Code and the period of the 21779
suspension, as determined under divisions (C) (1) (a) to (d) of 21780
this section. The suspension shall be subject to appeal as 21781
provided in section 4511.197 of the Revised Code. The suspension 21782
described in this division does not apply to, and shall not be 21783
imposed upon, a person arrested for a violation of section 21784
4511.194 of the Revised Code or a substantially equivalent 21785
municipal ordinance who submits to a designated chemical test. 21786
The suspension shall be for whichever of the following periods 21787
applies: 21788

(a) Except when division (C) (1) (b), (c), or (d) of this 21789
section applies and specifies a different period, the suspension 21790
shall be a class E suspension imposed for the period of time 21791
specified in division (B) (5) of section 4510.02 of the Revised 21792
Code. 21793

(b) The suspension shall be a class C suspension for the 21794
period of time specified in division (B) (3) of section 4510.02 21795
of the Revised Code if the person has been convicted of or 21796
pleaded guilty to, within ten years of the date the test was 21797
conducted, one violation of division (A) ~~or (B)~~ of section 21798
4511.19 of the Revised Code or one other equivalent offense. 21799

(c) If, within ten years of the date the test was 21800
conducted, the person has been convicted of or pleaded guilty to 21801
two violations of a statute or ordinance described in division 21802
(C) (1) (b) of this section, the suspension shall be a class B 21803
suspension imposed for the period of time specified in division 21804
(B) (2) of section 4510.02 of the Revised Code. 21805

(d) If, within ten years of the date the test was 21806
conducted, the person has been convicted of or pleaded guilty to 21807
more than two violations of a statute or ordinance described in 21808
division (C) (1) (b) of this section, the suspension shall be a 21809
class A suspension imposed for the period of time specified in 21810
division (B) (1) of section 4510.02 of the Revised Code. 21811

(2) The registrar shall terminate a suspension of the 21812
driver's or commercial driver's license or permit of a resident 21813
or of the operating privilege of a nonresident, or a denial of a 21814
driver's or commercial driver's license or permit, imposed 21815
pursuant to division (C) (1) of this section upon receipt of 21816
notice that the person has entered a plea of guilty to, or that 21817
the person has been convicted after entering a plea of no 21818
contest to, operating a vehicle in violation of section 4511.19 21819
of the Revised Code or in violation of a municipal OVI 21820
ordinance, if the offense for which the conviction is had or the 21821
plea is entered arose from the same incident that led to the 21822
suspension or denial. 21823

The registrar shall credit against any judicial suspension 21824
of a person's driver's or commercial driver's license or permit 21825
or nonresident operating privilege imposed pursuant to section 21826
4511.19 of the Revised Code, or pursuant to section 4510.07 of 21827
the Revised Code for a violation of a municipal OVI ordinance, 21828
any time during which the person serves a related suspension 21829

imposed pursuant to division (C)(1) of this section. 21830

(D)(1) A suspension of a person's driver's or commercial 21831
driver's license or permit or nonresident operating privilege 21832
under this section for the time described in division (B) or (C) 21833
of this section is effective immediately from the time at which 21834
the arresting officer serves the notice of suspension upon the 21835
arrested person. Any subsequent finding that the person is not 21836
guilty of the charge that resulted in the person being requested 21837
to take the chemical test or tests under division (A) of this 21838
section does not affect the suspension. 21839

(2) If a person is arrested for operating a vehicle, 21840
streetcar, or trackless trolley in violation of division (A) or 21841
(B) of section 4511.19 of the Revised Code or a municipal OVI 21842
ordinance, or for being in physical control of a vehicle, 21843
streetcar, or trackless trolley in violation of section 4511.194 21844
of the Revised Code or a substantially equivalent municipal 21845
ordinance, regardless of whether the person's driver's or 21846
commercial driver's license or permit or nonresident operating 21847
privilege is or is not suspended under division (B) or (C) of 21848
this section or Chapter 4510. of the Revised Code, the person's 21849
initial appearance on the charge resulting from the arrest shall 21850
be held within five days of the person's arrest or the issuance 21851
of the citation to the person, subject to any continuance 21852
granted by the court pursuant to section 4511.197 of the Revised 21853
Code regarding the issues specified in that division. 21854

(E) When it finally has been determined under the 21855
procedures of this section and sections 4511.192 to 4511.197 of 21856
the Revised Code that a nonresident's privilege to operate a 21857
vehicle within this state has been suspended, the registrar 21858
shall give information in writing of the action taken to the 21859

motor vehicle administrator of the state of the person's 21860
residence and of any state in which the person has a license. 21861

(F) At the end of a suspension period under this section, 21862
under section 4511.194, section 4511.196, or division (G) of 21863
section 4511.19 of the Revised Code, or under section 4510.07 of 21864
the Revised Code for a violation of a municipal OVI ordinance 21865
and upon the request of the person whose driver's or commercial 21866
driver's license or permit was suspended and who is not 21867
otherwise subject to suspension, cancellation, or 21868
disqualification, the registrar shall return the driver's or 21869
commercial driver's license or permit to the person upon the 21870
occurrence of all of the conditions specified in divisions (F) 21871
(1) and (2) of this section: 21872

(1) A showing that the person has proof of financial 21873
responsibility, a policy of liability insurance in effect that 21874
meets the minimum standards set forth in section 4509.51 of the 21875
Revised Code, or proof, to the satisfaction of the registrar, 21876
that the person is able to respond in damages in an amount at 21877
least equal to the minimum amounts specified in section 4509.51 21878
of the Revised Code. 21879

(2) Subject to the limitation contained in division (F) (3) 21880
of this section, payment by the person to the registrar or an 21881
eligible deputy registrar of a license reinstatement fee of four 21882
hundred seventy-five dollars, which fee shall be deposited in 21883
the state treasury and credited as follows: 21884

(a) One hundred twelve dollars and fifty cents shall be 21885
credited to the statewide treatment and prevention fund created 21886
by section 4301.30 of the Revised Code. Money credited to the 21887
fund under this section shall be used for purposes identified 21888
under section 5119.22 of the Revised Code. 21889

(b) Seventy-five dollars shall be credited to the 21890
reparations fund created by section 2743.191 of the Revised 21891
Code. 21892

(c) Thirty-seven dollars and fifty cents shall be credited 21893
to the indigent drivers alcohol treatment fund, which is hereby 21894
established in the state treasury. The department of mental 21895
health and addiction services shall distribute the moneys in 21896
that fund to the county indigent drivers alcohol treatment 21897
funds, the county juvenile indigent drivers alcohol treatment 21898
funds, and the municipal indigent drivers alcohol treatment 21899
funds that are required to be established by counties and 21900
municipal corporations pursuant to division (H) of this section 21901
to be used only as provided in division (H) (3) of this section. 21902
Moneys in the fund that are not distributed to a county indigent 21903
drivers alcohol treatment fund, a county juvenile indigent 21904
drivers alcohol treatment fund, or a municipal indigent drivers 21905
alcohol treatment fund under division (H) of this section 21906
because the director of mental health and addiction services 21907
does not have the information necessary to identify the county 21908
or municipal corporation where the offender or juvenile offender 21909
was arrested may be transferred by the director of budget and 21910
management to the statewide treatment and prevention fund 21911
created by section 4301.30 of the Revised Code, upon 21912
certification of the amount by the director of mental health and 21913
addiction services. 21914

(d) Seventy-five dollars shall be credited to the 21915
opportunities for Ohioans with disabilities agency established 21916
by section 3304.15 of the Revised Code, to the services for 21917
rehabilitation fund, which is hereby established. The fund shall 21918
be used to match available federal matching funds where 21919
appropriate, and for any other purpose or program of the agency 21920

to rehabilitate persons with disabilities to help them become 21921
employed and independent. 21922

(e) Seventy-five dollars shall be deposited into the state 21923
treasury and credited to the drug abuse resistance education 21924
programs fund, which is hereby established, to be used by the 21925
attorney general for the purposes specified in division (F) (4) 21926
of this section. 21927

(f) Thirty dollars shall be credited to the public safety 21928
- highway purposes fund created by section 4501.06 of the 21929
Revised Code. 21930

(g) Twenty dollars shall be credited to the trauma and 21931
emergency medical services fund created by section 4513.263 of 21932
the Revised Code. 21933

(h) Fifty dollars shall be credited to the indigent 21934
drivers interlock and alcohol monitoring fund, which is hereby 21935
established in the state treasury. Moneys in the fund shall be 21936
distributed by the department of public safety to the county 21937
indigent drivers interlock and alcohol monitoring funds, the 21938
county juvenile indigent drivers interlock and alcohol 21939
monitoring funds, and the municipal indigent drivers interlock 21940
and alcohol monitoring funds that are required to be established 21941
by counties and municipal corporations pursuant to this section, 21942
and shall be used only to pay the cost of an immobilizing or 21943
disabling device, including a certified ignition interlock 21944
device, or an alcohol monitoring device used by an offender or 21945
juvenile offender who is ordered to use the device by a county, 21946
juvenile, or municipal court judge and who is determined by the 21947
county, juvenile, or municipal court judge not to have the means 21948
to pay for the person's use of the device. 21949

(3) If a person's driver's or commercial driver's license 21950
or permit is suspended under this section, under section 21951
4511.196 or division (G) of section 4511.19 of the Revised Code, 21952
under section 4510.07 of the Revised Code for a violation of a 21953
municipal OVI ordinance or under any combination of the 21954
suspensions described in division (F) (3) of this section, and if 21955
the suspensions arise from a single incident or a single set of 21956
facts and circumstances, the person is liable for payment of, 21957
and shall be required to pay to the registrar or an eligible 21958
deputy registrar, only one reinstatement fee of four hundred 21959
seventy-five dollars. The reinstatement fee shall be distributed 21960
by the bureau in accordance with division (F) (2) of this 21961
section. 21962

(4) The attorney general shall use amounts in the drug 21963
abuse resistance education programs fund to award grants to law 21964
enforcement agencies to establish and implement drug abuse 21965
resistance education programs in public schools. Grants awarded 21966
to a law enforcement agency under this section shall be used by 21967
the agency to pay for not more than fifty per cent of the amount 21968
of the salaries of law enforcement officers who conduct drug 21969
abuse resistance education programs in public schools. The 21970
attorney general shall not use more than six per cent of the 21971
amounts the attorney general's office receives under division 21972
(F) (2) (e) of this section to pay the costs it incurs in 21973
administering the grant program established by division (F) (2) 21974
(e) of this section and in providing training and materials 21975
relating to drug abuse resistance education programs. 21976

The attorney general shall report to the governor and the 21977
general assembly each fiscal year on the progress made in 21978
establishing and implementing drug abuse resistance education 21979
programs. These reports shall include an evaluation of the 21980

effectiveness of these programs. 21981

(5) In addition to the reinstatement fee under this 21982
section, if the person pays the reinstatement fee to a deputy 21983
registrar, the deputy registrar shall collect a service fee of 21984
ten dollars to compensate the deputy registrar for services 21985
performed under this section. The deputy registrar shall retain 21986
eight dollars of the service fee and shall transmit the 21987
reinstatement fee, plus two dollars of the service fee, to the 21988
registrar in the manner the registrar shall determine. 21989

(G) Suspension of a commercial driver's license under 21990
division (B) or (C) of this section shall be concurrent with any 21991
period of disqualification under section 3123.611 or 4506.16 of 21992
the Revised Code or any period of suspension under section 21993
3123.58 of the Revised Code. No person who is disqualified for 21994
life from holding a commercial driver's license under section 21995
4506.16 of the Revised Code shall be issued a driver's license 21996
under Chapter 4507. of the Revised Code during the period for 21997
which the commercial driver's license was suspended under 21998
division (B) or (C) of this section. No person whose commercial 21999
driver's license is suspended under division (B) or (C) of this 22000
section shall be issued a driver's license under Chapter 4507. 22001
of the Revised Code during the period of the suspension. 22002

(H) (1) Each county shall establish an indigent drivers 22003
alcohol treatment fund and a juvenile indigent drivers alcohol 22004
treatment fund. Each municipal corporation in which there is a 22005
municipal court shall establish an indigent drivers alcohol 22006
treatment fund. All revenue that the general assembly 22007
appropriates to the indigent drivers alcohol treatment fund for 22008
transfer to a county indigent drivers alcohol treatment fund, a 22009
county juvenile indigent drivers alcohol treatment fund, or a 22010

municipal indigent drivers alcohol treatment fund, all portions 22011
of fees that are paid under division (F) of this section and 22012
that are credited under that division to the indigent drivers 22013
alcohol treatment fund in the state treasury for a county 22014
indigent drivers alcohol treatment fund, a county juvenile 22015
indigent drivers alcohol treatment fund, or a municipal indigent 22016
drivers alcohol treatment fund, all portions of additional costs 22017
imposed under section 2949.094 of the Revised Code that are 22018
specified for deposit into a county, county juvenile, or 22019
municipal indigent drivers alcohol treatment fund by that 22020
section, and all portions of fines that are specified for 22021
deposit into a county or municipal indigent drivers alcohol 22022
treatment fund by section 4511.193 of the Revised Code shall be 22023
deposited into that county indigent drivers alcohol treatment 22024
fund, county juvenile indigent drivers alcohol treatment fund, 22025
or municipal indigent drivers alcohol treatment fund. The 22026
portions of the fees paid under division (F) of this section 22027
that are to be so deposited shall be determined in accordance 22028
with division (H) (2) of this section. Additionally, all portions 22029
of fines that are paid for a violation of section 4511.19 of the 22030
Revised Code or of any prohibition contained in Chapter 4510. of 22031
the Revised Code, and that are required under section 4511.19 or 22032
any provision of Chapter 4510. of the Revised Code to be 22033
deposited into a county indigent drivers alcohol treatment fund 22034
or municipal indigent drivers alcohol treatment fund shall be 22035
deposited into the appropriate fund in accordance with the 22036
applicable division of the section or provision. 22037

(2) That portion of the license reinstatement fee that is 22038
paid under division (F) of this section and that is credited 22039
under that division to the indigent drivers alcohol treatment 22040
fund shall be deposited into a county indigent drivers alcohol 22041

treatment fund, a county juvenile indigent drivers alcohol 22042
treatment fund, or a municipal indigent drivers alcohol 22043
treatment fund as follows: 22044

(a) Regarding a suspension imposed under this section, 22045
that portion of the fee shall be deposited as follows: 22046

(i) If the fee is paid by a person who was charged in a 22047
county court with the violation that resulted in the suspension 22048
or in the imposition of the court costs, the portion shall be 22049
deposited into the county indigent drivers alcohol treatment 22050
fund under the control of that court; 22051

(ii) If the fee is paid by a person who was charged in a 22052
juvenile court with the violation that resulted in the 22053
suspension or in the imposition of the court costs, the portion 22054
shall be deposited into the county juvenile indigent drivers 22055
alcohol treatment fund established in the county served by the 22056
court; 22057

(iii) If the fee is paid by a person who was charged in a 22058
municipal court with the violation that resulted in the 22059
suspension or in the imposition of the court costs, the portion 22060
shall be deposited into the municipal indigent drivers alcohol 22061
treatment fund under the control of that court. 22062

(b) Regarding a suspension imposed under section 4511.19 22063
of the Revised Code or under section 4510.07 of the Revised Code 22064
for a violation of a municipal OVI ordinance, that portion of 22065
the fee shall be deposited as follows: 22066

(i) If the fee is paid by a person whose license or permit 22067
was suspended by a county court, the portion shall be deposited 22068
into the county indigent drivers alcohol treatment fund under 22069
the control of that court; 22070

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

(3) (a) As used in division (H) (3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H) (5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

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

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

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider whose

alcohol and drug addiction services are certified under section 22101
5119.36 of the Revised Code; 22102

(iii) To pay the cost of transportation to attend an 22103
assessment as provided under division (H) (3) (b) (i) of this 22104
section or addiction services as provided under division (H) (3) 22105
(b) (ii) of this section. 22106

The alcohol and drug addiction services board or the board 22107
of alcohol, drug addiction, and mental health services 22108
established pursuant to section 340.02 or 340.021 of the Revised 22109
Code and serving the alcohol, drug addiction, and mental health 22110
service district in which the court is located shall administer 22111
the indigent drivers alcohol treatment program of the court. 22112
When a court orders an offender or juvenile traffic offender to 22113
obtain an assessment or attend an alcohol and drug addiction 22114
treatment program, the board shall determine which program is 22115
suitable to meet the needs of the offender or juvenile traffic 22116
offender, and when a suitable program is located and space is 22117
available at the program, the offender or juvenile traffic 22118
offender shall attend the program designated by the board. A 22119
reasonable amount not to exceed five per cent of the amounts 22120
credited to and deposited into the county indigent drivers 22121
alcohol treatment fund, the county juvenile indigent drivers 22122
alcohol treatment fund, or the municipal indigent drivers 22123
alcohol treatment fund serving every court whose program is 22124
administered by that board shall be paid to the board to cover 22125
the costs it incurs in administering those indigent drivers 22126
alcohol treatment programs. 22127

(c) Upon exhaustion of moneys in the indigent drivers 22128
interlock and alcohol monitoring fund for the use of an alcohol 22129
monitoring device, a county, juvenile, or municipal court judge 22130

may use moneys in the county indigent drivers alcohol treatment 22131
fund, county juvenile indigent drivers alcohol treatment fund, 22132
or municipal indigent drivers alcohol treatment fund in either 22133
of the following manners: 22134

(i) If the source of the moneys was an appropriation of 22135
the general assembly, a portion of a fee that was paid under 22136
division (F) of this section, a portion of a fine that was 22137
specified for deposit into the fund by section 4511.193 of the 22138
Revised Code, or a portion of a fine that was paid for a 22139
violation of section 4511.19 of the Revised Code or of a 22140
provision contained in Chapter 4510. of the Revised Code that 22141
was required to be deposited into the fund, to pay for the 22142
continued use of an alcohol monitoring device by an offender or 22143
juvenile traffic offender, in conjunction with a treatment 22144
program approved by the department of mental health and 22145
addiction services, when such use is determined clinically 22146
necessary by the treatment program and when the court determines 22147
that the offender or juvenile traffic offender is unable to pay 22148
all or part of the daily monitoring or cost of the device; 22149

(ii) If the source of the moneys was a portion of an 22150
additional court cost imposed under section 2949.094 of the 22151
Revised Code, to pay for the continued use of an alcohol 22152
monitoring device by an offender or juvenile traffic offender 22153
when the court determines that the offender or juvenile traffic 22154
offender is unable to pay all or part of the daily monitoring or 22155
cost of the device. The moneys may be used for a device as 22156
described in this division if the use of the device is in 22157
conjunction with a treatment program approved by the department 22158
of mental health and addiction services, when the use of the 22159
device is determined clinically necessary by the treatment 22160
program, but the use of a device is not required to be in 22161

conjunction with a treatment program approved by the department 22162
in order for the moneys to be used for the device as described 22163
in this division. 22164

(4) If a county, juvenile, or municipal court determines, 22165
in consultation with the alcohol and drug addiction services 22166
board or the board of alcohol, drug addiction, and mental health 22167
services established pursuant to section 340.02 or 340.021 of 22168
the Revised Code and serving the alcohol, drug addiction, and 22169
mental health district in which the court is located, that the 22170
funds in the county indigent drivers alcohol treatment fund, the 22171
county juvenile indigent drivers alcohol treatment fund, or the 22172
municipal indigent drivers alcohol treatment fund under the 22173
control of the court are more than sufficient to satisfy the 22174
purpose for which the fund was established, as specified in 22175
divisions (H) (1) to (3) of this section, the court may declare a 22176
surplus in the fund. If the court declares a surplus in the 22177
fund, the court may take one or more of the following actions 22178
with regard to the amount of the surplus in the fund: 22179

(a) Expend any of the surplus amount for alcohol and drug 22180
abuse assessment and treatment, and for the cost of 22181
transportation related to assessment and treatment, of persons 22182
who are charged in the court with committing a criminal offense 22183
or with being a delinquent child or juvenile traffic offender 22184
and in relation to whom both of the following apply: 22185

(i) The court determines that substance abuse was a 22186
contributing factor leading to the criminal or delinquent 22187
activity or the juvenile traffic offense with which the person 22188
is charged. 22189

(ii) The court determines that the person is unable to pay 22190
the cost of the alcohol and drug abuse assessment and treatment 22191

for which the surplus money will be used. 22192

(b) Expend any of the surplus amount to pay all or part of 22193
the cost of purchasing alcohol monitoring devices to be used in 22194
conjunction with division (H) (3) (c) of this section, upon 22195
exhaustion of moneys in the indigent drivers interlock and 22196
alcohol monitoring fund for the use of an alcohol monitoring 22197
device. 22198

(c) Transfer to another court in the same county any of 22199
the surplus amount to be utilized in a manner consistent with 22200
division (H) (3) of this section. If surplus funds are 22201
transferred to another court, the court that transfers the funds 22202
shall notify the alcohol and drug addiction services board or 22203
the board of alcohol, drug addiction, and mental health services 22204
that serves the alcohol, drug addiction, and mental health 22205
service district in which that court is located. 22206

(d) Transfer to the alcohol and drug addiction services 22207
board or the board of alcohol, drug addiction, and mental health 22208
services that serves the alcohol, drug addiction, and mental 22209
health service district in which the court is located any of the 22210
surplus amount to be utilized in a manner consistent with 22211
division (H) (3) of this section or for board contracted recovery 22212
support services. 22213

(e) Expend any of the surplus amount for the cost of 22214
staffing, equipment, training, drug testing, supplies, and other 22215
expenses of any specialized docket program established within 22216
the court and certified by the supreme court. 22217

(5) In order to determine if an offender does not have the 22218
means to pay for the offender's attendance at an alcohol and 22219
drug addiction treatment program for purposes of division (H) (3) 22220

of this section or if an alleged offender or delinquent child is 22221
unable to pay the costs specified in division (H) (4) of this 22222
section, the court shall use the indigent client eligibility 22223
guidelines and the standards of indigency established by the 22224
state public defender to make the determination. 22225

(6) The court shall identify and refer any community 22226
addiction services provider that intends to provide alcohol and 22227
drug addiction services and has not had its alcohol and drug 22228
addiction services certified under section 5119.36 of the 22229
Revised Code and that is interested in receiving amounts from 22230
the surplus in the fund declared under division (H) (4) of this 22231
section to the department of mental health and addiction 22232
services in order for the community addiction services provider 22233
to have its alcohol and drug addiction services certified by the 22234
department. The department shall keep a record of applicant 22235
referrals received pursuant to this division and shall submit a 22236
report on the referrals each year to the general assembly. If a 22237
community addiction services provider interested in having its 22238
alcohol and drug addiction services certified makes an 22239
application pursuant to section 5119.36 of the Revised Code, the 22240
community addiction services provider is eligible to receive 22241
surplus funds as long as the application is pending with the 22242
department. The department of mental health and addiction 22243
services must offer technical assistance to the applicant. If 22244
the interested community addiction services provider withdraws 22245
the certification application, the department must notify the 22246
court, and the court shall not provide the interested community 22247
addiction services provider with any further surplus funds. 22248

(7) (a) Each alcohol and drug addiction services board and 22249
board of alcohol, drug addiction, and mental health services 22250
established pursuant to section 340.02 or 340.021 of the Revised 22251

Code shall submit to the department of mental health and 22252
addiction services an annual report for each indigent drivers 22253
alcohol treatment fund in that board's area. 22254

(b) The report, which shall be submitted not later than 22255
sixty days after the end of the state fiscal year, shall provide 22256
the total payment that was made from the fund, including the 22257
number of indigent consumers that received treatment services 22258
and the number of indigent consumers that received an alcohol 22259
monitoring device. The report shall identify the treatment 22260
program and expenditure for an alcohol monitoring device for 22261
which that payment was made. The report shall include the fiscal 22262
year balance of each indigent drivers alcohol treatment fund 22263
located in that board's area. In the event that a surplus is 22264
declared in the fund pursuant to division (H) (4) of this 22265
section, the report also shall provide the total payment that 22266
was made from the surplus moneys and identify the authorized 22267
purpose for which that payment was made. 22268

(c) If a board is unable to obtain adequate information to 22269
develop the report to submit to the department for a particular 22270
indigent drivers alcohol treatment fund, the board shall submit 22271
a report detailing the effort made in obtaining the information. 22272

(I) (1) Each county shall establish an indigent drivers 22273
interlock and alcohol monitoring fund and a juvenile indigent 22274
drivers interlock and alcohol treatment fund. Each municipal 22275
corporation in which there is a municipal court shall establish 22276
an indigent drivers interlock and alcohol monitoring fund. All 22277
revenue that the general assembly appropriates to the indigent 22278
drivers interlock and alcohol monitoring fund for transfer to a 22279
county indigent drivers interlock and alcohol monitoring fund, a 22280
county juvenile indigent drivers interlock and alcohol 22281

monitoring fund, or a municipal indigent drivers interlock and 22282
alcohol monitoring fund, all portions of license reinstatement 22283
fees that are paid under division (F) (2) of this section and 22284
that are credited under that division to the indigent drivers 22285
interlock and alcohol monitoring fund in the state treasury, and 22286
all portions of fines that are paid under division (G) of 22287
section 4511.19 of the Revised Code and that are credited by 22288
division (G) (5) (e) of that section to the indigent drivers 22289
interlock and alcohol monitoring fund in the state treasury 22290
shall be deposited in the appropriate fund in accordance with 22291
division (I) (2) of this section. 22292

(2) That portion of the license reinstatement fee that is 22293
paid under division (F) of this section and that portion of the 22294
fine paid under division (G) of section 4511.19 of the Revised 22295
Code and that is credited under either division to the indigent 22296
drivers interlock and alcohol monitoring fund shall be deposited 22297
into a county indigent drivers interlock and alcohol monitoring 22298
fund, a county juvenile indigent drivers interlock and alcohol 22299
monitoring fund, or a municipal indigent drivers interlock and 22300
alcohol monitoring fund as follows: 22301

(a) If the fee or fine is paid by a person who was charged 22302
in a county court with the violation that resulted in the 22303
suspension or fine, the portion shall be deposited into the 22304
county indigent drivers interlock and alcohol monitoring fund 22305
under the control of that court. 22306

(b) If the fee or fine is paid by a person who was charged 22307
in a juvenile court with the violation that resulted in the 22308
suspension or fine, the portion shall be deposited into the 22309
county juvenile indigent drivers interlock and alcohol 22310
monitoring fund established in the county served by the court. 22311

(c) If the fee or fine is paid by a person who was charged 22312
in a municipal court with the violation that resulted in the 22313
suspension, the portion shall be deposited into the municipal 22314
indigent drivers interlock and alcohol monitoring fund under the 22315
control of that court. 22316

(3) If a county, juvenile, or municipal court determines 22317
that the funds in the county indigent drivers interlock and 22318
alcohol monitoring fund, the county juvenile indigent drivers 22319
interlock and alcohol monitoring fund, or the municipal indigent 22320
drivers interlock and alcohol monitoring fund under the control 22321
of that court are more than sufficient to satisfy the purpose 22322
for which the fund was established as specified in division (F) 22323
(2) (h) of this section, the court may declare a surplus in the 22324
fund. The court then may order the transfer of a specified 22325
amount into the county indigent drivers alcohol treatment fund, 22326
the county juvenile indigent drivers alcohol treatment fund, or 22327
the municipal indigent drivers alcohol treatment fund under the 22328
control of that court to be utilized in accordance with division 22329
(H) of this section. 22330

Sec. 4511.192. (A) Except as provided in division (A) (5) 22331
of section 4511.191 of the Revised Code, the arresting law 22332
enforcement officer shall give advice in accordance with this 22333
section to any person under arrest for a violation of division 22334
(A) or (B) of section 4511.19 of the Revised Code, section 22335
4511.194 of the Revised Code or a substantially equivalent 22336
municipal ordinance, or a municipal OVI ordinance. The officer 22337
shall give that advice in a written form that contains the 22338
information described in division (B) of this section and shall 22339
read the advice to the person. The form shall contain a 22340
statement that the form was shown to the person under arrest and 22341
read to the person by the arresting officer. One or more persons 22342

shall witness the arresting officer's reading of the form, and 22343
the witnesses shall certify to this fact by signing the form. 22344
The person must submit to the chemical test or tests, subsequent 22345
to the request of the arresting officer, within two hours of the 22346
time of the alleged violation and, if the person does not submit 22347
to the test or tests within that two-hour time limit, the 22348
failure to submit automatically constitutes a refusal to submit 22349
to the test or tests. 22350

(B) Except as provided in division (A) (5) of section 22351
4511.191 of the Revised Code, if a person is under arrest as 22352
described in division (A) of this section, before the person may 22353
be requested to submit to a chemical test or tests to determine 22354
the alcohol, drug of abuse, controlled substance, metabolite of 22355
a controlled substance, or combination content of the person's 22356
whole blood, blood serum or plasma, breath, or urine, the 22357
arresting officer shall read the following form to the person: 22358

"You now are under arrest for (specifically state the 22359
offense under state law or a substantially equivalent municipal 22360
ordinance for which the person was arrested - operating a 22361
vehicle under the influence of alcohol, a drug, or a combination 22362
of them; operating a vehicle while under the influence of a 22363
listed controlled substance or a listed metabolite of a 22364
controlled substance; operating a vehicle after underage alcohol 22365
consumption; or having physical control of a vehicle while under 22366
the influence). 22367

If you refuse to take any chemical test required by law, 22368
your Ohio driving privileges will be suspended immediately, and 22369
you will have to pay a fee to have the privileges reinstated. If 22370
you have a prior conviction of OVI, ~~OVUAC,~~ or operating a 22371
vehicle while under the influence of a listed controlled 22372

substance or a listed metabolite of a controlled substance under 22373
state or municipal law within the preceding twenty years, you 22374
now are under arrest for state OVI, and, if you refuse to take a 22375
chemical test, you will face increased penalties if you 22376
subsequently are convicted of the state OVI. 22377

(Read this part unless the person is under arrest for 22378
solely having physical control of a vehicle while under the 22379
influence.) If you take any chemical test required by law and 22380
are found to be at or over the prohibited amount of alcohol, a 22381
controlled substance, or a metabolite of a controlled substance 22382
in your whole blood, blood serum or plasma, breath, or urine as 22383
set by law, your Ohio driving privileges will be suspended 22384
immediately, and you will have to pay a fee to have the 22385
privileges reinstated. 22386

If you take a chemical test, you may have an independent 22387
chemical test taken at your own expense." 22388

(C) If the arresting law enforcement officer does not ask 22389
a person under arrest as described in division (A) of this 22390
section or division (A) (5) of section 4511.191 of the Revised 22391
Code to submit to a chemical test or tests under section 22392
4511.191 of the Revised Code, the arresting officer shall seize 22393
the Ohio or out-of-state driver's or commercial driver's license 22394
or permit of the person and immediately forward it to the court 22395
in which the arrested person is to appear on the charge. If the 22396
arrested person is not in possession of the person's license or 22397
permit or it is not in the person's vehicle, the officer shall 22398
order the person to surrender it to the law enforcement agency 22399
that employs the officer within twenty-four hours after the 22400
arrest, and, upon the surrender, the agency immediately shall 22401
forward the license or permit to the court in which the person 22402

is to appear on the charge. Upon receipt of the license or 22403
permit, the court shall retain it pending the arrested person's 22404
initial appearance and any action taken under section 4511.196 22405
of the Revised Code. 22406

(D) (1) If a law enforcement officer asks a person under 22407
arrest as described in division (A) (5) of section 4511.191 of 22408
the Revised Code to submit to a chemical test or tests under 22409
that section and the test results indicate a prohibited 22410
concentration of alcohol, a controlled substance, or a 22411
metabolite of a controlled substance in the person's whole 22412
blood, blood serum or plasma, breath, or urine at the time of 22413
the alleged offense, or if a law enforcement officer asks a 22414
person under arrest as described in division (A) of this section 22415
to submit to a chemical test or tests under section 4511.191 of 22416
the Revised Code, the officer advises the person in accordance 22417
with this section of the consequences of the person's refusal or 22418
submission, and either the person refuses to submit to the test 22419
or tests or, unless the arrest was for a violation of section 22420
4511.194 of the Revised Code or a substantially equivalent 22421
municipal ordinance, the person submits to the test or tests and 22422
the test results indicate a prohibited concentration of alcohol, 22423
a controlled substance, or a metabolite of a controlled 22424
substance in the person's whole blood, blood serum or plasma, 22425
breath, or urine at the time of the alleged offense, the 22426
arresting officer shall do all of the following: 22427

(a) On behalf of the registrar of motor vehicles, notify 22428
the person that, independent of any penalties or sanctions 22429
imposed upon the person, the person's Ohio driver's or 22430
commercial driver's license or permit or nonresident operating 22431
privilege is suspended immediately, that the suspension will 22432
last at least until the person's initial appearance on the 22433

charge, which will be held within five days after the date of 22434
the person's arrest or the issuance of a citation to the person, 22435
and that the person may appeal the suspension at the initial 22436
appearance or during the period of time ending thirty days after 22437
that initial appearance; 22438

(b) Seize the driver's or commercial driver's license or 22439
permit of the person and immediately forward it to the 22440
registrar. If the arrested person is not in possession of the 22441
person's license or permit or it is not in the person's vehicle, 22442
the officer shall order the person to surrender it to the law 22443
enforcement agency that employs the officer within twenty-four 22444
hours after the person is given notice of the suspension, and, 22445
upon the surrender, the officer's employing agency immediately 22446
shall forward the license or permit to the registrar. 22447

(c) Verify the person's current residence and, if it 22448
differs from that on the person's driver's or commercial 22449
driver's license or permit, notify the registrar of the change; 22450

(d) Send to the registrar, within forty-eight hours after 22451
the arrest of the person, a sworn report that includes all of 22452
the following statements: 22453

(i) That the officer had reasonable grounds to believe 22454
that, at the time of the arrest, the arrested person was 22455
operating a vehicle, streetcar, or trackless trolley in 22456
violation of division (A) or (B) of section 4511.19 of the 22457
Revised Code or a municipal OVI ordinance or for being in 22458
physical control of a stationary vehicle, streetcar, or 22459
trackless trolley in violation of section 4511.194 of the 22460
Revised Code or a substantially equivalent municipal ordinance; 22461

(ii) That the person was arrested and charged with a 22462

violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance;

(iii) Unless division (D) (1) (d) (v) of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (B) of this section;

(iv) Unless division (D) (1) (d) (v) of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense;

(v) If the person was under arrest as described in division (A) (5) of section 4511.191 of the Revised Code and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

(2) Division (D)(1) of this section does not apply to a 22493
person who is arrested for a violation of section 4511.194 of 22494
the Revised Code or a substantially equivalent municipal 22495
ordinance, who is asked by a law enforcement officer to submit 22496
to a chemical test or tests under section 4511.191 of the 22497
Revised Code, and who submits to the test or tests, regardless 22498
of the amount of alcohol, a controlled substance, or a 22499
metabolite of a controlled substance that the test results 22500
indicate is present in the person's whole blood, blood serum or 22501
plasma, breath, or urine. 22502

(E) The arresting officer shall give the officer's sworn 22503
report that is completed under this section to the arrested 22504
person at the time of the arrest, or the registrar of motor 22505
vehicles shall send the report to the person by regular first 22506
class mail as soon as possible after receipt of the report, but 22507
not later than fourteen days after receipt of it. An arresting 22508
officer may give an unsworn report to the arrested person at the 22509
time of the arrest provided the report is complete when given to 22510
the arrested person and subsequently is sworn to by the 22511
arresting officer. As soon as possible, but not later than 22512
forty-eight hours after the arrest of the person, the arresting 22513
officer shall send a copy of the sworn report to the court in 22514
which the arrested person is to appear on the charge for which 22515
the person was arrested. 22516

(F) The sworn report of an arresting officer completed 22517
under this section is prima-facie proof of the information and 22518
statements that it contains. It shall be admitted and considered 22519
as prima-facie proof of the information and statements that it 22520
contains in any appeal under section 4511.197 of the Revised 22521
Code relative to any suspension of a person's driver's or 22522
commercial driver's license or permit or nonresident operating 22523

privilege that results from the arrest covered by the report. 22524

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 22525
for a violation of a municipal OVI ordinance shall be deposited 22526
into the municipal or county indigent drivers alcohol treatment 22527
fund created pursuant to division (H) of section 4511.191 of the 22528
Revised Code in accordance with this section and section 733.40, 22529
divisions (A), (B), and (C) of section 1901.024, division (F) of 22530
section 1901.31, or division (C) of section 1907.20 of the 22531
Revised Code. Regardless of whether the fine is imposed by a 22532
municipal court, a mayor's court, or a juvenile court, if the 22533
fine was imposed for a violation of an ordinance of a municipal 22534
corporation that is within the jurisdiction of a county-operated 22535
municipal court or a municipal court that is not a county- 22536
operated municipal court, the twenty-five dollars that is 22537
subject to this section shall be deposited into the indigent 22538
drivers alcohol treatment fund of the county in which that 22539
municipal corporation is located if the municipal court that has 22540
jurisdiction over that municipal corporation is a county- 22541
operated municipal court or of the municipal corporation in 22542
which is located the municipal court that has jurisdiction over 22543
that municipal corporation if that municipal court is not a 22544
county-operated municipal court. Regardless of whether the fine 22545
is imposed by a county court, a mayor's court, or a juvenile 22546
court, if the fine was imposed for a violation of an ordinance 22547
of a municipal corporation that is within the jurisdiction of a 22548
county court, the twenty-five dollars that is subject to this 22549
section shall be deposited into the indigent drivers alcohol 22550
treatment fund of the county in which is located the county 22551
court that has jurisdiction over that municipal corporation. The 22552
deposit shall be made in accordance with section 733.40, 22553
divisions (A), (B), and (C) of section 1901.024, division (F) of 22554

section 1901.31, or division (C) of section 1907.20 of the Revised Code. 22555
22556

(B) Any court cost imposed as a result of a violation of a municipal ordinance that is a moving violation and designated for an indigent drivers alcohol treatment fund established pursuant to division (H) of section 4511.191 of the Revised Code shall be deposited into the municipal or county indigent drivers alcohol treatment fund created pursuant to division (H) of section 4511.191 of the Revised Code in accordance with this section and section 733.40, divisions (A), (B), and (C) of section 1901.024, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code. Regardless of whether the court cost is imposed by a municipal court, a mayor's court, or a juvenile court, if the court cost was imposed for a violation of an ordinance of a municipal corporation that is within the jurisdiction of a county-operated municipal court or a municipal court that is not a county-operated municipal court, the court cost that is subject to this section shall be deposited into the indigent drivers alcohol treatment fund of the county in which that municipal corporation is located if the municipal court that has jurisdiction over that municipal corporation is a county-operated municipal court or of the municipal corporation in which is located the municipal court that has jurisdiction over that municipal corporation if that municipal court is not a county-operated municipal court. Regardless of whether the court cost is imposed by a county court, a mayor's court, or a juvenile court, if the court cost was imposed for a violation of an ordinance of a municipal corporation that is within the jurisdiction of a county court, the court cost that is subject to this section shall be deposited into the indigent drivers alcohol treatment

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fund of the county in which is located the county court that has 22586
jurisdiction over that municipal corporation. The deposit shall 22587
be made in accordance with section 733.40, divisions (A), (B), 22588
and (C) of section 1901.024, division (F) of section 1901.31, or 22589
division (C) of section 1907.20 of the Revised Code. 22590

(C) (1) The requirements and sanctions imposed by divisions 22591
(C) (1) and (2) of this section are an adjunct to and derive from 22592
the state's exclusive authority over the registration and 22593
titling of motor vehicles and do not comprise a part of the 22594
criminal sentence to be imposed upon a person who violates a 22595
municipal OVI ordinance. 22596

(2) If a person is convicted of or pleads guilty to a 22597
violation of a municipal OVI ordinance, if the vehicle the 22598
offender was operating at the time of the offense is registered 22599
in the offender's name, and if, within ten years of the current 22600
offense, the offender has been convicted of or pleaded guilty to 22601
one or more violations of division (A) ~~or (B)~~ of section 4511.19 22602
of the Revised Code or one or more other equivalent offenses, 22603
the court, in addition to and independent of any sentence that 22604
it imposes upon the offender for the offense, shall do whichever 22605
of the following is applicable: 22606

(a) Except as otherwise provided in division (C) (2) (b) of 22607
this section, if, within ten years of the current offense, the 22608
offender has been convicted of or pleaded guilty to one 22609
violation described in division (C) (2) of this section, the 22610
court shall order the immobilization for ninety days of that 22611
vehicle and the impoundment for ninety days of the license 22612
plates of that vehicle. The order for the immobilization and 22613
impoundment shall be issued and enforced in accordance with 22614
section 4503.233 of the Revised Code. 22615

(b) If, within ten years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations described in division (C) (2) of this section, or if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances in which the violation was a felony and regardless of when the violation and the conviction or guilty plea occurred, the court shall order the criminal forfeiture to the state of that vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code.

(D) As used in this section, "county-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.

Sec. 4511.195. (A) As used in this section:

(1) "Arrested person" means a person who is arrested for a violation of division (A) of section 4511.19 of the Revised Code or a municipal OVI ordinance and whose arrest results in a vehicle being seized under division (B) of this section.

(2) "Vehicle owner" means either of the following:

(a) The person in whose name is registered, at the time of the seizure, a vehicle that is seized under division (B) of this section;

(b) A person to whom the certificate of title to a vehicle that is seized under division (B) of this section has been assigned and who has not obtained a certificate of title to the vehicle in that person's name, but who is deemed by the court as being the owner of the vehicle at the time the vehicle was seized under division (B) of this section.

(3) "Interested party" includes the owner of a vehicle 22645
seized under this section, all lienholders, the arrested person, 22646
the owner of the place of storage at which a vehicle seized 22647
under this section is stored, and the person or entity that 22648
caused the vehicle to be removed. 22649

(B) (1) The arresting officer or another officer of the law 22650
enforcement agency that employs the arresting officer, in 22651
addition to any action that the arresting officer is required or 22652
authorized to take by section 4511.19 or 4511.191 of the Revised 22653
Code or by any other provision of law, shall seize the vehicle 22654
that a person was operating at the time of the alleged offense 22655
and its license plates if the vehicle is registered in the 22656
arrested person's name and if either of the following applies: 22657

(a) The person is arrested for a violation of division (A) 22658
of section 4511.19 of the Revised Code or of a municipal OVI 22659
ordinance and, within ten years of the alleged violation, the 22660
person previously has been convicted of or pleaded guilty to one 22661
or more violations of division (A) ~~or (B)~~ of section 4511.19 of 22662
the Revised Code or one or more other equivalent offenses. 22663

(b) The person is arrested for a violation of division (A) 22664
of section 4511.19 of the Revised Code or of a municipal OVI 22665
ordinance and the person previously has been convicted of or 22666
pleaded guilty to a violation of division (A) of section 4511.19 22667
of the Revised Code under circumstances in which the violation 22668
was a felony, regardless of when the prior felony violation of 22669
division (A) of section 4511.19 of the Revised Code and the 22670
conviction or guilty plea occurred. 22671

(2) A law enforcement agency that employs a law 22672
enforcement officer who makes an arrest of a type that is 22673
described in division (B) (1) of this section and that involves a 22674

rented or leased vehicle that is being rented or leased for a 22675
period of thirty days or less shall notify, within twenty-four 22676
hours after the officer makes the arrest, the lessor or owner of 22677
the vehicle regarding the circumstances of the arrest and the 22678
location at which the vehicle may be picked up. At the time of 22679
the seizure of the vehicle, the law enforcement officer who made 22680
the arrest shall give the arrested person written notice that 22681
the vehicle and its license plates have been seized; that the 22682
vehicle either will be kept by the officer's law enforcement 22683
agency or will be immobilized at least until the operator's 22684
initial appearance on the charge of the offense for which the 22685
arrest was made; that, at the initial appearance, the court in 22686
certain circumstances may order that the vehicle and license 22687
plates be released to the arrested person until the disposition 22688
of that charge; and that, if the arrested person is convicted of 22689
that charge, the court generally must order the immobilization 22690
of the vehicle and the impoundment of its license plates, or the 22691
forfeiture of the vehicle. 22692

(3) The arresting officer or a law enforcement officer of 22693
the agency that employs the arresting officer shall give written 22694
notice of the seizure to the court that will conduct the initial 22695
appearance of the arrested person on the charges arising out of 22696
the arrest. Upon receipt of the notice, the court promptly shall 22697
determine whether the arrested person is the vehicle owner. If 22698
the court determines that the arrested person is not the vehicle 22699
owner, it promptly shall send by regular mail written notice of 22700
the seizure to the vehicle's registered owner. The written 22701
notice shall contain all of the information required by division 22702
(B) (2) of this section to be in a notice to be given to the 22703
arrested person and also shall specify the date, time, and place 22704
of the arrested person's initial appearance. The notice also 22705

shall inform the vehicle owner that if title to a motor vehicle 22706
that is subject to an order for criminal forfeiture under this 22707
section is assigned or transferred and division (B) (2) or (3) of 22708
section 4503.234 of the Revised Code applies, the court may fine 22709
the arrested person the value of the vehicle. The notice also 22710
shall state that if the vehicle is immobilized under division 22711
(A) of section 4503.233 of the Revised Code, seven days after 22712
the end of the period of immobilization a law enforcement agency 22713
will send the vehicle owner a notice, informing the owner that 22714
if the release of the vehicle is not obtained in accordance with 22715
division (D) (3) of section 4503.233 of the Revised Code, the 22716
vehicle shall be forfeited. The notice also shall inform the 22717
vehicle owner that the vehicle owner may be charged expenses or 22718
charges incurred under this section and section 4503.233 of the 22719
Revised Code for the removal and storage of the vehicle. 22720

The written notice that is given to the arrested person 22721
also shall state that if the person is convicted of or pleads 22722
guilty to the offense and the court issues an immobilization and 22723
impoundment order relative to that vehicle, division (D) (4) of 22724
section 4503.233 of the Revised Code prohibits the vehicle from 22725
being sold during the period of immobilization without the prior 22726
approval of the court. 22727

(4) At or before the initial appearance, the vehicle owner 22728
may file a motion requesting the court to order that the vehicle 22729
and its license plates be released to the vehicle owner. Except 22730
as provided in this division and subject to the payment of 22731
expenses or charges incurred in the removal and storage of the 22732
vehicle, the court, in its discretion, then may issue an order 22733
releasing the vehicle and its license plates to the vehicle 22734
owner. Such an order may be conditioned upon such terms as the 22735
court determines appropriate, including the posting of a bond in 22736

an amount determined by the court. If the arrested person is not 22737
the vehicle owner and if the vehicle owner is not present at the 22738
arrested person's initial appearance, and if the court believes 22739
that the vehicle owner was not provided with adequate notice of 22740
the initial appearance, the court, in its discretion, may allow 22741
the vehicle owner to file a motion within seven days of the 22742
initial appearance. If the court allows the vehicle owner to 22743
file such a motion after the initial appearance, the extension 22744
of time granted by the court does not extend the time within 22745
which the initial appearance is to be conducted. If the court 22746
issues an order for the release of the vehicle and its license 22747
plates, a copy of the order shall be made available to the 22748
vehicle owner. If the vehicle owner presents a copy of the order 22749
to the law enforcement agency that employs the law enforcement 22750
officer who arrested the arrested person, the law enforcement 22751
agency promptly shall release the vehicle and its license plates 22752
to the vehicle owner upon payment by the vehicle owner of any 22753
expenses or charges incurred in the removal and storage of the 22754
vehicle. 22755

(5) A vehicle seized under division (B)(1) of this section 22756
either shall be towed to a place specified by the law 22757
enforcement agency that employs the arresting officer to be 22758
safely kept by the agency at that place for the time and in the 22759
manner specified in this section or shall be otherwise 22760
immobilized for the time and in the manner specified in this 22761
section. The license plates shall remain on the seized vehicle 22762
unless otherwise ordered by the court. No vehicle that is seized 22763
and either towed or immobilized pursuant to this division shall 22764
be considered contraband for purposes of Chapter 2981. of the 22765
Revised Code. The vehicle shall not be immobilized at any place 22766
other than a commercially operated private storage lot, a place 22767

owned by a law enforcement agency or other government agency, or 22768
a place to which one of the following applies: 22769

(a) The place is leased by or otherwise under the control 22770
of a law enforcement agency or other government agency. 22771

(b) The place is owned by the vehicle operator, the 22772
vehicle operator's spouse, or a parent or child of the vehicle 22773
operator. 22774

(c) The place is owned by a private person or entity, and, 22775
prior to the immobilization, the private entity or person that 22776
owns the place, or the authorized agent of that private entity 22777
or person, has given express written consent for the 22778
immobilization to be carried out at that place. 22779

(d) The place is a street or highway on which the vehicle 22780
is parked in accordance with the law. 22781

(C) (1) A vehicle seized under division (B) of this section 22782
shall be safely kept at the place to which it is towed or 22783
otherwise moved by the law enforcement agency that employs the 22784
arresting officer until the initial appearance of the arrested 22785
person relative to the charge in question. The license plates 22786
shall remain on the seized vehicle unless otherwise ordered by 22787
the court. 22788

(2) (a) At the initial appearance or not less than seven 22789
days prior to the date of final disposition, the court shall 22790
notify the arrested person that, if title to a motor vehicle 22791
that is subject to an order for criminal forfeiture under this 22792
section is assigned or transferred and division (B) (2) or (3) of 22793
section 4503.234 of the Revised Code applies, the court may fine 22794
the arrested person the value of the vehicle. If, at the initial 22795
appearance, the arrested person pleads guilty to the violation 22796

of division (A) of section 4511.19 of the Revised Code or of the municipal OVI ordinance or pleads no contest to and is convicted of the violation, the court shall impose sentence upon the person as provided by law or ordinance; the court shall order the immobilization of the vehicle the arrested person was operating at the time of the offense if registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.19 or 4511.193 of the Revised Code or the criminal forfeiture to the state of the vehicle if registered in the arrested person's name under section 4503.234 and section 4511.19 or 4511.193 of the Revised Code, whichever is applicable; and the vehicle and its license plates shall not be returned or released to the arrested person.

(b) If, at any time, the charge that the arrested person violated division (A) of section 4511.19 of the Revised Code or the municipal OVI ordinance is dismissed for any reason, the court shall order that the vehicle seized at the time of the arrest and its license plates immediately be released to the person.

(D) If a vehicle and its license plates are seized under division (B) of this section and are not returned or released to the arrested person pursuant to division (C) of this section, the vehicle and its license plates shall be retained until the final disposition of the charge in question. Upon the final disposition of that charge, the court shall do whichever of the following is applicable:

(1) If the arrested person is convicted of or pleads guilty to the violation of division (A) of section 4511.19 of the Revised Code or of the municipal OVI ordinance, the court shall impose sentence upon the person as provided by law or

ordinance and shall order the immobilization of the vehicle the 22827
person was operating at the time of the offense if it is 22828
registered in the arrested person's name and the impoundment of 22829
its license plates under section 4503.233 and section 4511.19 or 22830
4511.193 of the Revised Code, or the criminal forfeiture of the 22831
vehicle if it is registered in the arrested person's name under 22832
section 4503.234 and section 4511.19 or 4511.193 of the Revised 22833
Code, whichever is applicable. 22834

(2) If the arrested person is found not guilty of the 22835
violation of division (A) of section 4511.19 of the Revised Code 22836
or of the municipal OVI ordinance, the court shall order that 22837
the vehicle and its license plates immediately be released to 22838
the arrested person. 22839

(3) If the charge that the arrested person violated 22840
division (A) of section 4511.19 of the Revised Code or the 22841
municipal OVI ordinance is dismissed for any reason, the court 22842
shall order that the vehicle and its license plates immediately 22843
be released to the arrested person. 22844

(4) If the impoundment of the vehicle was not authorized 22845
under this section, the court shall order that the vehicle and 22846
its license plates be returned immediately to the arrested 22847
person or, if the arrested person is not the vehicle owner, to 22848
the vehicle owner, and shall order that the state or political 22849
subdivision of the law enforcement agency served by the law 22850
enforcement officer who seized the vehicle pay all expenses and 22851
charges incurred in its removal and storage. 22852

(E) If a vehicle is seized under division (B) of this 22853
section, the time between the seizure of the vehicle and either 22854
its release to the arrested person under division (C) of this 22855
section or the issuance of an order of immobilization of the 22856

vehicle under section 4503.233 of the Revised Code shall be 22857
credited against the period of immobilization ordered by the 22858
court. 22859

(F) (1) Except as provided in division (D) (4) of this 22860
section, the arrested person may be charged expenses or charges 22861
incurred in the removal and storage of the immobilized vehicle. 22862
The court with jurisdiction over the case, after notice to all 22863
interested parties, including lienholders, and after an 22864
opportunity for them to be heard, if the court finds that the 22865
arrested person does not intend to seek release of the vehicle 22866
at the end of the period of immobilization under section 22867
4503.233 of the Revised Code or that the arrested person is not 22868
or will not be able to pay the expenses and charges incurred in 22869
its removal and storage, may order that title to the vehicle be 22870
transferred, in order of priority, first into the name of the 22871
person or entity that removed it, next into the name of a 22872
lienholder, or lastly into the name of the owner of the place of 22873
storage. 22874

Any lienholder that receives title under a court order 22875
shall do so on the condition that it pay any expenses or charges 22876
incurred in the vehicle's removal and storage. If the person or 22877
entity that receives title to the vehicle is the person or 22878
entity that removed it, the person or entity shall receive title 22879
on the condition that it pay any lien on the vehicle. The court 22880
shall not order that title be transferred to any person or 22881
entity other than the owner of the place of storage if the 22882
person or entity refuses to receive the title. Any person or 22883
entity that receives title either may keep title to the vehicle 22884
or may dispose of the vehicle in any legal manner that it 22885
considers appropriate, including assignment of the certificate 22886
of title to the motor vehicle to a salvage dealer or a scrap 22887

metal processing facility. The person or entity shall not 22888
transfer the vehicle to the person who is the vehicle's 22889
immediate previous owner. 22890

If the person or entity that receives title assigns the 22891
motor vehicle to a salvage dealer or scrap metal processing 22892
facility, the person or entity shall send the assigned 22893
certificate of title to the motor vehicle to the clerk of the 22894
court of common pleas of the county in which the salvage dealer 22895
or scrap metal processing facility is located. The person or 22896
entity shall mark the face of the certificate of title with the 22897
words "FOR DESTRUCTION" and shall deliver a photocopy of the 22898
certificate of title to the salvage dealer or scrap metal 22899
processing facility for its records. 22900

(2) Whenever a court issues an order under division (F) (1) 22901
of this section, the court also shall order removal of the 22902
license plates from the vehicle and cause them to be sent to the 22903
registrar of motor vehicles if they have not already been sent 22904
to the registrar. Thereafter, no further proceedings shall take 22905
place under this section or under section 4503.233 of the 22906
Revised Code. 22907

(3) Prior to initiating a proceeding under division (F) (1) 22908
of this section, and upon payment of the fee under division (B) 22909
of section 4505.14 of the Revised Code, any interested party may 22910
cause a search to be made of the public records of the bureau of 22911
motor vehicles or the clerk of the court of common pleas, to 22912
ascertain the identity of any lienholder of the vehicle. The 22913
initiating party shall furnish this information to the clerk of 22914
the court with jurisdiction over the case, and the clerk shall 22915
provide notice to the arrested person, any lienholder, and any 22916
other interested parties listed by the initiating party, at the 22917

last known address supplied by the initiating party, by 22918
certified mail or, at the option of the initiating party, by 22919
personal service or ordinary mail. 22920

Sec. 4511.21. (A) No person shall operate a motor vehicle, 22921
trackless trolley, or streetcar at a speed greater or less than 22922
is reasonable or proper, having due regard to the traffic, 22923
surface, and width of the street or highway and any other 22924
conditions, and no person shall drive any motor vehicle, 22925
trackless trolley, or streetcar in and upon any street or 22926
highway at a greater speed than will permit the person to bring 22927
it to a stop within the assured clear distance ahead. 22928

(B) It is prima-facie lawful, in the absence of a lower 22929
limit declared or established pursuant to this section by the 22930
director of transportation or local authorities, for the 22931
operator of a motor vehicle, trackless trolley, or streetcar to 22932
operate the same at a speed not exceeding the following: 22933

(1) (a) Twenty miles per hour in school zones during school 22934
recess and while children are going to or leaving school during 22935
the opening or closing hours, and when twenty miles per hour 22936
school speed limit signs are erected; except that, on 22937
controlled-access highways and expressways, if the right-of-way 22938
line fence has been erected without pedestrian opening, the 22939
speed shall be governed by division (B) (4) of this section and 22940
on freeways, if the right-of-way line fence has been erected 22941
without pedestrian opening, the speed shall be governed by 22942
divisions (B) (10) and (11) of this section. The end of every 22943
school zone may be marked by a sign indicating the end of the 22944
zone. Nothing in this section or in the manual and 22945
specifications for a uniform system of traffic control devices 22946
shall be construed to require school zones to be indicated by 22947

signs equipped with flashing or other lights, or giving other 22948
special notice of the hours in which the school zone speed limit 22949
is in effect. 22950

(b) As used in this section and in section 4511.212 of the 22951
Revised Code, "school" means all of the following: 22952

(i) Any school chartered under section 3301.16 of the 22953
Revised Code; 22954

(ii) Any nonchartered school that during the preceding 22955
year filed with the department of education in compliance with 22956
rule 3301-35-08 of the Ohio Administrative Code, a copy of the 22957
school's report for the parents of the school's pupils 22958
certifying that the school meets Ohio minimum standards for 22959
nonchartered, nontax-supported schools and presents evidence of 22960
this filing to the jurisdiction from which it is requesting the 22961
establishment of a school zone; 22962

(iii) Any special elementary school that in writing 22963
requests the county engineer of the county in which the special 22964
elementary school is located to create a school zone at the 22965
location of that school. Upon receipt of such a written request, 22966
the county engineer shall create a school zone at that location 22967
by erecting the appropriate signs. 22968

(iv) Any preschool education program operated by an 22969
educational service center that is located on a street or 22970
highway with a speed limit of forty-five miles per hour or more, 22971
when the educational service center in writing requests that the 22972
county engineer of the county in which the program is located 22973
create a school zone at the location of that program. Upon 22974
receipt of such a written request, the county engineer shall 22975
create a school zone at that location by erecting the 22976

appropriate signs. 22977

(c) As used in this section, "school zone" means that 22978
portion of a street or highway passing a school fronting upon 22979
the street or highway that is encompassed by projecting the 22980
school property lines to the fronting street or highway, and 22981
also includes that portion of a state highway. Upon request from 22982
local authorities for streets and highways under their 22983
jurisdiction and that portion of a state highway under the 22984
jurisdiction of the director of transportation or a request from 22985
a county engineer in the case of a school zone for a special 22986
elementary school, the director may extend the traditional 22987
school zone boundaries. The distances in divisions (B) (1) (c) (i), 22988
(ii), and (iii) of this section shall not exceed three hundred 22989
feet per approach per direction and are bounded by whichever of 22990
the following distances or combinations thereof the director 22991
approves as most appropriate: 22992

(i) The distance encompassed by projecting the school 22993
building lines normal to the fronting highway and extending a 22994
distance of three hundred feet on each approach direction; 22995

(ii) The distance encompassed by projecting the school 22996
property lines intersecting the fronting highway and extending a 22997
distance of three hundred feet on each approach direction; 22998

(iii) The distance encompassed by the special marking of 22999
the pavement for a principal school pupil crosswalk plus a 23000
distance of three hundred feet on each approach direction of the 23001
highway. 23002

Nothing in this section shall be construed to invalidate 23003
the director's initial action on August 9, 1976, establishing 23004
all school zones at the traditional school zone boundaries 23005

defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B) (1) (a) and (c) of this section. 23006
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(d) As used in this division, "crosswalk" has the meaning given that term in division (LL) (2) of section 4511.01 of the Revised Code. 23009
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The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet on each approach direction of the state route. 23012
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(e) As used in this section, "special elementary school" means a school that meets all of the following criteria: 23031
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(i) It is not chartered and does not receive tax revenue from any source. 23033
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(ii) It does not educate children beyond the eighth grade.	23035
(iii) It is located outside the limits of a municipal corporation.	23036 23037
(iv) A majority of the total number of students enrolled at the school are not related by blood.	23038 23039
(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.	23040 23041 23042 23043 23044 23045 23046
(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	23047 23048 23049 23050
(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (6) of this section;	23051 23052 23053 23054
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B) (12), (13), (14), (15), and (16) of this section;	23055 23056 23057
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B) (8) of this section, highways as provided in divisions (B) (9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B) (12), (13), (14), and (16) of this section;	23058 23059 23060 23061 23062 23063

(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	23064 23065 23066
(7) Fifteen miles per hour on all alleys within the municipal corporation;	23067 23068
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	23069 23070
(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;	23071 23072 23073 23074
(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section;	23075 23076 23077
(11) Fifty-five miles per hour on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (14) and (16) of this section;	23078 23079 23080
(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B) (13) and (14) of this section;	23081 23082 23083 23084
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	23085 23086
(14) Seventy miles per hour on all rural freeways;	23087
(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B)	23088 23089 23090 23091

(16) of this section; 23092

(16) Sixty-five miles per hour on all portions of freeways 23093
or expressways without traffic control signals in urbanized 23094
areas. 23095

(C) It is prima-facie unlawful for any person to exceed 23096
any of the speed limitations in divisions (B) (1) (a), (2), (3), 23097
(4), (6), (7), (8), and (9) of this section, or any declared or 23098
established pursuant to this section by the director or local 23099
authorities and it is unlawful for any person to exceed any of 23100
the speed limitations in division (D) of this section. No person 23101
shall be convicted of more than one violation of this section 23102
for the same conduct, although violations of more than one 23103
provision of this section may be charged in the alternative in a 23104
single affidavit. 23105

(D) No person shall operate a motor vehicle, trackless 23106
trolley, or streetcar upon a street or highway as follows: 23107

(1) At a speed exceeding fifty-five miles per hour, except 23108
upon a two-lane state route as provided in division (B) (10) of 23109
this section and upon a highway, expressway, or freeway as 23110
provided in divisions (B) (12), (13), (14), and (16) of this 23111
section; 23112

(2) At a speed exceeding sixty miles per hour upon a two- 23113
lane state route as provided in division (B) (10) of this section 23114
and upon a highway as provided in division (B) (12) of this 23115
section; 23116

(3) At a speed exceeding sixty-five miles per hour upon an 23117
expressway as provided in division (B) (13) or upon a freeway as 23118
provided in division (B) (16) of this section, except upon a 23119
freeway as provided in division (B) (14) of this section; 23120

(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B) (14) of this section; 23121
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(5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the director has determined and declared a speed limit pursuant to division (I) (2) or (L) (2) of this section. 23123
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(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven. 23127
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(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this section, or of a limit declared or established pursuant to this section by the director or local authorities, and of the limitation in division (D) of this section. If the court finds a violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D) of 23139
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this section. If it finds no violation of division (B) (1) (a), 23151
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 23152
established pursuant to, this section, it shall then consider 23153
whether the evidence supports a conviction under division (D) of 23154
this section. 23155

(G) Points shall be assessed for violation of a limitation 23156
under division (D) of this section in accordance with section 23157
4510.036 of the Revised Code. 23158

(H) (1) Whenever the director determines upon the basis of 23159
criteria established by an engineering study, as defined by the 23160
director, that any speed limit set forth in divisions (B) (1) (a) 23161
to (D) of this section is greater or less than is reasonable or 23162
safe under the conditions found to exist at any portion of a 23163
street or highway under the jurisdiction of the director, the 23164
director shall determine and declare a reasonable and safe 23165
prima-facie speed limit, which shall be effective when 23166
appropriate signs giving notice of it are erected at the 23167
location. 23168

(2) Whenever the director determines upon the basis of 23169
criteria established by an engineering study, as defined by the 23170
director, that the speed limit of fifty-five miles per hour on a 23171
two-lane state route outside a municipal corporation is less 23172
than is reasonable or safe under the conditions found to exist 23173
at that portion of the state route, the director may determine 23174
and declare a speed limit of sixty miles per hour for that 23175
portion of the state route, which shall be effective when 23176
appropriate signs giving notice of it are erected at the 23177
location. 23178

(3) (a) For purposes of the safe and orderly movement of 23179
traffic upon any portion of a street or highway under the 23180

jurisdiction of the director, the director may establish a 23181
variable speed limit that is different than the speed limit 23182
established by or under this section on all or portions of 23183
interstate six hundred seventy, interstate two hundred seventy- 23184
five, and interstate ninety commencing at the intersection of 23185
that interstate with interstate seventy-one and continuing to 23186
the border of the state of Ohio with the state of Pennsylvania. 23187
The director shall establish criteria for determining the 23188
appropriate use of variable speed limits and shall establish 23189
variable speed limits in accordance with the criteria. The 23190
director may establish variable speed limits based upon the time 23191
of day, weather conditions, traffic incidents, or other factors 23192
that affect the safe speed on a street or highway. The director 23193
shall not establish a variable speed limit that is based on a 23194
particular type or class of vehicle. A variable speed limit 23195
established by the director under this section is effective when 23196
appropriate signs giving notice of the speed limit are displayed 23197
at the location. 23198

(b) Except for variable speed limits established under 23199
division (H) (3) (a) of this section, the director shall establish 23200
a variable speed limit under the authority granted to the 23201
director by this section on not more than two additional 23202
highways and only pursuant to criteria established in rules 23203
adopted in accordance with Chapter 119. of the Revised Code. The 23204
rules shall be based on the criteria described in division (H) 23205
(3) (a) of this section. The rules also shall establish the 23206
parameters of any engineering study necessary for determining 23207
when variable speed limits are appropriate. 23208

(4) Nothing in this section shall be construed to limit 23209
the authority of the director to establish speed limits within a 23210
construction zone as authorized under section 4511.98 of the 23211

Revised Code. 23212

(I) (1) Except as provided in divisions (I) (2), (J), (K), 23213
and (N) of this section, whenever local authorities determine 23214
upon the basis of criteria established by an engineering study, 23215
as defined by the director, that the speed permitted by 23216
divisions (B) (1) (a) to (D) of this section, on any part of a 23217
highway under their jurisdiction, is greater than is reasonable 23218
and safe under the conditions found to exist at such location, 23219
the local authorities may by resolution request the director to 23220
determine and declare a reasonable and safe prima-facie speed 23221
limit. Upon receipt of such request the director may determine 23222
and declare a reasonable and safe prima-facie speed limit at 23223
such location, and if the director does so, then such declared 23224
speed limit shall become effective only when appropriate signs 23225
giving notice thereof are erected at such location by the local 23226
authorities. The director may withdraw the declaration of a 23227
prima-facie speed limit whenever in the director's opinion the 23228
altered prima-facie speed limit becomes unreasonable. Upon such 23229
withdrawal, the declared prima-facie speed limit shall become 23230
ineffective and the signs relating thereto shall be immediately 23231
removed by the local authorities. 23232

(2) A local authority may determine on the basis of 23233
criteria established by an engineering study, as defined by the 23234
director, that the speed limit of sixty-five or seventy miles 23235
per hour on a portion of a freeway under its jurisdiction is 23236
greater than is reasonable or safe under the conditions found to 23237
exist at that portion of the freeway. If the local authority 23238
makes such a determination, the local authority by resolution 23239
may request the director to determine and declare a reasonable 23240
and safe speed limit of not less than fifty-five miles per hour 23241
for that portion of the freeway. If the director takes such 23242

action, the declared speed limit becomes effective only when 23243
appropriate signs giving notice of it are erected at such 23244
location by the local authority. 23245

(J) Local authorities in their respective jurisdictions 23246
may authorize by ordinance higher prima-facie speeds than those 23247
stated in this section upon through highways, or upon highways 23248
or portions thereof where there are no intersections, or between 23249
widely spaced intersections, provided signs are erected giving 23250
notice of the authorized speed, but local authorities shall not 23251
modify or alter the basic rule set forth in division (A) of this 23252
section or in any event authorize by ordinance a speed in excess 23253
of the maximum speed permitted by division (D) of this section 23254
for the specified type of highway. 23255

Alteration of prima-facie limits on state routes by local 23256
authorities shall not be effective until the alteration has been 23257
approved by the director. The director may withdraw approval of 23258
any altered prima-facie speed limits whenever in the director's 23259
opinion any altered prima-facie speed becomes unreasonable, and 23260
upon such withdrawal, the altered prima-facie speed shall become 23261
ineffective and the signs relating thereto shall be immediately 23262
removed by the local authorities. 23263

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 23264
this section, "unimproved highway" means a highway consisting of 23265
any of the following: 23266

(a) Unimproved earth; 23267

(b) Unimproved graded and drained earth; 23268

(c) Gravel. 23269

(2) Except as otherwise provided in divisions (K) (4) and 23270
(5) of this section, whenever a board of township trustees 23271

determines upon the basis of criteria established by an 23272
engineering study, as defined by the director, that the speed 23273
permitted by division (B) (5) of this section on any part of an 23274
unimproved highway under its jurisdiction and in the 23275
unincorporated territory of the township is greater than is 23276
reasonable or safe under the conditions found to exist at the 23277
location, the board may by resolution declare a reasonable and 23278
safe prima-facie speed limit of fifty-five but not less than 23279
twenty-five miles per hour. An altered speed limit adopted by a 23280
board of township trustees under this division becomes effective 23281
when appropriate traffic control devices, as prescribed in 23282
section 4511.11 of the Revised Code, giving notice thereof are 23283
erected at the location, which shall be no sooner than sixty 23284
days after adoption of the resolution. 23285

(3) (a) Whenever, in the opinion of a board of township 23286
trustees, any altered prima-facie speed limit established by the 23287
board under this division becomes unreasonable, the board may 23288
adopt a resolution withdrawing the altered prima-facie speed 23289
limit. Upon the adoption of such a resolution, the altered 23290
prima-facie speed limit becomes ineffective and the traffic 23291
control devices relating thereto shall be immediately removed. 23292

(b) Whenever a highway ceases to be an unimproved highway 23293
and the board has adopted an altered prima-facie speed limit 23294
pursuant to division (K) (2) of this section, the board shall, by 23295
resolution, withdraw the altered prima-facie speed limit as soon 23296
as the highway ceases to be unimproved. Upon the adoption of 23297
such a resolution, the altered prima-facie speed limit becomes 23298
ineffective and the traffic control devices relating thereto 23299
shall be immediately removed. 23300

(4) (a) If the boundary of two townships rests on the 23301

centerline of an unimproved highway in unincorporated territory 23302
and both townships have jurisdiction over the highway, neither 23303
of the boards of township trustees of such townships may declare 23304
an altered prima-facie speed limit pursuant to division (K) (2) 23305
of this section on the part of the highway under their joint 23306
jurisdiction unless the boards of township trustees of both of 23307
the townships determine, upon the basis of criteria established 23308
by an engineering study, as defined by the director, that the 23309
speed permitted by division (B) (5) of this section is greater 23310
than is reasonable or safe under the conditions found to exist 23311
at the location and both boards agree upon a reasonable and safe 23312
prima-facie speed limit of less than fifty-five but not less 23313
than twenty-five miles per hour for that location. If both 23314
boards so agree, each shall follow the procedure specified in 23315
division (K) (2) of this section for altering the prima-facie 23316
speed limit on the highway. Except as otherwise provided in 23317
division (K) (4) (b) of this section, no speed limit altered 23318
pursuant to division (K) (4) (a) of this section may be withdrawn 23319
unless the boards of township trustees of both townships 23320
determine that the altered prima-facie speed limit previously 23321
adopted becomes unreasonable and each board adopts a resolution 23322
withdrawing the altered prima-facie speed limit pursuant to the 23323
procedure specified in division (K) (3) (a) of this section. 23324

(b) Whenever a highway described in division (K) (4) (a) of 23325
this section ceases to be an unimproved highway and two boards 23326
of township trustees have adopted an altered prima-facie speed 23327
limit pursuant to division (K) (4) (a) of this section, both 23328
boards shall, by resolution, withdraw the altered prima-facie 23329
speed limit as soon as the highway ceases to be unimproved. Upon 23330
the adoption of the resolution, the altered prima-facie speed 23331
limit becomes ineffective and the traffic control devices 23332

relating thereto shall be immediately removed. 23333

(5) As used in division (K)(5) of this section: 23334

(a) "Commercial subdivision" means any platted territory 23335
outside the limits of a municipal corporation and fronting a 23336
highway where, for a distance of three hundred feet or more, the 23337
frontage is improved with buildings in use for commercial 23338
purposes, or where the entire length of the highway is less than 23339
three hundred feet long and the frontage is improved with 23340
buildings in use for commercial purposes. 23341

(b) "Residential subdivision" means any platted territory 23342
outside the limits of a municipal corporation and fronting a 23343
highway, where, for a distance of three hundred feet or more, 23344
the frontage is improved with residences or residences and 23345
buildings in use for business, or where the entire length of the 23346
highway is less than three hundred feet long and the frontage is 23347
improved with residences or residences and buildings in use for 23348
business. 23349

Whenever a board of township trustees finds upon the basis 23350
of criteria established by an engineering study, as defined by 23351
the director, that the prima-facie speed permitted by division 23352
(B)(5) of this section on any part of a highway under its 23353
jurisdiction that is located in a commercial or residential 23354
subdivision, except on highways or portions thereof at the 23355
entrances to which vehicular traffic from the majority of 23356
intersecting highways is required to yield the right-of-way to 23357
vehicles on such highways in obedience to stop or yield signs or 23358
traffic control signals, is greater than is reasonable and safe 23359
under the conditions found to exist at the location, the board 23360
may by resolution declare a reasonable and safe prima-facie 23361
speed limit of less than fifty-five but not less than twenty- 23362

five miles per hour at the location. An altered speed limit 23363
adopted by a board of township trustees under this division 23364
shall become effective when appropriate signs giving notice 23365
thereof are erected at the location by the township. Whenever, 23366
in the opinion of a board of township trustees, any altered 23367
prima-facie speed limit established by it under this division 23368
becomes unreasonable, it may adopt a resolution withdrawing the 23369
altered prima-facie speed, and upon such withdrawal, the altered 23370
prima-facie speed shall become ineffective, and the signs 23371
relating thereto shall be immediately removed by the township. 23372

(L) (1) The director of transportation, based upon an 23373
engineering study, as defined by the director, of a highway, 23374
expressway, or freeway described in division (B) (12), (13), 23375
(14), (15), or (16) of this section, in consultation with the 23376
director of public safety and, if applicable, the local 23377
authority having jurisdiction over the studied highway, 23378
expressway, or freeway, may determine and declare that the speed 23379
limit established on such highway, expressway, or freeway under 23380
division (B) (12), (13), (14), (15), or (16) of this section 23381
either is reasonable and safe or is more or less than that which 23382
is reasonable and safe. 23383

(2) If the established speed limit for a highway, 23384
expressway, or freeway studied pursuant to division (L) (1) of 23385
this section is determined to be more or less than that which is 23386
reasonable and safe, the director of transportation, in 23387
consultation with the director of public safety and, if 23388
applicable, the local authority having jurisdiction over the 23389
studied highway, expressway, or freeway, shall determine and 23390
declare a reasonable and safe speed limit for that highway, 23391
expressway, or freeway. 23392

(M) (1) (a) If the boundary of two local authorities rests 23393
on the centerline of a highway and both authorities have 23394
jurisdiction over the highway, the speed limit for the part of 23395
the highway within their joint jurisdiction shall be either one 23396
of the following as agreed to by both authorities: 23397

(i) Either prima-facie speed limit permitted by division 23398
(B) of this section; 23399

(ii) An altered speed limit determined and posted in 23400
accordance with this section. 23401

(b) If the local authorities are unable to reach an 23402
agreement, the speed limit shall remain as established and 23403
posted under this section. 23404

(2) Neither local authority may declare an altered prima- 23405
facie speed limit pursuant to this section on the part of the 23406
highway under their joint jurisdiction unless both of the local 23407
authorities determine, upon the basis of criteria established by 23408
an engineering study, as defined by the director, that the speed 23409
permitted by this section is greater than is reasonable or safe 23410
under the conditions found to exist at the location and both 23411
authorities agree upon a uniform reasonable and safe prima-facie 23412
speed limit of less than fifty-five but not less than twenty- 23413
five miles per hour for that location. If both authorities so 23414
agree, each shall follow the procedure specified in this section 23415
for altering the prima-facie speed limit on the highway, and the 23416
speed limit for the part of the highway within their joint 23417
jurisdiction shall be uniformly altered. No altered speed limit 23418
may be withdrawn unless both local authorities determine that 23419
the altered prima-facie speed limit previously adopted becomes 23420
unreasonable and each adopts a resolution withdrawing the 23421
altered prima-facie speed limit pursuant to the procedure 23422

specified in this section. 23423

(N) The legislative authority of a municipal corporation 23424
or township in which a boarding school is located, by resolution 23425
or ordinance, may establish a boarding school zone. The 23426
legislative authority may alter the speed limit on any street or 23427
highway within the boarding school zone and shall specify the 23428
hours during which the altered speed limit is in effect. For 23429
purposes of determining the boundaries of the boarding school 23430
zone, the altered speed limit within the boarding school zone, 23431
and the hours the altered speed limit is in effect, the 23432
legislative authority shall consult with the administration of 23433
the boarding school and with the county engineer or other 23434
appropriate engineer, as applicable. A boarding school zone 23435
speed limit becomes effective only when appropriate signs giving 23436
notice thereof are erected at the appropriate locations. 23437

(O) As used in this section: 23438

(1) "Interstate system" has the same meaning as in 23 23439
U.S.C. 101. 23440

(2) "Commercial bus" means a motor vehicle designed for 23441
carrying more than nine passengers and used for the 23442
transportation of persons for compensation. 23443

(3) "Noncommercial bus" includes but is not limited to a 23444
school bus or a motor vehicle operated solely for the 23445
transportation of persons associated with a charitable or 23446
nonprofit organization. 23447

(4) "Outerbelt" means a portion of a freeway that is part 23448
of the interstate system and is located in the outer vicinity of 23449
a major municipal corporation or group of municipal 23450
corporations, as designated by the director. 23451

(5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.

(7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

(P) (1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

~~(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor~~

vehicle faster than thirty-five miles an hour in a business 23481
district of a municipal corporation, faster than fifty miles an 23482
hour in other portions of a municipal corporation, or faster 23483
than thirty-five miles an hour in a school zone during recess or 23484
while children are going to or leaving school during the 23485
school's opening or closing hours, a misdemeanor of the fourth 23486
degree. Division (P)(2) of this section does not apply if 23487
penalties may be imposed under division (P)(1)(b) or (c) of this 23488
section. 23489

(3) Notwithstanding division (P)(1) of this section, if 23490
the offender operated a motor vehicle in a construction zone 23491
where a sign was then posted in accordance with section 4511.98 23492
of the Revised Code, the court, in addition to all other 23493
penalties provided by law, shall impose upon the offender a fine 23494
of two times the usual amount imposed for the violation. No 23495
court shall impose a fine of two times the usual amount imposed 23496
for the violation upon an offender if the offender alleges, in 23497
an affidavit filed with the court prior to the offender's 23498
sentencing, that the offender is indigent and is unable to pay 23499
the fine imposed pursuant to this division and if the court 23500
determines that the offender is an indigent person and unable to 23501
pay the fine. 23502

(4) If the offender commits the offense while distracted 23503
and the distracting activity is a contributing factor to the 23504
commission of the offense, the offender is subject to the 23505
additional fine established under section 4511.991 of the 23506
Revised Code. 23507

Sec. 4723.28. (A) The board of nursing, by a vote of a 23508
quorum, may impose one or more of the following sanctions if it 23509
finds that a person committed fraud in passing an examination 23510

required to obtain a license or dialysis technician certificate 23511
issued by the board or to have committed fraud, 23512
misrepresentation, or deception in applying for or securing any 23513
nursing license or dialysis technician certificate issued by the 23514
board: deny, revoke, suspend, or place restrictions on any 23515
nursing license or dialysis technician certificate issued by the 23516
board; reprimand or otherwise discipline a holder of a nursing 23517
license or dialysis technician certificate; or impose a fine of 23518
not more than five hundred dollars per violation. 23519

(B) Except as provided in section 4723.092 of the Revised 23520
Code, the board of nursing, by a vote of a quorum, may impose 23521
one or more of the following sanctions: deny, revoke, suspend, 23522
or place restrictions on any nursing license or dialysis 23523
technician certificate issued by the board; reprimand or 23524
otherwise discipline a holder of a nursing license or dialysis 23525
technician certificate; or impose a fine of not more than five 23526
hundred dollars per violation. The sanctions may be imposed for 23527
any of the following: 23528

(1) Denial, revocation, suspension, or restriction of 23529
authority to engage in a licensed profession or practice a 23530
health care occupation, including nursing or practice as a 23531
dialysis technician, for any reason other than a failure to 23532
renew, in Ohio or another state or jurisdiction; 23533

(2) Engaging in the practice of nursing or engaging in 23534
practice as a dialysis technician, having failed to renew a 23535
nursing license or dialysis technician certificate issued under 23536
this chapter, or while a nursing license or dialysis technician 23537
certificate is under suspension; 23538

(3) Conviction of, a plea of guilty to, a judicial finding 23539
of guilt of, a judicial finding of guilt resulting from a plea 23540

of no contest to, or a judicial finding of eligibility for a 23541
pretrial diversion or similar program or for intervention in 23542
lieu of conviction for, a misdemeanor committed in the course of 23543
practice; 23544

(4) Conviction of, a plea of guilty to, a judicial finding 23545
of guilt of, a judicial finding of guilt resulting from a plea 23546
of no contest to, or a judicial finding of eligibility for a 23547
pretrial diversion or similar program or for intervention in 23548
lieu of conviction for, any felony or of any crime involving 23549
gross immorality or moral turpitude; 23550

(5) Selling, giving away, or administering drugs or 23551
therapeutic devices for other than legal and legitimate 23552
therapeutic purposes; or conviction of, a plea of guilty to, a 23553
judicial finding of guilt of, a judicial finding of guilt 23554
resulting from a plea of no contest to, or a judicial finding of 23555
eligibility for a pretrial diversion or similar program or for 23556
intervention in lieu of conviction for, violating any municipal, 23557
state, county, or federal drug law; 23558

(6) Conviction of, a plea of guilty to, a judicial finding 23559
of guilt of, a judicial finding of guilt resulting from a plea 23560
of no contest to, or a judicial finding of eligibility for a 23561
pretrial diversion or similar program or for intervention in 23562
lieu of conviction for, an act in another jurisdiction that 23563
would constitute a felony or a crime of moral turpitude in Ohio; 23564

(7) Conviction of, a plea of guilty to, a judicial finding 23565
of guilt of, a judicial finding of guilt resulting from a plea 23566
of no contest to, or a judicial finding of eligibility for a 23567
pretrial diversion or similar program or for intervention in 23568
lieu of conviction for, an act in the course of practice in 23569
another jurisdiction that would constitute a misdemeanor in 23570

Ohio;	23571
(8) Self-administering or otherwise taking into the body	23572
any dangerous drug, as defined in section 4729.01 of the Revised	23573
Code, in any way that is not in accordance with a legal, valid	23574
prescription issued for that individual, or self-administering	23575
or otherwise taking into the body any drug that is a schedule I	23576
controlled substance;	23577
(9) Habitual or excessive use of controlled substances,	23578
other habit-forming drugs, or alcohol or other chemical	23579
substances to an extent that impairs the individual's ability to	23580
provide safe nursing care or safe dialysis care;	23581
(10) Impairment of the ability to practice according to	23582
acceptable and prevailing standards of safe nursing care or safe	23583
dialysis care because of the use of drugs, alcohol, or other	23584
chemical substances;	23585
(11) Impairment of the ability to practice according to	23586
acceptable and prevailing standards of safe nursing care or safe	23587
dialysis care because of a physical or mental disability;	23588
(12) Assaulting or causing harm to a patient or depriving	23589
a patient of the means to summon assistance;	23590
(13) Misappropriation or attempted misappropriation of	23591
money or anything of value in the course of practice;	23592
(14) Adjudication by a probate court of being mentally ill	23593
or mentally incompetent. The board may reinstate the person's	23594
nursing license or dialysis technician certificate upon	23595
adjudication by a probate court of the person's restoration to	23596
competency or upon submission to the board of other proof of	23597
competency.	23598

(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;	23599 23600 23601
(16) Violation of this chapter or any rules adopted under it;	23602 23603
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	23604 23605
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	23606 23607 23608
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	23609 23610
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	23611 23612 23613
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	23614 23615 23616
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	23617 23618 23619
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	23620 23621 23622
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	23623 23624 23625

(a) Waiving the payment of all or any part of a deductible	23626
or copayment that a patient, pursuant to a health insurance or	23627
health care policy, contract, or plan that covers such nursing	23628
services, would otherwise be required to pay if the waiver is	23629
used as an enticement to a patient or group of patients to	23630
receive health care services from that provider;	23631
(b) Advertising that the nurse will waive the payment of	23632
all or any part of a deductible or copayment that a patient,	23633
pursuant to a health insurance or health care policy, contract,	23634
or plan that covers such nursing services, would otherwise be	23635
required to pay.	23636
(25) Failure to comply with the terms and conditions of	23637
participation in the substance use disorder monitoring program	23638
established under section 4723.35 of the Revised Code;	23639
(26) Failure to comply with the terms and conditions	23640
required under the practice intervention and improvement program	23641
established under section 4723.282 of the Revised Code;	23642
(27) In the case of an advanced practice registered nurse:	23643
(a) Engaging in activities that exceed those permitted for	23644
the nurse's nursing specialty under section 4723.43 of the	23645
Revised Code;	23646
(b) Failure to meet the quality assurance standards	23647
established under section 4723.07 of the Revised Code.	23648
(28) In the case of an advanced practice registered nurse	23649
other than a certified registered nurse anesthetist, failure to	23650
maintain a standard care arrangement in accordance with section	23651
4723.431 of the Revised Code or to practice in accordance with	23652
the standard care arrangement;	23653

(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	23654 23655 23656 23657 23658
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	23659 23660
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	23661 23662 23663
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	23664 23665 23666 23667
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	23668 23669
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	23670 23671 23672
(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	23673 23674
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	23675 23676 23677 23678
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the	23679 23680 23681

Revised Code;	23682
(36) The revocation, suspension, restriction, reduction,	23683
or termination of clinical privileges by the United States	23684
department of defense or department of veterans affairs or the	23685
termination or suspension of a certificate of registration to	23686
prescribe drugs by the drug enforcement administration of the	23687
United States department of justice;	23688
(37) In the case of an advanced practice registered nurse	23689
who is designated as a clinical nurse specialist, certified	23690
nurse-midwife, or certified nurse practitioner, failure to	23691
comply with the terms of a consult agreement entered into with a	23692
pharmacist pursuant to section 4729.39 of the Revised Code.	23693
(C) Disciplinary actions taken by the board under	23694
divisions (A) and (B) of this section shall be taken pursuant to	23695
an adjudication conducted under Chapter 119. of the Revised	23696
Code, except that in lieu of a hearing, the board may enter into	23697
a consent agreement with an individual to resolve an allegation	23698
of a violation of this chapter or any rule adopted under it. A	23699
consent agreement, when ratified by a vote of a quorum, shall	23700
constitute the findings and order of the board with respect to	23701
the matter addressed in the agreement. If the board refuses to	23702
ratify a consent agreement, the admissions and findings	23703
contained in the agreement shall be of no effect.	23704
(D) The hearings of the board shall be conducted in	23705
accordance with Chapter 119. of the Revised Code, the board may	23706
appoint a hearing examiner, as provided in section 119.09 of the	23707
Revised Code, to conduct any hearing the board is authorized to	23708
hold under Chapter 119. of the Revised Code.	23709
In any instance in which the board is required under	23710

Chapter 119. of the Revised Code to give notice of an 23711
opportunity for a hearing and the applicant, licensee, or 23712
certificate holder does not make a timely request for a hearing 23713
in accordance with section 119.07 of the Revised Code, the board 23714
is not required to hold a hearing, but may adopt, by a vote of a 23715
quorum, a final order that contains the board's findings. In the 23716
final order, the board may order any of the sanctions listed in 23717
division (A) or (B) of this section. 23718

(E) If a criminal action is brought against a registered 23719
nurse, licensed practical nurse, or dialysis technician for an 23720
act or crime described in divisions (B) (3) to (7) of this 23721
section and the action is dismissed by the trial court other 23722
than on the merits, the board shall conduct an adjudication to 23723
determine whether the registered nurse, licensed practical 23724
nurse, or dialysis technician committed the act on which the 23725
action was based. If the board determines on the basis of the 23726
adjudication that the registered nurse, licensed practical 23727
nurse, or dialysis technician committed the act, or if the 23728
registered nurse, licensed practical nurse, or dialysis 23729
technician fails to participate in the adjudication, the board 23730
may take action as though the registered nurse, licensed 23731
practical nurse, or dialysis technician had been convicted of 23732
the act. 23733

If the board takes action on the basis of a conviction, 23734
plea, or a judicial finding as described in divisions (B) (3) to 23735
(7) of this section that is overturned on appeal, the registered 23736
nurse, licensed practical nurse, or dialysis technician may, on 23737
exhaustion of the appeal process, petition the board for 23738
reconsideration of its action. On receipt of the petition and 23739
supporting court documents, the board shall temporarily rescind 23740
its action. If the board determines that the decision on appeal 23741

was a decision on the merits, it shall permanently rescind its 23742
action. If the board determines that the decision on appeal was 23743
not a decision on the merits, it shall conduct an adjudication 23744
to determine whether the registered nurse, licensed practical 23745
nurse, or dialysis technician committed the act on which the 23746
original conviction, plea, or judicial finding was based. If the 23747
board determines on the basis of the adjudication that the 23748
registered nurse, licensed practical nurse, or dialysis 23749
technician committed such act, or if the registered nurse, 23750
licensed practical nurse, or dialysis technician does not 23751
request an adjudication, the board shall reinstate its action; 23752
otherwise, the board shall permanently rescind its action. 23753

Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of 23754
section 2953.32 or division (F) (1) of section 2953.39 of the 23755
Revised Code specifying that if records pertaining to a criminal 23756
case are sealed or expunged under that section the proceedings 23757
in the case shall be deemed not to have occurred, sealing or 23758
expungement of the following records on which the board has 23759
based an action under this section shall have no effect on the 23760
board's action or any sanction imposed by the board under this 23761
section: records of any conviction, guilty plea, judicial 23762
finding of guilt resulting from a plea of no contest, or a 23763
judicial finding of eligibility for a pretrial diversion program 23764
or intervention in lieu of conviction. 23765

The board shall not be required to seal, destroy, redact, 23766
or otherwise modify its records to reflect the court's sealing 23767
or expungement of conviction records. 23768

(F) The board may investigate an individual's criminal 23769
background in performing its duties under this section. As part 23770
of such investigation, the board may order the individual to 23771

submit, at the individual's expense, a request to the bureau of 23772
criminal identification and investigation for a criminal records 23773
check and check of federal bureau of investigation records in 23774
accordance with the procedure described in section 4723.091 of 23775
the Revised Code. 23776

(G) During the course of an investigation conducted under 23777
this section, the board may compel any registered nurse, 23778
licensed practical nurse, or dialysis technician or applicant 23779
under this chapter to submit to a mental or physical 23780
examination, or both, as required by the board and at the 23781
expense of the individual, if the board finds reason to believe 23782
that the individual under investigation may have a physical or 23783
mental impairment that may affect the individual's ability to 23784
provide safe nursing care. Failure of any individual to submit 23785
to a mental or physical examination when directed constitutes an 23786
admission of the allegations, unless the failure is due to 23787
circumstances beyond the individual's control, and a default and 23788
final order may be entered without the taking of testimony or 23789
presentation of evidence. 23790

If the board finds that an individual is impaired, the 23791
board shall require the individual to submit to care, 23792
counseling, or treatment approved or designated by the board, as 23793
a condition for initial, continued, reinstated, or renewed 23794
authority to practice. The individual shall be afforded an 23795
opportunity to demonstrate to the board that the individual can 23796
begin or resume the individual's occupation in compliance with 23797
acceptable and prevailing standards of care under the provisions 23798
of the individual's authority to practice. 23799

For purposes of this division, any registered nurse, 23800
licensed practical nurse, or dialysis technician or applicant 23801

under this chapter shall be deemed to have given consent to 23802
submit to a mental or physical examination when directed to do 23803
so in writing by the board, and to have waived all objections to 23804
the admissibility of testimony or examination reports that 23805
constitute a privileged communication. 23806

(H) The board shall investigate evidence that appears to 23807
show that any person has violated any provision of this chapter 23808
or any rule of the board. Any person may report to the board any 23809
information the person may have that appears to show a violation 23810
of any provision of this chapter or rule of the board. In the 23811
absence of bad faith, any person who reports such information or 23812
who testifies before the board in any adjudication conducted 23813
under Chapter 119. of the Revised Code shall not be liable for 23814
civil damages as a result of the report or testimony. 23815

(I) All of the following apply under this chapter with 23816
respect to the confidentiality of information: 23817

(1) Information received by the board pursuant to a 23818
complaint or an investigation is confidential and not subject to 23819
discovery in any civil action, except that the board may 23820
disclose information to law enforcement officers and government 23821
entities for purposes of an investigation of either a licensed 23822
health care professional, including a registered nurse, licensed 23823
practical nurse, or dialysis technician, or a person who may 23824
have engaged in the unauthorized practice of nursing or dialysis 23825
care. No law enforcement officer or government entity with 23826
knowledge of any information disclosed by the board pursuant to 23827
this division shall divulge the information to any other person 23828
or government entity except for the purpose of a government 23829
investigation, a prosecution, or an adjudication by a court or 23830
government entity. 23831

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under this section shall be conducted in a manner that maintains the individual's confidentiality. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of a licensee or certificate holder.

(J) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the person may be reinstated to practice.

(K) When the board refuses to grant a license or certificate to an applicant, revokes a license or certificate, or refuses to reinstate a license or certificate, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a license or certificate of the type that was refused or revoked and the board shall not accept from the individual an application for reinstatement of the license or certificate or for a new license or certificate.

(L) No unilateral surrender of a nursing license or dialysis technician certificate issued under this chapter shall be effective unless accepted by majority vote of the board. No application for a nursing license or dialysis technician certificate issued under this chapter may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action under this section is not removed or limited when an individual has a license or certificate classified as inactive or fails to renew a license or certificate.

(M) Sanctions shall not be imposed under division (B) (24) of this section against any licensee who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4729.16. (A) (1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A) (2) of this section:

(a) Revoke, suspend, restrict, limit, or refuse to grant or renew a license;

(b) Reprimand or place the license holder on probation;	23890
(c) Impose a monetary penalty or forfeiture not to exceed	23891
in severity any fine designated under the Revised Code for a	23892
similar offense, or in the case of a violation of a section of	23893
the Revised Code that does not bear a penalty, a monetary	23894
penalty or forfeiture of not more than five hundred dollars.	23895
(2) Except as provided in division (I) of this section,	23896
the board may impose the sanctions listed in division (A) (1) of	23897
this section if the board finds a pharmacist or pharmacy intern:	23898
(a) Has been convicted of a felony, or a crime of moral	23899
turpitude, as defined in section 4776.10 of the Revised Code;	23900
(b) Engaged in dishonesty or unprofessional conduct in the	23901
practice of pharmacy;	23902
(c) Is addicted to or abusing alcohol or drugs or is	23903
impaired physically or mentally to such a degree as to render	23904
the pharmacist or pharmacy intern unfit to practice pharmacy;	23905
(d) Has been convicted of a misdemeanor related to, or	23906
committed in, the practice of pharmacy;	23907
(e) Violated, conspired to violate, attempted to violate,	23908
or aided and abetted the violation of any of the provisions of	23909
this chapter, sections 3715.52 to 3715.72 of the Revised Code,	23910
Chapter 2925. or 3719. of the Revised Code, or any rule adopted	23911
by the board under those provisions;	23912
(f) Permitted someone other than a pharmacist or pharmacy	23913
intern to practice pharmacy;	23914
(g) Knowingly lent the pharmacist's or pharmacy intern's	23915
name to an illegal practitioner of pharmacy or had a	23916
professional connection with an illegal practitioner of	23917

pharmacy;	23918
(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	23919 23920 23921 23922 23923
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	23924 23925
(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;	23926 23927 23928 23929
(k) Failed to comply with an order of the board or a settlement agreement;	23930 23931
(l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.	23932 23933 23934
(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.	23935 23936 23937 23938
(C) As used in this section:	23939
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	23940 23941
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	23942 23943
(2) Except as provided in section 4729.281, 4729.44, or	23944

4729.47 of the Revised Code, the dispensing or sale of any drug	23945
for which a prescription is required, without having received a	23946
prescription for the drug;	23947
(3) Knowingly dispensing medication pursuant to false or	23948
forged prescriptions;	23949
(4) Knowingly failing to maintain complete and accurate	23950
records of all dangerous drugs received or dispensed in	23951
compliance with federal laws and regulations and state laws and	23952
rules;	23953
(5) Obtaining any remuneration by fraud,	23954
misrepresentation, or deception;	23955
(6) Failing to conform to prevailing standards of care of	23956
similar pharmacists or pharmacy interns under the same or	23957
similar circumstances, whether or not actual injury to a patient	23958
is established;	23959
(7) Engaging in any other conduct that the board specifies	23960
as unprofessional conduct in the practice of pharmacy in rules	23961
adopted under section 4729.26 of the Revised Code.	23962
(D) The board may suspend a license under division (B) of	23963
section 3719.121 of the Revised Code by utilizing a telephone	23964
conference call to review the allegations and take a vote.	23965
(E) For purposes of this division, an individual	23966
authorized to practice as a pharmacist or pharmacy intern	23967
accepts the privilege of practicing in this state subject to	23968
supervision by the board. By filing an application for or	23969
holding a license to practice as a pharmacist or pharmacy	23970
intern, an individual gives consent to submit to a mental or	23971
physical examination when ordered to do so by the board in	23972
writing and waives all objections to the admissibility of	23973

testimony or examination reports that constitute privileged 23974
communications. 23975

If the board has reasonable cause to believe that an 23976
individual who is a pharmacist or pharmacy intern is physically 23977
or mentally impaired, the board may require the individual to 23978
submit to a physical or mental examination, or both. The expense 23979
of the examination is the responsibility of the individual 23980
required to be examined. 23981

Failure of an individual who is a pharmacist or pharmacy 23982
intern to submit to a physical or mental examination ordered by 23983
the board, unless the failure is due to circumstances beyond the 23984
individual's control, constitutes an admission of the 23985
allegations and a suspension order shall be entered without the 23986
taking of testimony or presentation of evidence. Any subsequent 23987
adjudication hearing under Chapter 119. of the Revised Code 23988
concerning failure to submit to an examination is limited to 23989
consideration of whether the failure was beyond the individual's 23990
control. 23991

If, based on the results of an examination ordered under 23992
this division, the board determines that the individual's 23993
ability to practice is impaired, the board shall suspend the 23994
individual's license or deny the individual's application and 23995
shall require the individual, as a condition for an initial, 23996
continued, reinstated, or renewed license to practice, to submit 23997
to a physical or mental examination and treatment. 23998

An order of suspension issued under this division shall 23999
not be subject to suspension by a court during pendency of any 24000
appeal filed under section 119.12 of the Revised Code. 24001

(F) If the board is required under Chapter 119. of the 24002

Revised Code to give notice of an opportunity for a hearing and 24003
the applicant or licensee does not make a timely request for a 24004
hearing in accordance with section 119.07 of the Revised Code, 24005
the board is not required to hold a hearing, but may adopt a 24006
final order that contains the board's findings. In the final 24007
order, the board may impose any of the sanctions listed in 24008
division (A) of this section. 24009

(G) Notwithstanding the provision of division ~~(C) (2)~~ (D) 24010
(2) of section 2953.32 or division (F) (1) of section 2953.39 of 24011
the Revised Code specifying that if records pertaining to a 24012
criminal case are sealed or expunged under that section the 24013
proceedings in the case must be deemed not to have occurred, 24014
sealing or expungement of the following records on which the 24015
board has based an action under this section shall have no 24016
effect on the board's action or any sanction imposed by the 24017
board under this section: records of any conviction, guilty 24018
plea, judicial finding of guilt resulting from a plea of no 24019
contest, or a judicial finding of eligibility for a pretrial 24020
diversion program or intervention in lieu of conviction. The 24021
board shall not be required to seal, destroy, redact, or 24022
otherwise modify its records to reflect the court's sealing or 24023
expungement of conviction records. 24024

(H) No pharmacist or pharmacy intern shall knowingly 24025
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 24026
(e) to (l) of this section. 24027

(I) The board shall not refuse to issue a license to an 24028
applicant for a conviction of an offense unless the refusal is 24029
in accordance with section 9.79 of the Revised Code. 24030

Sec. 4729.56. (A) (1) The state board of pharmacy, in 24031
accordance with Chapter 119. of the Revised Code, may impose any 24032

one or more of the following sanctions on a person licensed	24033
under division (B) (1) (a) of section 4729.52 of the Revised Code	24034
for any of the causes set forth in division (A) (2) of this	24035
section:	24036
(a) Suspend, revoke, restrict, limit, or refuse to grant	24037
or renew a license;	24038
(b) Reprimand or place the license holder on probation;	24039
(c) Impose a monetary penalty or forfeiture not to exceed	24040
in severity any fine designated under the Revised Code for a	24041
similar offense or two thousand five hundred dollars if the acts	24042
committed are not classified as an offense by the Revised Code;	24043
(2) The board may impose the sanctions set forth in	24044
division (A) (1) of this section for any of the following:	24045
(a) Making any false material statements in an application	24046
for licensure under section 4729.52 of the Revised Code;	24047
(b) Violating any federal, state, or local drug law; any	24048
provision of this chapter or Chapter 2925., 3715., or 3719. of	24049
the Revised Code; or any rule of the board;	24050
(c) A conviction of a felony;	24051
(d) Failing to satisfy the qualifications for licensure	24052
under section 4729.53 of the Revised Code or the rules of the	24053
board or ceasing to satisfy the qualifications after the	24054
registration is granted or renewed;	24055
(e) Falsely or fraudulently promoting to the public a drug	24056
that is a controlled substance included in schedule I, II, III,	24057
IV, or V, except that nothing in this division prohibits a	24058
manufacturer, outsourcing facility, third-party logistics	24059
provider, repackager, or wholesale distributor of dangerous	24060

drugs from furnishing information concerning a controlled 24061
substance to a health care provider or licensed terminal 24062
distributor; 24063

(f) Violating any provision of the "Federal Food, Drug, 24064
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 24065
Chapter 3715. of the Revised Code; 24066

(g) Any other cause for which the board may impose 24067
sanctions as set forth in rules adopted under section 4729.26 of 24068
the Revised Code. 24069

(B) Upon the suspension or revocation of any license 24070
identified in division (B) (1) (a) of section 4729.52 of the 24071
Revised Code, the licensee shall immediately surrender the 24072
license to the board. 24073

(C) If the board suspends, revokes, or refuses to renew 24074
any license identified in division (B) (1) (a) of section 4729.52 24075
of the Revised Code and determines that there is clear and 24076
convincing evidence of a danger of immediate and serious harm to 24077
any person, the board may place under seal all dangerous drugs 24078
owned by or in the possession, custody, or control of the 24079
affected licensee. Except as provided in this division, the 24080
board shall not dispose of the dangerous drugs sealed under this 24081
division until the licensee exhausts all of the licensee's 24082
appeal rights under Chapter 119. of the Revised Code. The court 24083
involved in such an appeal may order the board, during the 24084
pendency of the appeal, to sell sealed dangerous drugs that are 24085
perishable. The board shall deposit the proceeds of the sale 24086
with the court. 24087

(D) If the board is required under Chapter 119. of the 24088
Revised Code to give notice of an opportunity for a hearing and 24089

the license holder does not make a timely request for a hearing 24090
in accordance with section 119.07 of the Revised Code, the board 24091
is not required to hold a hearing, but may adopt a final order 24092
that contains the board's findings. In the final order, the 24093
board may impose any of the sanctions listed in division (A) of 24094
this section. 24095

(E) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 24096
2953.32 or division (F) (1) of section 2953.39 of the Revised 24097
Code specifying that if records pertaining to a criminal case 24098
are sealed or expunged under that section the proceedings in the 24099
case must be deemed not to have occurred, sealing or expungement 24100
of the following records on which the board has based an action 24101
under this section shall have no effect on the board's action or 24102
any sanction imposed by the board under this section: records of 24103
any conviction, guilty plea, judicial finding of guilt resulting 24104
from a plea of no contest, or a judicial finding of eligibility 24105
for a pretrial diversion program or intervention in lieu of 24106
conviction. The board is not required to seal, destroy, redact, 24107
or otherwise modify its records to reflect the court's sealing 24108
or expungement of conviction records. 24109

Sec. 4729.57. (A) The state board of pharmacy may after 24110
notice and a hearing in accordance with Chapter 119. of the 24111
Revised Code, impose any one or more of the following sanctions 24112
on a terminal distributor of dangerous drugs for any of the 24113
causes set forth in division (B) of this section: 24114

(1) Suspend, revoke, restrict, limit, or refuse to grant 24115
or renew any license; 24116

(2) Reprimand or place the license holder on probation; 24117

(3) Impose a monetary penalty or forfeiture not to exceed 24118

in severity any fine designated under the Revised Code for a	24119
similar offense or one thousand dollars if the acts committed	24120
have not been classified as an offense by the Revised Code.	24121
(B) The board may impose the sanctions listed in division	24122
(A) of this section for any of the following:	24123
(1) Making any false material statements in an application	24124
for a license as a terminal distributor of dangerous drugs;	24125
(2) Violating any rule of the board;	24126
(3) Violating any provision of this chapter;	24127
(4) Except as provided in section 4729.89 of the Revised	24128
Code, violating any provision of the "Federal Food, Drug, and	24129
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter	24130
3715. of the Revised Code;	24131
(5) Violating any provision of the federal drug abuse	24132
control laws or Chapter 2925. or 3719. of the Revised Code;	24133
(6) Falsely or fraudulently promoting to the public a	24134
dangerous drug, except that nothing in this division prohibits a	24135
terminal distributor of dangerous drugs from furnishing	24136
information concerning a dangerous drug to a health care	24137
provider or another licensed terminal distributor;	24138
(7) Ceasing to satisfy the qualifications of a terminal	24139
distributor of dangerous drugs set forth in section 4729.55 of	24140
the Revised Code;	24141
(8) Except as provided in division (C) of this section:	24142
(a) Waiving the payment of all or any part of a deductible	24143
or copayment that an individual, pursuant to a health insurance	24144
or health care policy, contract, or plan that covers the	24145

services provided by a terminal distributor of dangerous drugs, 24146
would otherwise be required to pay for the services if the 24147
waiver is used as an enticement to a patient or group of 24148
patients to receive pharmacy services from that terminal 24149
distributor; 24150

(b) Advertising that the terminal distributor will waive 24151
the payment of all or any part of a deductible or copayment that 24152
an individual, pursuant to a health insurance or health care 24153
policy, contract, or plan that covers the pharmaceutical 24154
services, would otherwise be required to pay for the services. 24155

(9) Conviction of a felony; 24156

(10) Any other cause for which the board may impose 24157
discipline as set forth in rules adopted under section 4729.26 24158
of the Revised Code. 24159

(C) Sanctions shall not be imposed under division (B) (8) 24160
of this section against any terminal distributor of dangerous 24161
drugs that waives deductibles and copayments as follows: 24162

(1) In compliance with a health benefit plan that 24163
expressly allows such a practice. Waiver of the deductibles or 24164
copayments shall be made only with the full knowledge and 24165
consent of the plan purchaser, payer, and third-party 24166
administrator. Documentation of the consent shall be made 24167
available to the board on request. 24168

(2) For professional services rendered to any other person 24169
licensed pursuant to this chapter to the extent allowed by this 24170
chapter and the rules of the board. 24171

(D) (1) Upon the suspension or revocation of a license 24172
issued to a terminal distributor of dangerous drugs or the 24173
refusal by the board to renew such a license, the distributor 24174

shall immediately surrender the license to the board. 24175

(2) (a) The board may place under seal all dangerous drugs 24176
that are owned by or in the possession, custody, or control of a 24177
terminal distributor at the time the license is suspended or 24178
revoked or at the time the board refuses to renew the license. 24179
Except as provided in division (D) (2) (b) of this section, 24180
dangerous drugs so sealed shall not be disposed of until appeal 24181
rights under Chapter 119. of the Revised Code have expired or an 24182
appeal filed pursuant to that chapter has been determined. 24183

(b) The court involved in an appeal filed pursuant to 24184
Chapter 119. of the Revised Code may order the board, during the 24185
pendency of the appeal, to sell sealed dangerous drugs that are 24186
perishable. The proceeds of such a sale shall be deposited with 24187
that court. 24188

(E) If the board is required under Chapter 119. of the 24189
Revised Code to give notice of an opportunity for a hearing and 24190
the license holder does not make a timely request for a hearing 24191
in accordance with section 119.07 of the Revised Code, the board 24192
is not required to hold a hearing, but may adopt a final order 24193
that contains the board's findings. In the final order, the 24194
board may impose any of the sanctions listed in division (A) of 24195
this section. 24196

(F) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 24197
2953.32 or division (F) (1) of section 2953.39 of the Revised 24198
Code specifying that if records pertaining to a criminal case 24199
are sealed or expunged under that section the proceedings in the 24200
case must be deemed not to have occurred, sealing or expungement 24201
of the following records on which the board has based an action 24202
under this section shall have no effect on the board's action or 24203
any sanction imposed by the board under this section: records of 24204

any conviction, guilty plea, judicial finding of guilt resulting 24205
from a plea of no contest, or a judicial finding of eligibility 24206
for a pretrial diversion program or intervention in lieu of 24207
conviction. The board is not required to seal, destroy, redact, 24208
or otherwise modify its records to reflect the court's sealing 24209
or expungement of conviction records. 24210

Sec. 4729.96. (A) (1) The state board of pharmacy, after 24211
notice and hearing in accordance with Chapter 119. of the 24212
Revised Code, may impose one or more of the following sanctions 24213
on a pharmacy technician trainee, registered pharmacy 24214
technician, or certified pharmacy technician if the board finds 24215
the individual engaged in any of the conduct set forth in 24216
division (A) (2) of this section: 24217

(a) Revoke, suspend, restrict, limit, or refuse to grant 24218
or renew a registration; 24219

(b) Reprimand or place the holder of the registration on 24220
probation; 24221

(c) Impose a monetary penalty or forfeiture not to exceed 24222
in severity any fine designated under the Revised Code for a 24223
similar offense, or in the case of a violation of a section of 24224
the Revised Code that does not bear a penalty, a monetary 24225
penalty or forfeiture of not more than five hundred dollars. 24226

(2) Except as provided in division (G) of this section, 24227
the board may impose the sanctions listed in division (A) (1) of 24228
this section if the board finds a pharmacy technician trainee, 24229
registered pharmacy technician, or certified pharmacy 24230
technician: 24231

(a) Has been convicted of a felony, or a crime of moral 24232
turpitude, as defined in section 4776.10 of the Revised Code; 24233

(b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code;	24234 24235 24236
(c) Is addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties;	24237 24238 24239
(d) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	24240 24241 24242 24243 24244
(e) Committed fraud, misrepresentation, or deception in applying for or securing a registration issued by the board under this chapter;	24245 24246 24247
(f) Failed to comply with an order of the board or a settlement agreement;	24248 24249
(g) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted by the board under section 4729.94 of the Revised Code.	24250 24251 24252
(B) The board may suspend a registration under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	24253 24254 24255 24256
(C) For purposes of this division, an individual authorized to practice as a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a registration under this chapter, the individual gives	24257 24258 24259 24260 24261 24262

consent to submit to a mental or physical examination when 24263
ordered to do so by the board in writing and waives all 24264
objections to the admissibility of testimony or examination 24265
reports that constitute privileged communications. 24266

If the board has reasonable cause to believe that an 24267
individual who is a pharmacy technician trainee, registered 24268
pharmacy technician, or certified pharmacy technician is 24269
physically or mentally impaired, the board may require the 24270
individual to submit to a physical or mental examination, or 24271
both. The expense of the examination is the responsibility of 24272
the individual required to be examined. 24273

Failure of an individual who is a pharmacy technician 24274
trainee, registered pharmacy technician, or certified pharmacy 24275
technician to submit to a physical or mental examination ordered 24276
by the board, unless the failure is due to circumstances beyond 24277
the individual's control, constitutes an admission of the 24278
allegations and a suspension order shall be entered without the 24279
taking of testimony or presentation of evidence. Any subsequent 24280
adjudication hearing under Chapter 119. of the Revised Code 24281
concerning failure to submit to an examination is limited to 24282
consideration of whether the failure was beyond the individual's 24283
control. 24284

If, based on the results of an examination ordered under 24285
this division, the board determines that the individual's 24286
ability to practice is impaired, the board shall suspend the 24287
individual's registration or deny the individual's application 24288
and shall require the individual, as a condition for an initial, 24289
continued, reinstated, or renewed registration to practice, to 24290
submit to a physical or mental examination and treatment. 24291

An order of suspension issued under this division shall 24292

not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. 24293
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(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or registrant does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 24295
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(E) Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of section 2953.32 or division (F) (1) of section 2953.39 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the case must be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records. 24303
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(F) No pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician shall knowingly engage in any conduct described in divisions (A) (2) (b) or (A) (2) (d) to (g) of this section. 24318
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(G) The board shall not refuse to issue a registration to 24322

an applicant because of a conviction of an offense unless the 24323
refusal is in accordance with section 9.79 of the Revised Code. 24324

Sec. 4730.25. (A) The state medical board, by an 24325
affirmative vote of not fewer than six members, may revoke or 24326
may refuse to grant a license to practice as a physician 24327
assistant to a person found by the board to have committed 24328
fraud, misrepresentation, or deception in applying for or 24329
securing the license. 24330

(B) Except as provided in division (N) of this section, 24331
the board, by an affirmative vote of not fewer than six members, 24332
shall, to the extent permitted by law, limit, revoke, or suspend 24333
an individual's license to practice as a physician assistant or 24334
prescriber number, refuse to issue a license to an applicant, 24335
refuse to renew a license, refuse to reinstate a license, or 24336
reprimand or place on probation the holder of a license for any 24337
of the following reasons: 24338

(1) Failure to practice in accordance with the supervising 24339
physician's supervision agreement with the physician assistant, 24340
including, if applicable, the policies of the health care 24341
facility in which the supervising physician and physician 24342
assistant are practicing; 24343

(2) Failure to comply with the requirements of this 24344
chapter, Chapter 4731. of the Revised Code, or any rules adopted 24345
by the board; 24346

(3) Violating or attempting to violate, directly or 24347
indirectly, or assisting in or abetting the violation of, or 24348
conspiring to violate, any provision of this chapter, Chapter 24349
4731. of the Revised Code, or the rules adopted by the board; 24350

(4) Inability to practice according to acceptable and 24351

prevailing standards of care by reason of mental illness or 24352
physical illness, including physical deterioration that 24353
adversely affects cognitive, motor, or perceptive skills; 24354

(5) Impairment of ability to practice according to 24355
acceptable and prevailing standards of care because of habitual 24356
or excessive use or abuse of drugs, alcohol, or other substances 24357
that impair ability to practice; 24358

(6) Administering drugs for purposes other than those 24359
authorized under this chapter; 24360

(7) Willfully betraying a professional confidence; 24361

(8) Making a false, fraudulent, deceptive, or misleading 24362
statement in soliciting or advertising for employment as a 24363
physician assistant; in connection with any solicitation or 24364
advertisement for patients; in relation to the practice of 24365
medicine as it pertains to physician assistants; or in securing 24366
or attempting to secure a license to practice as a physician 24367
assistant. 24368

As used in this division, "false, fraudulent, deceptive, 24369
or misleading statement" means a statement that includes a 24370
misrepresentation of fact, is likely to mislead or deceive 24371
because of a failure to disclose material facts, is intended or 24372
is likely to create false or unjustified expectations of 24373
favorable results, or includes representations or implications 24374
that in reasonable probability will cause an ordinarily prudent 24375
person to misunderstand or be deceived. 24376

(9) Representing, with the purpose of obtaining 24377
compensation or other advantage personally or for any other 24378
person, that an incurable disease or injury, or other incurable 24379
condition, can be permanently cured; 24380

- (10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 24381
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 24384
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 24387
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 24390
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- (14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 24394
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- (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 24397
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- (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 24400
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- (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 24403
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- (18) Any of the following actions taken by the state 24408

agency responsible for regulating the practice of physician	24409
assistants in another state, for any reason other than the	24410
nonpayment of fees: the limitation, revocation, or suspension of	24411
an individual's license to practice; acceptance of an	24412
individual's license surrender; denial of a license; refusal to	24413
renew or reinstate a license; imposition of probation; or	24414
issuance of an order of censure or other reprimand;	24415
(19) A departure from, or failure to conform to, minimal	24416
standards of care of similar physician assistants under the same	24417
or similar circumstances, regardless of whether actual injury to	24418
a patient is established;	24419
(20) Violation of the conditions placed by the board on a	24420
license to practice as a physician assistant;	24421
(21) Failure to use universal blood and body fluid	24422
precautions established by rules adopted under section 4731.051	24423
of the Revised Code;	24424
(22) Failure to cooperate in an investigation conducted by	24425
the board under section 4730.26 of the Revised Code, including	24426
failure to comply with a subpoena or order issued by the board	24427
or failure to answer truthfully a question presented by the	24428
board at a deposition or in written interrogatories, except that	24429
failure to cooperate with an investigation shall not constitute	24430
grounds for discipline under this section if a court of	24431
competent jurisdiction has issued an order that either quashes a	24432
subpoena or permits the individual to withhold the testimony or	24433
evidence in issue;	24434
(23) Assisting suicide, as defined in section 3795.01 of	24435
the Revised Code;	24436
(24) Prescribing any drug or device to perform or induce	24437

an abortion, or otherwise performing or inducing an abortion;	24438
(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	24439 24440 24441
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	24442 24443 24444 24445
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	24446 24447 24448
(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	24449 24450 24451 24452 24453 24454
(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.	24455 24456 24457
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with	24458 24459 24460 24461 24462 24463 24464 24465 24466

respect to the matter addressed in the agreement. If the board 24467
refuses to ratify a consent agreement, the admissions and 24468
findings contained in the consent agreement shall be of no force 24469
or effect. 24470

(D) For purposes of divisions (B) (12), (15), and (16) of 24471
this section, the commission of the act may be established by a 24472
finding by the board, pursuant to an adjudication under Chapter 24473
119. of the Revised Code, that the applicant or license holder 24474
committed the act in question. The board shall have no 24475
jurisdiction under these divisions in cases where the trial 24476
court renders a final judgment in the license holder's favor and 24477
that judgment is based upon an adjudication on the merits. The 24478
board shall have jurisdiction under these divisions in cases 24479
where the trial court issues an order of dismissal upon 24480
technical or procedural grounds. 24481

(E) The sealing or expungement of conviction records by 24482
any court shall have no effect upon a prior board order entered 24483
under the provisions of this section or upon the board's 24484
jurisdiction to take action under the provisions of this section 24485
if, based upon a plea of guilty, a judicial finding of guilt, or 24486
a judicial finding of eligibility for intervention in lieu of 24487
conviction, the board issued a notice of opportunity for a 24488
hearing prior to the court's order to seal or expunge the 24489
records. The board shall not be required to seal, destroy, 24490
redact, or otherwise modify its records to reflect the court's 24491
sealing or expungement of conviction records. 24492

(F) For purposes of this division, any individual who 24493
holds a license issued under this chapter, or applies for a 24494
license issued under this chapter, shall be deemed to have given 24495
consent to submit to a mental or physical examination when 24496

directed to do so in writing by the board and to have waived all 24497
objections to the admissibility of testimony or examination 24498
reports that constitute a privileged communication. 24499

(1) In enforcing division (B)(4) of this section, the 24500
board, upon a showing of a possible violation, may compel any 24501
individual who holds a license issued under this chapter or who 24502
has applied for a license pursuant to this chapter to submit to 24503
a mental examination, physical examination, including an HIV 24504
test, or both a mental and physical examination. The expense of 24505
the examination is the responsibility of the individual 24506
compelled to be examined. Failure to submit to a mental or 24507
physical examination or consent to an HIV test ordered by the 24508
board constitutes an admission of the allegations against the 24509
individual unless the failure is due to circumstances beyond the 24510
individual's control, and a default and final order may be 24511
entered without the taking of testimony or presentation of 24512
evidence. If the board finds a physician assistant unable to 24513
practice because of the reasons set forth in division (B)(4) of 24514
this section, the board shall require the physician assistant to 24515
submit to care, counseling, or treatment by physicians approved 24516
or designated by the board, as a condition for an initial, 24517
continued, reinstated, or renewed license. An individual 24518
affected under this division shall be afforded an opportunity to 24519
demonstrate to the board the ability to resume practicing in 24520
compliance with acceptable and prevailing standards of care. 24521

(2) For purposes of division (B)(5) of this section, if 24522
the board has reason to believe that any individual who holds a 24523
license issued under this chapter or any applicant for a license 24524
suffers such impairment, the board may compel the individual to 24525
submit to a mental or physical examination, or both. The expense 24526
of the examination is the responsibility of the individual 24527

compelled to be examined. Any mental or physical examination 24528
required under this division shall be undertaken by a treatment 24529
provider or physician qualified to conduct such examination and 24530
chosen by the board. 24531

Failure to submit to a mental or physical examination 24532
ordered by the board constitutes an admission of the allegations 24533
against the individual unless the failure is due to 24534
circumstances beyond the individual's control, and a default and 24535
final order may be entered without the taking of testimony or 24536
presentation of evidence. If the board determines that the 24537
individual's ability to practice is impaired, the board shall 24538
suspend the individual's license or deny the individual's 24539
application and shall require the individual, as a condition for 24540
initial, continued, reinstated, or renewed licensure, to submit 24541
to treatment. 24542

Before being eligible to apply for reinstatement of a 24543
license suspended under this division, the physician assistant 24544
shall demonstrate to the board the ability to resume practice or 24545
prescribing in compliance with acceptable and prevailing 24546
standards of care. The demonstration shall include the 24547
following: 24548

(a) Certification from a treatment provider approved under 24549
section 4731.25 of the Revised Code that the individual has 24550
successfully completed any required inpatient treatment; 24551

(b) Evidence of continuing full compliance with an 24552
aftercare contract or consent agreement; 24553

(c) Two written reports indicating that the individual's 24554
ability to practice has been assessed and that the individual 24555
has been found capable of practicing according to acceptable and 24556

prevailing standards of care. The reports shall be made by 24557
individuals or providers approved by the board for making such 24558
assessments and shall describe the basis for their 24559
determination. 24560

The board may reinstate a license suspended under this 24561
division after such demonstration and after the individual has 24562
entered into a written consent agreement. 24563

When the impaired physician assistant resumes practice or 24564
prescribing, the board shall require continued monitoring of the 24565
physician assistant. The monitoring shall include compliance 24566
with the written consent agreement entered into before 24567
reinstatement or with conditions imposed by board order after a 24568
hearing, and, upon termination of the consent agreement, 24569
submission to the board for at least two years of annual written 24570
progress reports made under penalty of falsification stating 24571
whether the physician assistant has maintained sobriety. 24572

(G) If the secretary and supervising member determine that 24573
there is clear and convincing evidence that a physician 24574
assistant has violated division (B) of this section and that the 24575
individual's continued practice or prescribing presents a danger 24576
of immediate and serious harm to the public, they may recommend 24577
that the board suspend the individual's license without a prior 24578
hearing. Written allegations shall be prepared for consideration 24579
by the board. 24580

The board, upon review of those allegations and by an 24581
affirmative vote of not fewer than six of its members, excluding 24582
the secretary and supervising member, may suspend a license 24583
without a prior hearing. A telephone conference call may be 24584
utilized for reviewing the allegations and taking the vote on 24585
the summary suspension. 24586

The board shall issue a written order of suspension by 24587
certified mail or in person in accordance with section 119.07 of 24588
the Revised Code. The order shall not be subject to suspension 24589
by the court during pendency of any appeal filed under section 24590
119.12 of the Revised Code. If the physician assistant requests 24591
an adjudicatory hearing by the board, the date set for the 24592
hearing shall be within fifteen days, but not earlier than seven 24593
days, after the physician assistant requests the hearing, unless 24594
otherwise agreed to by both the board and the license holder. 24595

A summary suspension imposed under this division shall 24596
remain in effect, unless reversed on appeal, until a final 24597
adjudicative order issued by the board pursuant to this section 24598
and Chapter 119. of the Revised Code becomes effective. The 24599
board shall issue its final adjudicative order within sixty days 24600
after completion of its hearing. Failure to issue the order 24601
within sixty days shall result in dissolution of the summary 24602
suspension order, but shall not invalidate any subsequent, final 24603
adjudicative order. 24604

(H) If the board takes action under division (B) (11), 24605
(13), or (14) of this section, and the judicial finding of 24606
guilt, guilty plea, or judicial finding of eligibility for 24607
intervention in lieu of conviction is overturned on appeal, upon 24608
exhaustion of the criminal appeal, a petition for 24609
reconsideration of the order may be filed with the board along 24610
with appropriate court documents. Upon receipt of a petition and 24611
supporting court documents, the board shall reinstate the 24612
individual's license. The board may then hold an adjudication 24613
under Chapter 119. of the Revised Code to determine whether the 24614
individual committed the act in question. Notice of opportunity 24615
for hearing shall be given in accordance with Chapter 119. of 24616
the Revised Code. If the board finds, pursuant to an 24617

adjudication held under this division, that the individual 24618
committed the act, or if no hearing is requested, it may order 24619
any of the sanctions identified under division (B) of this 24620
section. 24621

(I) The license to practice issued to a physician 24622
assistant and the physician assistant's practice in this state 24623
are automatically suspended as of the date the physician 24624
assistant pleads guilty to, is found by a judge or jury to be 24625
guilty of, or is subject to a judicial finding of eligibility 24626
for intervention in lieu of conviction in this state or 24627
treatment or intervention in lieu of conviction in another state 24628
for any of the following criminal offenses in this state or a 24629
substantially equivalent criminal offense in another 24630
jurisdiction: aggravated murder, murder, voluntary manslaughter, 24631
felonious assault, kidnapping, rape, sexual battery, gross 24632
sexual imposition, aggravated arson, aggravated robbery, or 24633
aggravated burglary. Continued practice after the suspension 24634
shall be considered practicing without a license. 24635

The board shall notify the individual subject to the 24636
suspension by certified mail or in person in accordance with 24637
section 119.07 of the Revised Code. If an individual whose 24638
license is suspended under this division fails to make a timely 24639
request for an adjudication under Chapter 119. of the Revised 24640
Code, the board shall enter a final order permanently revoking 24641
the individual's license to practice. 24642

(J) In any instance in which the board is required by 24643
Chapter 119. of the Revised Code to give notice of opportunity 24644
for hearing and the individual subject to the notice does not 24645
timely request a hearing in accordance with section 119.07 of 24646
the Revised Code, the board is not required to hold a hearing, 24647

but may adopt, by an affirmative vote of not fewer than six of 24648
its members, a final order that contains the board's findings. 24649
In that final order, the board may order any of the sanctions 24650
identified under division (A) or (B) of this section. 24651

(K) Any action taken by the board under division (B) of 24652
this section resulting in a suspension shall be accompanied by a 24653
written statement of the conditions under which the physician 24654
assistant's license may be reinstated. The board shall adopt 24655
rules in accordance with Chapter 119. of the Revised Code 24656
governing conditions to be imposed for reinstatement. 24657
Reinstatement of a license suspended pursuant to division (B) of 24658
this section requires an affirmative vote of not fewer than six 24659
members of the board. 24660

(L) When the board refuses to grant or issue to an 24661
applicant a license to practice as a physician assistant, 24662
revokes an individual's license, refuses to renew an 24663
individual's license, or refuses to reinstate an individual's 24664
license, the board may specify that its action is permanent. An 24665
individual subject to a permanent action taken by the board is 24666
forever thereafter ineligible to hold the license and the board 24667
shall not accept an application for reinstatement of the license 24668
or for issuance of a new license. 24669

(M) Notwithstanding any other provision of the Revised 24670
Code, all of the following apply: 24671

(1) The surrender of a license issued under this chapter 24672
is not effective unless or until accepted by the board. 24673
Reinstatement of a license surrendered to the board requires an 24674
affirmative vote of not fewer than six members of the board. 24675

(2) An application made under this chapter for a license 24676

may not be withdrawn without approval of the board. 24677

(3) Failure by an individual to renew a license in 24678
accordance with section 4730.14 of the Revised Code shall not 24679
remove or limit the board's jurisdiction to take disciplinary 24680
action under this section against the individual. 24681

(N) The board shall not refuse to issue a license to an 24682
applicant because of a conviction, plea of guilty, judicial 24683
finding of guilt, judicial finding of eligibility for 24684
intervention in lieu of conviction, or the commission of an act 24685
that constitutes a criminal offense, unless the refusal is in 24686
accordance with section 9.79 of the Revised Code. 24687

Sec. 4731.22. (A) The state medical board, by an 24688
affirmative vote of not fewer than six of its members, may 24689
limit, revoke, or suspend a license or certificate to practice 24690
or certificate to recommend, refuse to grant a license or 24691
certificate, refuse to renew a license or certificate, refuse to 24692
reinstate a license or certificate, or reprimand or place on 24693
probation the holder of a license or certificate if the 24694
individual applying for or holding the license or certificate is 24695
found by the board to have committed fraud during the 24696
administration of the examination for a license or certificate 24697
to practice or to have committed fraud, misrepresentation, or 24698
deception in applying for, renewing, or securing any license or 24699
certificate to practice or certificate to recommend issued by 24700
the board. 24701

(B) Except as provided in division (P) of this section, 24702
the board, by an affirmative vote of not fewer than six members, 24703
shall, to the extent permitted by law, limit, revoke, or suspend 24704
a license or certificate to practice or certificate to 24705
recommend, refuse to issue a license or certificate, refuse to 24706

renew a license or certificate, refuse to reinstate a license or 24707
certificate, or reprimand or place on probation the holder of a 24708
license or certificate for one or more of the following reasons: 24709

(1) Permitting one's name or one's license or certificate 24710
to practice to be used by a person, group, or corporation when 24711
the individual concerned is not actually directing the treatment 24712
given; 24713

(2) Failure to maintain minimal standards applicable to 24714
the selection or administration of drugs, or failure to employ 24715
acceptable scientific methods in the selection of drugs or other 24716
modalities for treatment of disease; 24717

(3) Except as provided in section 4731.97 of the Revised 24718
Code, selling, giving away, personally furnishing, prescribing, 24719
or administering drugs for other than legal and legitimate 24720
therapeutic purposes or a plea of guilty to, a judicial finding 24721
of guilt of, or a judicial finding of eligibility for 24722
intervention in lieu of conviction of, a violation of any 24723
federal or state law regulating the possession, distribution, or 24724
use of any drug; 24725

(4) Willfully betraying a professional confidence. 24726

For purposes of this division, "willfully betraying a 24727
professional confidence" does not include providing any 24728
information, documents, or reports under sections 307.621 to 24729
307.629 of the Revised Code to a child fatality review board; 24730
does not include providing any information, documents, or 24731
reports under sections 307.631 to 307.6410 of the Revised Code 24732
to a drug overdose fatality review committee, a suicide fatality 24733
review committee, or hybrid drug overdose fatality and suicide 24734
fatality review committee; does not include providing any 24735

information, documents, or reports to the director of health 24736
pursuant to guidelines established under section 3701.70 of the 24737
Revised Code; does not include written notice to a mental health 24738
professional under section 4731.62 of the Revised Code; and does 24739
not include the making of a report of an employee's use of a 24740
drug of abuse, or a report of a condition of an employee other 24741
than one involving the use of a drug of abuse, to the employer 24742
of the employee as described in division (B) of section 2305.33 24743
of the Revised Code. Nothing in this division affects the 24744
immunity from civil liability conferred by section 2305.33 or 24745
4731.62 of the Revised Code upon a physician who makes a report 24746
in accordance with section 2305.33 or notifies a mental health 24747
professional in accordance with section 4731.62 of the Revised 24748
Code. As used in this division, "employee," "employer," and 24749
"physician" have the same meanings as in section 2305.33 of the 24750
Revised Code. 24751

(5) Making a false, fraudulent, deceptive, or misleading 24752
statement in the solicitation of or advertising for patients; in 24753
relation to the practice of medicine and surgery, osteopathic 24754
medicine and surgery, podiatric medicine and surgery, or a 24755
limited branch of medicine; or in securing or attempting to 24756
secure any license or certificate to practice issued by the 24757
board. 24758

As used in this division, "false, fraudulent, deceptive, 24759
or misleading statement" means a statement that includes a 24760
misrepresentation of fact, is likely to mislead or deceive 24761
because of a failure to disclose material facts, is intended or 24762
is likely to create false or unjustified expectations of 24763
favorable results, or includes representations or implications 24764
that in reasonable probability will cause an ordinarily prudent 24765
person to misunderstand or be deceived. 24766

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 24767
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- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 24771
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- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 24775
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- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 24778
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- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 24781
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 24784
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- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 24788
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 24791
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- (14) Commission of an act involving moral turpitude that 24794

constitutes a misdemeanor in this state, regardless of the 24795
jurisdiction in which the act was committed; 24796

(15) Violation of the conditions of limitation placed by 24797
the board upon a license or certificate to practice; 24798

(16) Failure to pay license renewal fees specified in this 24799
chapter; 24800

(17) Except as authorized in section 4731.31 of the 24801
Revised Code, engaging in the division of fees for referral of 24802
patients, or the receiving of a thing of value in return for a 24803
specific referral of a patient to utilize a particular service 24804
or business; 24805

(18) Subject to section 4731.226 of the Revised Code, 24806
violation of any provision of a code of ethics of the American 24807
medical association, the American osteopathic association, the 24808
American podiatric medical association, or any other national 24809
professional organizations that the board specifies by rule. The 24810
state medical board shall obtain and keep on file current copies 24811
of the codes of ethics of the various national professional 24812
organizations. The individual whose license or certificate is 24813
being suspended or revoked shall not be found to have violated 24814
any provision of a code of ethics of an organization not 24815
appropriate to the individual's profession. 24816

For purposes of this division, a "provision of a code of 24817
ethics of a national professional organization" does not include 24818
any provision that would preclude the making of a report by a 24819
physician of an employee's use of a drug of abuse, or of a 24820
condition of an employee other than one involving the use of a 24821
drug of abuse, to the employer of the employee as described in 24822
division (B) of section 2305.33 of the Revised Code. Nothing in 24823

this division affects the immunity from civil liability 24824
conferred by that section upon a physician who makes either type 24825
of report in accordance with division (B) of that section. As 24826
used in this division, "employee," "employer," and "physician" 24827
have the same meanings as in section 2305.33 of the Revised 24828
Code. 24829

(19) Inability to practice according to acceptable and 24830
prevailing standards of care by reason of mental illness or 24831
physical illness, including, but not limited to, physical 24832
deterioration that adversely affects cognitive, motor, or 24833
perceptive skills. 24834

In enforcing this division, the board, upon a showing of a 24835
possible violation, may compel any individual authorized to 24836
practice by this chapter or who has submitted an application 24837
pursuant to this chapter to submit to a mental examination, 24838
physical examination, including an HIV test, or both a mental 24839
and a physical examination. The expense of the examination is 24840
the responsibility of the individual compelled to be examined. 24841
Failure to submit to a mental or physical examination or consent 24842
to an HIV test ordered by the board constitutes an admission of 24843
the allegations against the individual unless the failure is due 24844
to circumstances beyond the individual's control, and a default 24845
and final order may be entered without the taking of testimony 24846
or presentation of evidence. If the board finds an individual 24847
unable to practice because of the reasons set forth in this 24848
division, the board shall require the individual to submit to 24849
care, counseling, or treatment by physicians approved or 24850
designated by the board, as a condition for initial, continued, 24851
reinstated, or renewed authority to practice. An individual 24852
affected under this division shall be afforded an opportunity to 24853
demonstrate to the board the ability to resume practice in 24854

compliance with acceptable and prevailing standards under the 24855
provisions of the individual's license or certificate. For the 24856
purpose of this division, any individual who applies for or 24857
receives a license or certificate to practice under this chapter 24858
accepts the privilege of practicing in this state and, by so 24859
doing, shall be deemed to have given consent to submit to a 24860
mental or physical examination when directed to do so in writing 24861
by the board, and to have waived all objections to the 24862
admissibility of testimony or examination reports that 24863
constitute a privileged communication. 24864

(20) Except as provided in division (F) (1) (b) of section 24865
4731.282 of the Revised Code or when civil penalties are imposed 24866
under section 4731.225 of the Revised Code, and subject to 24867
section 4731.226 of the Revised Code, violating or attempting to 24868
violate, directly or indirectly, or assisting in or abetting the 24869
violation of, or conspiring to violate, any provisions of this 24870
chapter or any rule promulgated by the board. 24871

This division does not apply to a violation or attempted 24872
violation of, assisting in or abetting the violation of, or a 24873
conspiracy to violate, any provision of this chapter or any rule 24874
adopted by the board that would preclude the making of a report 24875
by a physician of an employee's use of a drug of abuse, or of a 24876
condition of an employee other than one involving the use of a 24877
drug of abuse, to the employer of the employee as described in 24878
division (B) of section 2305.33 of the Revised Code. Nothing in 24879
this division affects the immunity from civil liability 24880
conferred by that section upon a physician who makes either type 24881
of report in accordance with division (B) of that section. As 24882
used in this division, "employee," "employer," and "physician" 24883
have the same meanings as in section 2305.33 of the Revised 24884
Code. 24885

(21) The violation of section 3701.79 of the Revised Code 24886
or of any abortion rule adopted by the director of health 24887
pursuant to section 3701.341 of the Revised Code; 24888

(22) Any of the following actions taken by an agency 24889
responsible for authorizing, certifying, or regulating an 24890
individual to practice a health care occupation or provide 24891
health care services in this state or another jurisdiction, for 24892
any reason other than the nonpayment of fees: the limitation, 24893
revocation, or suspension of an individual's license to 24894
practice; acceptance of an individual's license surrender; 24895
denial of a license; refusal to renew or reinstate a license; 24896
imposition of probation; or issuance of an order of censure or 24897
other reprimand; 24898

(23) The violation of section 2919.12 of the Revised Code 24899
or the performance or inducement of an abortion upon a pregnant 24900
woman with actual knowledge that the conditions specified in 24901
division (B) of section 2317.56 of the Revised Code have not 24902
been satisfied or with a heedless indifference as to whether 24903
those conditions have been satisfied, unless an affirmative 24904
defense as specified in division (H)(2) of that section would 24905
apply in a civil action authorized by division (H)(1) of that 24906
section; 24907

(24) The revocation, suspension, restriction, reduction, 24908
or termination of clinical privileges by the United States 24909
department of defense or department of veterans affairs or the 24910
termination or suspension of a certificate of registration to 24911
prescribe drugs by the drug enforcement administration of the 24912
United States department of justice; 24913

(25) Termination or suspension from participation in the 24914
medicare or medicaid programs by the department of health and 24915

human services or other responsible agency; 24916

(26) Impairment of ability to practice according to 24917
acceptable and prevailing standards of care because of habitual 24918
or excessive use or abuse of drugs, alcohol, or other substances 24919
that impair ability to practice. 24920

For the purposes of this division, any individual 24921
authorized to practice by this chapter accepts the privilege of 24922
practicing in this state subject to supervision by the board. By 24923
filing an application for or holding a license or certificate to 24924
practice under this chapter, an individual shall be deemed to 24925
have given consent to submit to a mental or physical examination 24926
when ordered to do so by the board in writing, and to have 24927
waived all objections to the admissibility of testimony or 24928
examination reports that constitute privileged communications. 24929

If it has reason to believe that any individual authorized 24930
to practice by this chapter or any applicant for licensure or 24931
certification to practice suffers such impairment, the board may 24932
compel the individual to submit to a mental or physical 24933
examination, or both. The expense of the examination is the 24934
responsibility of the individual compelled to be examined. Any 24935
mental or physical examination required under this division 24936
shall be undertaken by a treatment provider or physician who is 24937
qualified to conduct the examination and who is chosen by the 24938
board. 24939

Failure to submit to a mental or physical examination 24940
ordered by the board constitutes an admission of the allegations 24941
against the individual unless the failure is due to 24942
circumstances beyond the individual's control, and a default and 24943
final order may be entered without the taking of testimony or 24944
presentation of evidence. If the board determines that the 24945

individual's ability to practice is impaired, the board shall 24946
suspend the individual's license or certificate or deny the 24947
individual's application and shall require the individual, as a 24948
condition for initial, continued, reinstated, or renewed 24949
licensure or certification to practice, to submit to treatment. 24950

Before being eligible to apply for reinstatement of a 24951
license or certificate suspended under this division, the 24952
impaired practitioner shall demonstrate to the board the ability 24953
to resume practice in compliance with acceptable and prevailing 24954
standards of care under the provisions of the practitioner's 24955
license or certificate. The demonstration shall include, but 24956
shall not be limited to, the following: 24957

(a) Certification from a treatment provider approved under 24958
section 4731.25 of the Revised Code that the individual has 24959
successfully completed any required inpatient treatment; 24960

(b) Evidence of continuing full compliance with an 24961
aftercare contract or consent agreement; 24962

(c) Two written reports indicating that the individual's 24963
ability to practice has been assessed and that the individual 24964
has been found capable of practicing according to acceptable and 24965
prevailing standards of care. The reports shall be made by 24966
individuals or providers approved by the board for making the 24967
assessments and shall describe the basis for their 24968
determination. 24969

The board may reinstate a license or certificate suspended 24970
under this division after that demonstration and after the 24971
individual has entered into a written consent agreement. 24972

When the impaired practitioner resumes practice, the board 24973
shall require continued monitoring of the individual. The 24974

monitoring shall include, but not be limited to, compliance with 24975
the written consent agreement entered into before reinstatement 24976
or with conditions imposed by board order after a hearing, and, 24977
upon termination of the consent agreement, submission to the 24978
board for at least two years of annual written progress reports 24979
made under penalty of perjury stating whether the individual has 24980
maintained sobriety. 24981

(27) A second or subsequent violation of section 4731.66 24982
or 4731.69 of the Revised Code; 24983

(28) Except as provided in division (N) of this section: 24984

(a) Waiving the payment of all or any part of a deductible 24985
or copayment that a patient, pursuant to a health insurance or 24986
health care policy, contract, or plan that covers the 24987
individual's services, otherwise would be required to pay if the 24988
waiver is used as an enticement to a patient or group of 24989
patients to receive health care services from that individual; 24990

(b) Advertising that the individual will waive the payment 24991
of all or any part of a deductible or copayment that a patient, 24992
pursuant to a health insurance or health care policy, contract, 24993
or plan that covers the individual's services, otherwise would 24994
be required to pay. 24995

(29) Failure to use universal blood and body fluid 24996
precautions established by rules adopted under section 4731.051 24997
of the Revised Code; 24998

(30) Failure to provide notice to, and receive 24999
acknowledgment of the notice from, a patient when required by 25000
section 4731.143 of the Revised Code prior to providing 25001
nonemergency professional services, or failure to maintain that 25002
notice in the patient's medical record; 25003

(31) Failure of a physician supervising a physician	25004
assistant to maintain supervision in accordance with the	25005
requirements of Chapter 4730. of the Revised Code and the rules	25006
adopted under that chapter;	25007
(32) Failure of a physician or podiatrist to enter into a	25008
standard care arrangement with a clinical nurse specialist,	25009
certified nurse-midwife, or certified nurse practitioner with	25010
whom the physician or podiatrist is in collaboration pursuant to	25011
section 4731.27 of the Revised Code or failure to fulfill the	25012
responsibilities of collaboration after entering into a standard	25013
care arrangement;	25014
(33) Failure to comply with the terms of a consult	25015
agreement entered into with a pharmacist pursuant to section	25016
4729.39 of the Revised Code;	25017
(34) Failure to cooperate in an investigation conducted by	25018
the board under division (F) of this section, including failure	25019
to comply with a subpoena or order issued by the board or	25020
failure to answer truthfully a question presented by the board	25021
in an investigative interview, an investigative office	25022
conference, at a deposition, or in written interrogatories,	25023
except that failure to cooperate with an investigation shall not	25024
constitute grounds for discipline under this section if a court	25025
of competent jurisdiction has issued an order that either	25026
quashes a subpoena or permits the individual to withhold the	25027
testimony or evidence in issue;	25028
(35) Failure to supervise an acupuncturist in accordance	25029
with Chapter 4762. of the Revised Code and the board's rules for	25030
providing that supervision;	25031
(36) Failure to supervise an anesthesiologist assistant in	25032

accordance with Chapter 4760. of the Revised Code and the	25033
board's rules for supervision of an anesthesiologist assistant;	25034
(37) Assisting suicide, as defined in section 3795.01 of	25035
the Revised Code;	25036
(38) Failure to comply with the requirements of section	25037
2317.561 of the Revised Code;	25038
(39) Failure to supervise a radiologist assistant in	25039
accordance with Chapter 4774. of the Revised Code and the	25040
board's rules for supervision of radiologist assistants;	25041
(40) Performing or inducing an abortion at an office or	25042
facility with knowledge that the office or facility fails to	25043
post the notice required under section 3701.791 of the Revised	25044
Code;	25045
(41) Failure to comply with the standards and procedures	25046
established in rules under section 4731.054 of the Revised Code	25047
for the operation of or the provision of care at a pain	25048
management clinic;	25049
(42) Failure to comply with the standards and procedures	25050
established in rules under section 4731.054 of the Revised Code	25051
for providing supervision, direction, and control of individuals	25052
at a pain management clinic;	25053
(43) Failure to comply with the requirements of section	25054
4729.79 or 4731.055 of the Revised Code, unless the state board	25055
of pharmacy no longer maintains a drug database pursuant to	25056
section 4729.75 of the Revised Code;	25057
(44) Failure to comply with the requirements of section	25058
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	25059
to submit to the department of health in accordance with a court	25060

order a complete report as described in section 2919.171 or	25061
2919.202 of the Revised Code;	25062
(45) Practicing at a facility that is subject to licensure	25063
as a category III terminal distributor of dangerous drugs with a	25064
pain management clinic classification unless the person	25065
operating the facility has obtained and maintains the license	25066
with the classification;	25067
(46) Owning a facility that is subject to licensure as a	25068
category III terminal distributor of dangerous drugs with a pain	25069
management clinic classification unless the facility is licensed	25070
with the classification;	25071
(47) Failure to comply with any of the requirements	25072
regarding making or maintaining medical records or documents	25073
described in division (A) of section 2919.192, division (C) of	25074
section 2919.193, division (B) of section 2919.195, or division	25075
(A) of section 2919.196 of the Revised Code;	25076
(48) Failure to comply with the requirements in section	25077
3719.061 of the Revised Code before issuing for a minor a	25078
prescription for an opioid analgesic, as defined in section	25079
3719.01 of the Revised Code;	25080
(49) Failure to comply with the requirements of section	25081
4731.30 of the Revised Code or rules adopted under section	25082
4731.301 of the Revised Code when recommending treatment with	25083
medical marijuana;	25084
(50) Practicing at a facility, clinic, or other location	25085
that is subject to licensure as a category III terminal	25086
distributor of dangerous drugs with an office-based opioid	25087
treatment classification unless the person operating that place	25088
has obtained and maintains the license with the classification;	25089

(51) Owning a facility, clinic, or other location that is	25090
subject to licensure as a category III terminal distributor of	25091
dangerous drugs with an office-based opioid treatment	25092
classification unless that place is licensed with the	25093
classification;	25094
(52) A pattern of continuous or repeated violations of	25095
division (E) (2) or (3) of section 3963.02 of the Revised Code;	25096
(53) Failure to fulfill the responsibilities of a	25097
collaboration agreement entered into with an athletic trainer as	25098
described in section 4755.621 of the Revised Code;	25099
(54) Failure to take the steps specified in section	25100
4731.911 of the Revised Code following an abortion or attempted	25101
abortion in an ambulatory surgical facility or other location	25102
that is not a hospital when a child is born alive.	25103
(C) Disciplinary actions taken by the board under	25104
divisions (A) and (B) of this section shall be taken pursuant to	25105
an adjudication under Chapter 119. of the Revised Code, except	25106
that in lieu of an adjudication, the board may enter into a	25107
consent agreement with an individual to resolve an allegation of	25108
a violation of this chapter or any rule adopted under it. A	25109
consent agreement, when ratified by an affirmative vote of not	25110
fewer than six members of the board, shall constitute the	25111
findings and order of the board with respect to the matter	25112
addressed in the agreement. If the board refuses to ratify a	25113
consent agreement, the admissions and findings contained in the	25114
consent agreement shall be of no force or effect.	25115
A telephone conference call may be utilized for	25116
ratification of a consent agreement that revokes or suspends an	25117
individual's license or certificate to practice or certificate	25118

to recommend. The telephone conference call shall be considered 25119
a special meeting under division (F) of section 121.22 of the 25120
Revised Code. 25121

If the board takes disciplinary action against an 25122
individual under division (B) of this section for a second or 25123
subsequent plea of guilty to, or judicial finding of guilt of, a 25124
violation of section 2919.123 or 2919.124 of the Revised Code, 25125
the disciplinary action shall consist of a suspension of the 25126
individual's license or certificate to practice for a period of 25127
at least one year or, if determined appropriate by the board, a 25128
more serious sanction involving the individual's license or 25129
certificate to practice. Any consent agreement entered into 25130
under this division with an individual that pertains to a second 25131
or subsequent plea of guilty to, or judicial finding of guilt 25132
of, a violation of that section shall provide for a suspension 25133
of the individual's license or certificate to practice for a 25134
period of at least one year or, if determined appropriate by the 25135
board, a more serious sanction involving the individual's 25136
license or certificate to practice. 25137

(D) For purposes of divisions (B) (10), (12), and (14) of 25138
this section, the commission of the act may be established by a 25139
finding by the board, pursuant to an adjudication under Chapter 25140
119. of the Revised Code, that the individual committed the act. 25141
The board does not have jurisdiction under those divisions if 25142
the trial court renders a final judgment in the individual's 25143
favor and that judgment is based upon an adjudication on the 25144
merits. The board has jurisdiction under those divisions if the 25145
trial court issues an order of dismissal upon technical or 25146
procedural grounds. 25147

(E) The sealing or expungement of conviction records by 25148

any court shall have no effect upon a prior board order entered 25149
under this section or upon the board's jurisdiction to take 25150
action under this section if, based upon a plea of guilty, a 25151
judicial finding of guilt, or a judicial finding of eligibility 25152
for intervention in lieu of conviction, the board issued a 25153
notice of opportunity for a hearing prior to the court's order 25154
to seal or expunge the records. The board shall not be required 25155
to seal, expunge, destroy, redact, or otherwise modify its 25156
records to reflect the court's sealing of conviction records. 25157

(F) (1) The board shall investigate evidence that appears 25158
to show that a person has violated any provision of this chapter 25159
or any rule adopted under it. Any person may report to the board 25160
in a signed writing any information that the person may have 25161
that appears to show a violation of any provision of this 25162
chapter or any rule adopted under it. In the absence of bad 25163
faith, any person who reports information of that nature or who 25164
testifies before the board in any adjudication conducted under 25165
Chapter 119. of the Revised Code shall not be liable in damages 25166
in a civil action as a result of the report or testimony. Each 25167
complaint or allegation of a violation received by the board 25168
shall be assigned a case number and shall be recorded by the 25169
board. 25170

(2) Investigations of alleged violations of this chapter 25171
or any rule adopted under it shall be supervised by the 25172
supervising member elected by the board in accordance with 25173
section 4731.02 of the Revised Code and by the secretary as 25174
provided in section 4731.39 of the Revised Code. The president 25175
may designate another member of the board to supervise the 25176
investigation in place of the supervising member. No member of 25177
the board who supervises the investigation of a case shall 25178
participate in further adjudication of the case. 25179

(3) In investigating a possible violation of this chapter 25180
or any rule adopted under this chapter, or in conducting an 25181
inspection under division (E) of section 4731.054 of the Revised 25182
Code, the board may question witnesses, conduct interviews, 25183
administer oaths, order the taking of depositions, inspect and 25184
copy any books, accounts, papers, records, or documents, issue 25185
subpoenas, and compel the attendance of witnesses and production 25186
of books, accounts, papers, records, documents, and testimony, 25187
except that a subpoena for patient record information shall not 25188
be issued without consultation with the attorney general's 25189
office and approval of the secretary and supervising member of 25190
the board. 25191

(a) Before issuance of a subpoena for patient record 25192
information, the secretary and supervising member shall 25193
determine whether there is probable cause to believe that the 25194
complaint filed alleges a violation of this chapter or any rule 25195
adopted under it and that the records sought are relevant to the 25196
alleged violation and material to the investigation. The 25197
subpoena may apply only to records that cover a reasonable 25198
period of time surrounding the alleged violation. 25199

(b) On failure to comply with any subpoena issued by the 25200
board and after reasonable notice to the person being 25201
subpoenaed, the board may move for an order compelling the 25202
production of persons or records pursuant to the Rules of Civil 25203
Procedure. 25204

(c) A subpoena issued by the board may be served by a 25205
sheriff, the sheriff's deputy, or a board employee or agent 25206
designated by the board. Service of a subpoena issued by the 25207
board may be made by delivering a copy of the subpoena to the 25208
person named therein, reading it to the person, or leaving it at 25209

the person's usual place of residence, usual place of business, 25210
or address on file with the board. When serving a subpoena to an 25211
applicant for or the holder of a license or certificate issued 25212
under this chapter, service of the subpoena may be made by 25213
certified mail, return receipt requested, and the subpoena shall 25214
be deemed served on the date delivery is made or the date the 25215
person refuses to accept delivery. If the person being served 25216
refuses to accept the subpoena or is not located, service may be 25217
made to an attorney who notifies the board that the attorney is 25218
representing the person. 25219

(d) A sheriff's deputy who serves a subpoena shall receive 25220
the same fees as a sheriff. Each witness who appears before the 25221
board in obedience to a subpoena shall receive the fees and 25222
mileage provided for under section 119.094 of the Revised Code. 25223

(4) All hearings, investigations, and inspections of the 25224
board shall be considered civil actions for the purposes of 25225
section 2305.252 of the Revised Code. 25226

(5) A report required to be submitted to the board under 25227
this chapter, a complaint, or information received by the board 25228
pursuant to an investigation or pursuant to an inspection under 25229
division (E) of section 4731.054 of the Revised Code is 25230
confidential and not subject to discovery in any civil action. 25231

The board shall conduct all investigations or inspections 25232
and proceedings in a manner that protects the confidentiality of 25233
patients and persons who file complaints with the board. The 25234
board shall not make public the names or any other identifying 25235
information about patients or complainants unless proper consent 25236
is given or, in the case of a patient, a waiver of the patient 25237
privilege exists under division (B) of section 2317.02 of the 25238
Revised Code, except that consent or a waiver of that nature is 25239

not required if the board possesses reliable and substantial 25240
evidence that no bona fide physician-patient relationship 25241
exists. 25242

The board may share any information it receives pursuant 25243
to an investigation or inspection, including patient records and 25244
patient record information, with law enforcement agencies, other 25245
licensing boards, and other governmental agencies that are 25246
prosecuting, adjudicating, or investigating alleged violations 25247
of statutes or administrative rules. An agency or board that 25248
receives the information shall comply with the same requirements 25249
regarding confidentiality as those with which the state medical 25250
board must comply, notwithstanding any conflicting provision of 25251
the Revised Code or procedure of the agency or board that 25252
applies when it is dealing with other information in its 25253
possession. In a judicial proceeding, the information may be 25254
admitted into evidence only in accordance with the Rules of 25255
Evidence, but the court shall require that appropriate measures 25256
are taken to ensure that confidentiality is maintained with 25257
respect to any part of the information that contains names or 25258
other identifying information about patients or complainants 25259
whose confidentiality was protected by the state medical board 25260
when the information was in the board's possession. Measures to 25261
ensure confidentiality that may be taken by the court include 25262
sealing its records or deleting specific information from its 25263
records. 25264

(6) On a quarterly basis, the board shall prepare a report 25265
that documents the disposition of all cases during the preceding 25266
three months. The report shall contain the following information 25267
for each case with which the board has completed its activities: 25268

(a) The case number assigned to the complaint or alleged 25269

violation;	25270
(b) The type of license or certificate to practice, if	25271
any, held by the individual against whom the complaint is	25272
directed;	25273
(c) A description of the allegations contained in the	25274
complaint;	25275
(d) The disposition of the case.	25276
The report shall state how many cases are still pending	25277
and shall be prepared in a manner that protects the identity of	25278
each person involved in each case. The report shall be a public	25279
record under section 149.43 of the Revised Code.	25280
(G) If the secretary and supervising member determine both	25281
of the following, they may recommend that the board suspend an	25282
individual's license or certificate to practice or certificate	25283
to recommend without a prior hearing:	25284
(1) That there is clear and convincing evidence that an	25285
individual has violated division (B) of this section;	25286
(2) That the individual's continued practice presents a	25287
danger of immediate and serious harm to the public.	25288
Written allegations shall be prepared for consideration by	25289
the board. The board, upon review of those allegations and by an	25290
affirmative vote of not fewer than six of its members, excluding	25291
the secretary and supervising member, may suspend a license or	25292
certificate without a prior hearing. A telephone conference call	25293
may be utilized for reviewing the allegations and taking the	25294
vote on the summary suspension.	25295
The board shall issue a written order of suspension by	25296
certified mail or in person in accordance with section 119.07 of	25297

the Revised Code. The order shall not be subject to suspension 25298
by the court during pendency of any appeal filed under section 25299
119.12 of the Revised Code. If the individual subject to the 25300
summary suspension requests an adjudicatory hearing by the 25301
board, the date set for the hearing shall be within fifteen 25302
days, but not earlier than seven days, after the individual 25303
requests the hearing, unless otherwise agreed to by both the 25304
board and the individual. 25305

Any summary suspension imposed under this division shall 25306
remain in effect, unless reversed on appeal, until a final 25307
adjudicative order issued by the board pursuant to this section 25308
and Chapter 119. of the Revised Code becomes effective. The 25309
board shall issue its final adjudicative order within seventy- 25310
five days after completion of its hearing. A failure to issue 25311
the order within seventy-five days shall result in dissolution 25312
of the summary suspension order but shall not invalidate any 25313
subsequent, final adjudicative order. 25314

(H) If the board takes action under division (B) (9), (11), 25315
or (13) of this section and the judicial finding of guilt, 25316
guilty plea, or judicial finding of eligibility for intervention 25317
in lieu of conviction is overturned on appeal, upon exhaustion 25318
of the criminal appeal, a petition for reconsideration of the 25319
order may be filed with the board along with appropriate court 25320
documents. Upon receipt of a petition of that nature and 25321
supporting court documents, the board shall reinstate the 25322
individual's license or certificate to practice. The board may 25323
then hold an adjudication under Chapter 119. of the Revised Code 25324
to determine whether the individual committed the act in 25325
question. Notice of an opportunity for a hearing shall be given 25326
in accordance with Chapter 119. of the Revised Code. If the 25327
board finds, pursuant to an adjudication held under this 25328

division, that the individual committed the act or if no hearing 25329
is requested, the board may order any of the sanctions 25330
identified under division (B) of this section. 25331

(I) The license or certificate to practice issued to an 25332
individual under this chapter and the individual's practice in 25333
this state are automatically suspended as of the date of the 25334
individual's second or subsequent plea of guilty to, or judicial 25335
finding of guilt of, a violation of section 2919.123 or 2919.124 25336
of the Revised Code. In addition, the license or certificate to 25337
practice or certificate to recommend issued to an individual 25338
under this chapter and the individual's practice in this state 25339
are automatically suspended as of the date the individual pleads 25340
guilty to, is found by a judge or jury to be guilty of, or is 25341
subject to a judicial finding of eligibility for intervention in 25342
lieu of conviction in this state or treatment or intervention in 25343
lieu of conviction in another jurisdiction for any of the 25344
following criminal offenses in this state or a substantially 25345
equivalent criminal offense in another jurisdiction: aggravated 25346
murder, murder, voluntary manslaughter, felonious assault, 25347
kidnapping, rape, sexual battery, gross sexual imposition, 25348
aggravated arson, aggravated robbery, or aggravated burglary. 25349
Continued practice after suspension shall be considered 25350
practicing without a license or certificate. 25351

The board shall notify the individual subject to the 25352
suspension by certified mail or in person in accordance with 25353
section 119.07 of the Revised Code. If an individual whose 25354
license or certificate is automatically suspended under this 25355
division fails to make a timely request for an adjudication 25356
under Chapter 119. of the Revised Code, the board shall do 25357
whichever of the following is applicable: 25358

(1) If the automatic suspension under this division is for 25359
a second or subsequent plea of guilty to, or judicial finding of 25360
guilt of, a violation of section 2919.123 or 2919.124 of the 25361
Revised Code, the board shall enter an order suspending the 25362
individual's license or certificate to practice for a period of 25363
at least one year or, if determined appropriate by the board, 25364
imposing a more serious sanction involving the individual's 25365
license or certificate to practice. 25366

(2) In all circumstances in which division (I) (1) of this 25367
section does not apply, enter a final order permanently revoking 25368
the individual's license or certificate to practice. 25369

(J) If the board is required by Chapter 119. of the 25370
Revised Code to give notice of an opportunity for a hearing and 25371
if the individual subject to the notice does not timely request 25372
a hearing in accordance with section 119.07 of the Revised Code, 25373
the board is not required to hold a hearing, but may adopt, by 25374
an affirmative vote of not fewer than six of its members, a 25375
final order that contains the board's findings. In that final 25376
order, the board may order any of the sanctions identified under 25377
division (A) or (B) of this section. 25378

(K) Any action taken by the board under division (B) of 25379
this section resulting in a suspension from practice shall be 25380
accompanied by a written statement of the conditions under which 25381
the individual's license or certificate to practice may be 25382
reinstated. The board shall adopt rules governing conditions to 25383
be imposed for reinstatement. Reinstatement of a license or 25384
certificate suspended pursuant to division (B) of this section 25385
requires an affirmative vote of not fewer than six members of 25386
the board. 25387

(L) When the board refuses to grant or issue a license or 25388

certificate to practice to an applicant, revokes an individual's 25389
license or certificate to practice, refuses to renew an 25390
individual's license or certificate to practice, or refuses to 25391
reinstate an individual's license or certificate to practice, 25392
the board may specify that its action is permanent. An 25393
individual subject to a permanent action taken by the board is 25394
forever thereafter ineligible to hold a license or certificate 25395
to practice and the board shall not accept an application for 25396
reinstatement of the license or certificate or for issuance of a 25397
new license or certificate. 25398

(M) Notwithstanding any other provision of the Revised 25399
Code, all of the following apply: 25400

(1) The surrender of a license or certificate issued under 25401
this chapter shall not be effective unless or until accepted by 25402
the board. A telephone conference call may be utilized for 25403
acceptance of the surrender of an individual's license or 25404
certificate to practice. The telephone conference call shall be 25405
considered a special meeting under division (F) of section 25406
121.22 of the Revised Code. Reinstatement of a license or 25407
certificate surrendered to the board requires an affirmative 25408
vote of not fewer than six members of the board. 25409

(2) An application for a license or certificate made under 25410
the provisions of this chapter may not be withdrawn without 25411
approval of the board. 25412

(3) Failure by an individual to renew a license or 25413
certificate to practice in accordance with this chapter or a 25414
certificate to recommend in accordance with rules adopted under 25415
section 4731.301 of the Revised Code shall not remove or limit 25416
the board's jurisdiction to take any disciplinary action under 25417
this section against the individual. 25418

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B) (28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment

services, including a quality intervention program panel of case reviewers; 25448
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(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program. 25450
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(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate; 25455
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(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 25459
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 25462
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(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code. 25465
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Sec. 4731.86. As used in sections 4731.861 to 4731.8611 of the Revised Code: 25471
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(A) "Assisted reproduction," "human reproductive material," "health care professional," and "donor" have the same meanings as in section 2907.13 of the Revised Code. 25473
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(B) (1) "Assisted reproduction procedure performed without consent" means the performance of an assisted reproduction procedure by a health care professional who recklessly did any of the following: 25476
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(a) Used either the professional's or a donor's human reproductive material when the patient on whom the procedure was performed did not consent to the use of the material from that person; 25480
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(b) Failed to comply with the standards or requirements of sections 3111.88 to 3111.96 of the Revised Code, including the terms of the written consent form; 25484
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(c) Misrepresented to the patient receiving the procedure any material information about the donor's profile, including the types of information listed in division (A) (2) of section 3111.93 of the Revised Code, or the manner or extent to which the material was used. 25487
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(2) "Assisted reproduction procedure performed without consent" includes the performance of an assisted reproduction procedure by a health care professional using the professional's human reproductive material in situations in which the patient consented to use of an anonymous donor. 25492
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Sec. 4731.861. The following persons may bring a civil action for the recovery of remedies described in sections 4731.869 and 4731.8610 of the Revised Code for an assisted reproduction procedure performed without consent and performed recklessly: 25497
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(A) The patient on whom the procedure was performed and the patient's spouse or surviving spouse; 25502
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(B) The child born as a result of the procedure. 25504

Sec. 4731.862. A person may bring a separate action under section 4731.861 of the Revised Code for each child born to the patient or spouse as a result of an assisted reproduction procedure performed without consent. 25505
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Sec. 4731.864. A donor of human reproductive material may bring a civil action for remedies described in sections 4731.869 and 4731.8610 of the Revised Code against a health care professional who recklessly did both of the following: 25509
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(A) Performed an assisted reproduction procedure using the donor's human reproductive material; 25513
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(B) Knew or reasonably should have known that the human reproductive material was used without the donor's consent or in a manner or to an extent other than that to which the donor consented. 25515
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Sec. 4731.865. A donor may bring a separate action under section 4731.864 of the Revised Code for each individual who received the donor's human reproductive material without the donor's consent. 25519
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Sec. 4731.867. (A) Patient consent to the use of human reproductive material from an anonymous donor is not effective to provide consent for use of human reproductive material of the health care professional performing the procedure. 25523
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(B) It is not a defense to an action under section 4731.861 or 4731.864 of the Revised Code that a patient expressly consented in writing, or by any other means, to the use of human reproductive material from an anonymous donor. 25527
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Sec. 4731.869. (A) A plaintiff who prevails in an action under section 4731.861 or 4731.864 of the Revised Code shall be entitled to: 25531
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25533

<u>(1) Reasonable attorney's fees; and</u>	25534
<u>(2) Either of the following:</u>	25535
<u>(a) Compensatory and punitive damages;</u>	25536
<u>(b) Liquidated damages of ten thousand dollars.</u>	25537
<u>(B) A plaintiff who prevails in an action under section</u>	25538
<u>4731.861 of the Revised Code is also entitled to reimbursement</u>	25539
<u>for the cost of the assisted reproduction procedure.</u>	25540
<u>Sec. 4731.8610. Nothing in sections 4731.861 to 4731.8611</u>	25541
<u>of the Revised Code may be construed to prohibit a person from</u>	25542
<u>pursuing any other remedies provided in the Revised Code for an</u>	25543
<u>assisted reproduction procedure performed without consent.</u>	25544
<u>Sec. 4731.8611. It is declared to be against the public</u>	25545
<u>policy of this state for a health care professional or</u>	25546
<u>affiliated person to enter into or require a waiver or provision</u>	25547
<u>with any patient or other person that limits or waives any of</u>	25548
<u>the patient's or other person's claims under section 4731.861,</u>	25549
<u>4731.862, 4731.864, or 4731.865 of the Revised Code or remedies</u>	25550
<u>under section 4731.869 or 4731.8610 of the Revised Code. Any</u>	25551
<u>such provision or waiver is void and unenforceable as against</u>	25552
<u>public policy.</u>	25553
<u>Sec. 4734.31. (A) The state chiropractic board may take</u>	25554
<u>any of the actions specified in division (B) of this section</u>	25555
<u>against an individual who has applied for or holds a license to</u>	25556
<u>practice chiropractic in this state if any of the reasons</u>	25557
<u>specified in division (C) of this section for taking action</u>	25558
<u>against an individual are applicable. Except as provided in</u>	25559
<u>division (D) of this section, actions taken against an</u>	25560
<u>individual shall be taken in accordance with Chapter 119. of the</u>	25561
<u>Revised Code. The board may specify that any action it takes is</u>	25562

a permanent action. The board's authority to take action against 25563
an individual is not removed or limited by the individual's 25564
failure to renew a license. 25565

(B) In its imposition of sanctions against an individual, 25566
the board may do any of the following: 25567

(1) Except as provided in division (I) of this section, 25568
refuse to issue, renew, restore, or reinstate a license to 25569
practice chiropractic or a certificate to practice acupuncture; 25570

(2) Reprimand or censure a license holder; 25571

(3) Place limits, restrictions, or probationary conditions 25572
on a license holder's practice; 25573

(4) Impose a civil fine of not more than five thousand 25574
dollars according to a schedule of fines specified in rules that 25575
the board shall adopt in accordance with Chapter 119. of the 25576
Revised Code. 25577

(5) Suspend a license to practice chiropractic or a 25578
certificate to practice acupuncture for a limited or indefinite 25579
period; 25580

(6) Revoke a license to practice chiropractic or a 25581
certificate to practice acupuncture. 25582

(C) The board may take the actions specified in division 25583
(B) of this section for any of the following reasons: 25584

(1) A plea of guilty to, a judicial finding of guilt of, 25585
or a judicial finding of eligibility for intervention in lieu of 25586
conviction for, a felony in any jurisdiction, in which case a 25587
certified copy of the court record shall be conclusive evidence 25588
of the conviction; 25589

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	25590 25591 25592
(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter;	25593 25594 25595 25596 25597
(4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	25598 25599 25600
(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice, in which case a certified copy of the court record shall be conclusive evidence of the matter;	25601 25602 25603 25604 25605
(6) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	25606 25607 25608
(7) A violation or attempted violation of this chapter or the rules adopted under it governing the practice of chiropractic, animal chiropractic, or acupuncture by a chiropractor licensed under this chapter;	25609 25610 25611 25612
(8) Failure to cooperate in an investigation conducted by the board, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under	25613 25614 25615 25616 25617 25618

this section if the board or a court of competent jurisdiction 25619
has issued an order that either quashes a subpoena or permits 25620
the individual to withhold the testimony or evidence in issue; 25621

(9) Engaging in an ongoing professional relationship with 25622
a person or entity that violates any provision of this chapter 25623
or the rules adopted under it, unless the chiropractor makes a 25624
good faith effort to have the person or entity comply with the 25625
provisions; 25626

(10) Retaliating against a chiropractor for the 25627
chiropractor's reporting to the board or any other agency with 25628
jurisdiction any violation of the law or for cooperating with 25629
the board of another agency in the investigation of any 25630
violation of the law; 25631

(11) Aiding, abetting, assisting, counseling, or 25632
conspiring with any person in that person's violation of any 25633
provision of this chapter or the rules adopted under it, 25634
including the practice of chiropractic without a license, the 25635
practice of animal chiropractic in violation of section 4734.151 25636
of the Revised Code, the practice of acupuncture without a 25637
certificate, or aiding, abetting, assisting, counseling, or 25638
conspiring with any person in that person's unlicensed practice 25639
of any other health care profession that has licensing 25640
requirements; 25641

(12) With respect to a report or record that is made, 25642
filed, or signed in connection with the practice of 25643
chiropractic, animal chiropractic, or acupuncture, knowingly 25644
making or filing a report or record that is false, intentionally 25645
or negligently failing to file a report or record required by 25646
federal, state, or local law or willfully impeding or 25647
obstructing the required filing, or inducing another person to 25648

engage in any such acts;	25649
(13) Making a false, fraudulent, or deceitful statement to the board or any agent of the board during any investigation or other official proceeding conducted by the board under this chapter or in any filing that must be submitted to the board;	25650 25651 25652 25653
(14) Attempting to secure a license to practice chiropractic, authorization to practice animal chiropractic, or a certificate to practice acupuncture, or to corrupt the outcome of an official board proceeding, through bribery or any other improper means;	25654 25655 25656 25657 25658
(15) Willfully obstructing or hindering the board or any agent of the board in the discharge of the board's duties;	25659 25660
(16) Habitually using drugs or intoxicants to the extent that the person is rendered unfit for the practice of chiropractic, animal chiropractic, or acupuncture;	25661 25662 25663
(17) Inability to practice chiropractic, animal chiropractic, or acupuncture according to acceptable and prevailing standards of care by reason of chemical dependency, mental illness, or physical illness, including conditions in which physical deterioration has adversely affected the person's cognitive, motor, or perceptive skills and conditions in which a chiropractor's continued practice may pose a danger to the chiropractor or the public;	25664 25665 25666 25667 25668 25669 25670 25671
(18) Any act constituting gross immorality relative to the person's practice of chiropractic, animal chiropractic, or acupuncture, including acts involving sexual abuse, sexual misconduct, or sexual exploitation;	25672 25673 25674 25675
(19) Exploiting a patient for personal or financial gain;	25676

(20) Failing to maintain proper, accurate, and legible records in the English language documenting each patient's care, including, as appropriate, records of the following: dates of treatment, services rendered, examinations, tests, x-ray reports, referrals, and the diagnosis or clinical impression and clinical treatment plan provided to the patient;	25677 25678 25679 25680 25681 25682
(21) Except as otherwise required by the board or by law, disclosing patient information gained during the chiropractor's professional relationship with a patient without obtaining the patient's authorization for the disclosure;	25683 25684 25685 25686
(22) Commission of willful or gross malpractice, or willful or gross neglect, in the practice of chiropractic, animal chiropractic, or acupuncture;	25687 25688 25689
(23) Failing to perform or negligently performing an act recognized by the board as a general duty or the exercise of due care in the practice of chiropractic, animal chiropractic, or acupuncture, regardless of whether injury results to a patient from the failure to perform or negligent performance of the act;	25690 25691 25692 25693 25694
(24) Engaging in any conduct or practice that impairs or may impair the ability to practice chiropractic, animal chiropractic, or acupuncture safely and skillfully;	25695 25696 25697
(25) Practicing, or claiming to be capable of practicing, beyond the scope of the practice of chiropractic, animal chiropractic, or acupuncture as established under this chapter and the rules adopted under this chapter;	25698 25699 25700 25701
(26) Accepting and performing professional responsibilities as a chiropractor, animal chiropractic practitioner, or chiropractor with a certificate to practice acupuncture when not qualified to perform those	25702 25703 25704 25705

responsibilities, if the person knew or had reason to know that	25706
the person was not qualified to perform them;	25707
(27) Delegating any of the professional responsibilities	25708
of a chiropractor, animal chiropractic practitioner, or	25709
chiropractor with a certificate to practice acupuncture to an	25710
employee or other individual when the delegating chiropractor	25711
knows or had reason to know that the employee or other	25712
individual is not qualified by training, experience, or	25713
professional licensure to perform the responsibilities;	25714
(28) Delegating any of the professional responsibilities	25715
of a chiropractor, animal chiropractic practitioner, or	25716
chiropractor with a certificate to practice acupuncture to an	25717
employee or other individual in a negligent manner or failing to	25718
provide proper supervision of the employee or other individual	25719
to whom the responsibilities are delegated;	25720
(29) Failing to refer a patient to another health care	25721
practitioner for consultation or treatment when the chiropractor	25722
knows or has reason to know that the referral is in the best	25723
interest of the patient;	25724
(30) Obtaining or attempting to obtain any fee or other	25725
advantage by fraud or misrepresentation;	25726
(31) Making misleading, deceptive, false, or fraudulent	25727
representations in the practice of chiropractic, animal	25728
chiropractic, or acupuncture;	25729
(32) Being guilty of false, fraudulent, deceptive, or	25730
misleading advertising or other solicitations for patients or	25731
knowingly having professional connection with any person that	25732
advertises or solicits for patients in such a manner;	25733
(33) Violation of a provision of any code of ethics	25734

established or adopted by the board under section 4734.16 of the Revised Code;	25735 25736
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	25737 25738 25739
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	25740 25741 25742
(36) Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services, animal chiropractic services, or acupuncture services are provided;	25743 25744 25745 25746
(37) Except as provided in division (G) of this section:	25747
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor;	25748 25749 25750 25751 25752 25753
(b) Advertising that the chiropractor will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay.	25754 25755 25756 25757 25758
(38) Failure to supervise an acupuncturist in accordance with the provisions of section 4762.11 of the Revised Code that are applicable to a supervising chiropractor.	25759 25760 25761
(D) The adjudication requirements of Chapter 119. of the	25762

Revised Code apply to the board when taking actions against an individual under this section, except as follows:

(1) An applicant is not entitled to an adjudication for failing to meet the conditions specified under section 4734.20 of the Revised Code for receipt of a license that involve the board's examination on jurisprudence or the examinations of the national board of chiropractic examiners.

(2) A person is not entitled to an adjudication if the person fails to make a timely request for a hearing, in accordance with Chapter 119. of the Revised Code.

(3) In lieu of an adjudication, the board may accept the surrender of a license to practice chiropractic or certificate to practice acupuncture from a chiropractor.

(4) In lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) (1) This section does not require the board to hire, contract with, or retain the services of an expert witness when the board takes action against a chiropractor concerning compliance with acceptable and prevailing standards of care in the practice of chiropractic or acupuncture. As part of an action taken concerning compliance with acceptable and prevailing standards of care, the board may rely on the knowledge of its members for purposes of making a determination

of compliance, notwithstanding any expert testimony presented by 25792
the chiropractor that contradicts the knowledge and opinions of 25793
the members of the board. 25794

(2) If the board conducts a review or investigation or 25795
takes action against a chiropractor concerning an allegation of 25796
harm to an animal from the practice of animal chiropractic, the 25797
board shall retain as an expert witness a licensed veterinarian 25798
who holds a current, valid certification from a credentialing 25799
organization specified in division (A) (3) of section 4734.151 of 25800
the Revised Code. 25801

(F) The sealing or expungement of conviction records by a 25802
court shall have no effect on a prior board order entered under 25803
this section or on the board's jurisdiction to take action under 25804
this section if, based on a plea of guilty, a judicial finding 25805
of guilt, or a judicial finding of eligibility for intervention 25806
in lieu of conviction, the board issued a notice of opportunity 25807
for a hearing prior to the court's order to seal or expunge the 25808
records. The board shall not be required to seal, destroy, 25809
redact, or otherwise modify its records to reflect the court's 25810
sealing or expungement of conviction records. 25811

(G) Actions shall not be taken pursuant to division (C) 25812
(37) of this section against any chiropractor who waives 25813
deductibles and copayments as follows: 25814

(1) In compliance with the health benefit plan that 25815
expressly allows a practice of that nature. Waiver of the 25816
deductibles or copayments shall be made only with the full 25817
knowledge and consent of the plan purchaser, payer, and third- 25818
party administrator. Documentation of the consent shall be made 25819
available to the board upon request. 25820

(2) For professional services rendered to any other person 25821
licensed pursuant to this chapter, to the extent allowed by this 25822
chapter and the rules of the board. 25823

(H) As used in this section, "animal chiropractic" and 25824
"animal chiropractic practitioner" have the same meanings as in 25825
section 4734.151 of the Revised Code. 25826

(I) The board shall not refuse to issue a license to an 25827
applicant because of a conviction, plea of guilty, judicial 25828
finding of guilt, judicial finding of eligibility for 25829
intervention in lieu of conviction, or the commission of an act 25830
that constitutes a criminal offense, unless the refusal is in 25831
accordance with section 9.79 of the Revised Code. 25832

Sec. 4752.09. (A) The state board of pharmacy may, in 25833
accordance with Chapter 119. of the Revised Code, impose any one 25834
or more of the following sanctions on an applicant for a license 25835
or certificate of registration issued under this chapter or a 25836
license or certificate holder for any of the causes set forth in 25837
division (B) of this section: 25838

(1) Suspend, revoke, restrict, limit, or refuse to grant 25839
or renew a license or certificate of registration; 25840

(2) Reprimand or place the license or certificate holder 25841
on probation; 25842

(3) Impose a monetary penalty or forfeiture not to exceed 25843
in severity any fine designated under the Revised Code for a 25844
similar offense or not more than five thousand dollars if the 25845
acts committed are not classified as an offense by the Revised 25846
Code. 25847

(B) The board may impose the sanctions listed in division 25848
(A) of this section for any of the following: 25849

(1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	25850 25851 25852
(2) A plea of guilty to or a judicial finding of guilt of a felony or a misdemeanor that involves dishonesty or is directly related to the provision of home medical equipment services;	25853 25854 25855 25856
(3) Making a material misstatement in furnishing information to the board;	25857 25858
(4) Professional incompetence;	25859
(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;	25860 25861
(6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	25862 25863 25864 25865
(7) Failing to provide information in response to a written request by the board;	25866 25867
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	25868 25869
(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction;	25870 25871 25872 25873
(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;	25874 25875 25876

(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;	25877 25878 25879 25880
(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers;	25881 25882 25883 25884 25885
(13) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4752.17 of the Revised Code.	25886 25887 25888
(C) Notwithstanding any provision of divisions (A) and (B) of this section to the contrary, the board shall not refuse to issue a license or certificate of registration to an applicant because of a plea of guilty to or a judicial finding of guilt of an offense unless the refusal is in accordance with section 9.79 of the Revised Code.	25889 25890 25891 25892 25893 25894
(D) The state board of pharmacy immediately may suspend a license without a hearing if it determines that there is evidence that the license holder is subject to actions under this section and that there is clear and convincing evidence that continued operation by the license holder presents an immediate and serious harm to the public. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The board may vote on the suspension by way of a telephone conference call.	25895 25896 25897 25898 25899 25900 25901 25902 25903
A suspension under this division shall remain in effect, unless reversed by the board, until a final adjudication order	25904 25905

issued by the board pursuant to this section and Chapter 119. of 25906
the Revised Code becomes effective. The board shall issue its 25907
final adjudication order not later than ninety days after 25908
completion of the hearing. The board's failure to issue the 25909
order by that day shall cause the summary suspension to end, but 25910
shall not affect the validity of any subsequent final 25911
adjudication order. 25912

(E) If the board is required under Chapter 119. of the 25913
Revised Code to give notice of an opportunity for a hearing and 25914
the applicant or license or certificate holder does not make a 25915
timely request for a hearing in accordance with section 119.07 25916
of the Revised Code, the board is not required to hold a 25917
hearing, but may adopt a final order that contains the board's 25918
findings. In the final order, the board may impose any of the 25919
sanctions listed in division (A) of this section. 25920

(F) Notwithstanding the provision of division ~~(C)(2)~~ (D) 25921
(2) of section 2953.32 or division (F)(1) of section 2953.39 of 25922
the Revised Code specifying that if records pertaining to a 25923
criminal case are sealed or expunged under that section the 25924
proceedings in the case must be deemed not to have occurred, 25925
sealing or expungement of the following records on which the 25926
board has based an action under this section shall have no 25927
effect on the board's action or any sanction imposed by the 25928
board under this section: records of any conviction, guilty 25929
plea, judicial finding of guilt resulting from a plea of no 25930
contest, or a judicial finding of eligibility for a pretrial 25931
diversion program or intervention in lieu of conviction. The 25932
board shall not be required to seal, destroy, redact, or 25933
otherwise modify its records to reflect the court's sealing or 25934
expungement of conviction records. 25935

Sec. 4759.07. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) Except when civil penalties are imposed under section 4759.071 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(2) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of dietetics; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A) (2) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or

securing any license or permit issued by the board;	25966
(4) A plea of guilty to, a judicial finding of guilt of,	25967
or a judicial finding of eligibility for intervention in lieu of	25968
conviction for, a felony;	25969
(5) Commission of an act that constitutes a felony in this	25970
state, regardless of the jurisdiction in which the act was	25971
committed;	25972
(6) A plea of guilty to, a judicial finding of guilt of,	25973
or a judicial finding of eligibility for intervention in lieu of	25974
conviction for, a misdemeanor committed in the course of	25975
practice;	25976
(7) Commission of an act in the course of practice that	25977
constitutes a misdemeanor in this state, regardless of the	25978
jurisdiction in which the act was committed;	25979
(8) A plea of guilty to, a judicial finding of guilt of,	25980
or a judicial finding of eligibility for intervention in lieu of	25981
conviction for, a misdemeanor involving moral turpitude;	25982
(9) Commission of an act involving moral turpitude that	25983
constitutes a misdemeanor in this state, regardless of the	25984
jurisdiction in which the act was committed;	25985
(10) A record of engaging in incompetent or negligent	25986
conduct in the practice of dietetics;	25987
(11) A departure from, or failure to conform to, minimal	25988
standards of care of similar practitioners under the same or	25989
similar circumstances, whether or not actual injury to a patient	25990
is established;	25991
(12) The obtaining of, or attempting to obtain, money or	25992
anything of value by fraudulent misrepresentations in the course	25993

of practice;	25994
(13) Violation of the conditions of limitation placed by the board on a license or permit;	25995 25996
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills;	25997 25998 25999 26000
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	26001 26002 26003 26004 26005 26006 26007 26008 26009 26010
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	26011 26012 26013
(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A) (11), (12), or (14) of this section;	26014 26015 26016 26017 26018
(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	26019 26020 26021 26022

(19) Failure to cooperate in an investigation conducted by the board under division (B) of section 4759.05 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Representing with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

(B) The board shall not refuse to issue a license or limited permit to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

(D) When the board refuses to grant or issue a license or

permit to an applicant, revokes an individual's license or 26053
permit, refuses to renew an individual's license or permit, or 26054
refuses to reinstate an individual's license or permit, the 26055
board may specify that its action is permanent. An individual 26056
subject to a permanent action taken by the board is forever 26057
thereafter ineligible to hold a license or permit and the board 26058
shall not accept an application for reinstatement of the license 26059
or permit or for issuance of a new license or permit. 26060

(E) Disciplinary actions taken by the board under division 26061
(A) of this section shall be taken pursuant to an adjudication 26062
under Chapter 119. of the Revised Code, except that in lieu of 26063
an adjudication, the board may enter into a consent agreement 26064
with an individual to resolve an allegation of a violation of 26065
this chapter or any rule adopted under it. A consent agreement, 26066
when ratified by an affirmative vote of not fewer than six 26067
members of the board, shall constitute the findings and order of 26068
the board with respect to the matter addressed in the agreement. 26069
If the board refuses to ratify a consent agreement, the 26070
admissions and findings contained in the consent agreement shall 26071
be of no force or effect. 26072

A telephone conference call may be utilized for 26073
ratification of a consent agreement that revokes or suspends an 26074
individual's license or permit. The telephone conference call 26075
shall be considered a special meeting under division (F) of 26076
section 121.22 of the Revised Code. 26077

(F) In enforcing division (A)(14) of this section, the 26078
board, upon a showing of a possible violation, may compel any 26079
individual authorized to practice by this chapter or who has 26080
submitted an application pursuant to this chapter to submit to a 26081
mental examination, physical examination, including an HIV test, 26082

or both a mental and a physical examination. The expense of the 26083
examination is the responsibility of the individual compelled to 26084
be examined. Failure to submit to a mental or physical 26085
examination or consent to an HIV test ordered by the board 26086
constitutes an admission of the allegations against the 26087
individual unless the failure is due to circumstances beyond the 26088
individual's control, and a default and final order may be 26089
entered without the taking of testimony or presentation of 26090
evidence. If the board finds an individual unable to practice 26091
because of the reasons set forth in division (A) (14) of this 26092
section, the board shall require the individual to submit to 26093
care, counseling, or treatment by physicians approved or 26094
designated by the board, as a condition for initial, continued, 26095
reinstated, or renewed authority to practice. An individual 26096
affected under this division shall be afforded an opportunity to 26097
demonstrate to the board the ability to resume practice in 26098
compliance with acceptable and prevailing standards under the 26099
provisions of the individual's license or permit. For the 26100
purpose of division (A) (14) of this section, any individual who 26101
applies for or receives a license or permit under this chapter 26102
accepts the privilege of practicing in this state and, by so 26103
doing, shall be deemed to have given consent to submit to a 26104
mental or physical examination when directed to do so in writing 26105
by the board, and to have waived all objections to the 26106
admissibility of testimony or examination reports that 26107
constitute a privileged communication. 26108

(G) For the purposes of division (A) (18) of this section, 26109
any individual authorized to practice by this chapter accepts 26110
the privilege of practicing in this state subject to supervision 26111
by the board. By filing an application for or holding a license 26112
or permit under this chapter, an individual shall be deemed to 26113

have given consent to submit to a mental or physical examination 26114
when ordered to do so by the board in writing, and to have 26115
waived all objections to the admissibility of testimony or 26116
examination reports that constitute privileged communications. 26117

If it has reason to believe that any individual authorized 26118
to practice by this chapter or any applicant for a license or 26119
permit suffers such impairment, the board may compel the 26120
individual to submit to a mental or physical examination, or 26121
both. The expense of the examination is the responsibility of 26122
the individual compelled to be examined. Any mental or physical 26123
examination required under this division shall be undertaken by 26124
a treatment provider or physician who is qualified to conduct 26125
the examination and who is chosen by the board. 26126

Failure to submit to a mental or physical examination 26127
ordered by the board constitutes an admission of the allegations 26128
against the individual unless the failure is due to 26129
circumstances beyond the individual's control, and a default and 26130
final order may be entered without the taking of testimony or 26131
presentation of evidence. If the board determines that the 26132
individual's ability to practice is impaired, the board shall 26133
suspend the individual's license or permit or deny the 26134
individual's application and shall require the individual, as a 26135
condition for an initial, continued, reinstated, or renewed 26136
license or permit, to submit to treatment. 26137

Before being eligible to apply for reinstatement of a 26138
license or permit suspended under this division, the impaired 26139
practitioner shall demonstrate to the board the ability to 26140
resume practice in compliance with acceptable and prevailing 26141
standards of care under the provisions of the practitioner's 26142
license or permit. The demonstration shall include, but shall 26143

not be limited to, the following:	26144
(1) Certification from a treatment provider approved under	26145
section 4731.25 of the Revised Code that the individual has	26146
successfully completed any required inpatient treatment;	26147
(2) Evidence of continuing full compliance with an	26148
aftercare contract or consent agreement;	26149
(3) Two written reports indicating that the individual's	26150
ability to practice has been assessed and that the individual	26151
has been found capable of practicing according to acceptable and	26152
prevailing standards of care. The reports shall be made by	26153
individuals or providers approved by the board for making the	26154
assessments and shall describe the basis for their	26155
determination.	26156
The board may reinstate a license or permit suspended	26157
under this division after that demonstration and after the	26158
individual has entered into a written consent agreement.	26159
When the impaired practitioner resumes practice, the board	26160
shall require continued monitoring of the individual. The	26161
monitoring shall include, but not be limited to, compliance with	26162
the written consent agreement entered into before reinstatement	26163
or with conditions imposed by board order after a hearing, and,	26164
upon termination of the consent agreement, submission to the	26165
board for at least two years of annual written progress reports	26166
made under penalty of perjury stating whether the individual has	26167
maintained sobriety.	26168
(H) If the secretary and supervising member determine both	26169
of the following, they may recommend that the board suspend an	26170
individual's license or permit without a prior hearing:	26171
(1) That there is clear and convincing evidence that an	26172

individual has violated division (A) of this section; 26173

(2) That the individual's continued practice presents a 26174
danger of immediate and serious harm to the public. 26175

Written allegations shall be prepared for consideration by 26176
the board. The board, upon review of those allegations and by an 26177
affirmative vote of not fewer than six of its members, excluding 26178
the secretary and supervising member, may suspend a license or 26179
permit without a prior hearing. A telephone conference call may 26180
be utilized for reviewing the allegations and taking the vote on 26181
the summary suspension. 26182

The board shall issue a written order of suspension by 26183
certified mail or in person in accordance with section 119.07 of 26184
the Revised Code. The order shall not be subject to suspension 26185
by the court during pendency of any appeal filed under section 26186
119.12 of the Revised Code. If the individual subject to the 26187
summary suspension requests an adjudicatory hearing by the 26188
board, the date set for the hearing shall be within fifteen 26189
days, but not earlier than seven days, after the individual 26190
requests the hearing, unless otherwise agreed to by both the 26191
board and the individual. 26192

Any summary suspension imposed under this division shall 26193
remain in effect, unless reversed on appeal, until a final 26194
adjudicative order issued by the board pursuant to this section 26195
and Chapter 119. of the Revised Code becomes effective. The 26196
board shall issue its final adjudicative order within seventy- 26197
five days after completion of its hearing. A failure to issue 26198
the order within seventy-five days shall result in dissolution 26199
of the summary suspension order but shall not invalidate any 26200
subsequent, final adjudicative order. 26201

(I) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) of this section.

(J) For purposes of divisions (A) (5), (7), and (9) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(K) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(L) If the board takes action under division (A) (4), (6), 26232
or (8) of this section, and the judicial finding of guilt, 26233
guilty plea, or judicial finding of eligibility for intervention 26234
in lieu of conviction is overturned on appeal, upon exhaustion 26235
of the criminal appeal, a petition for reconsideration of the 26236
order may be filed with the board along with appropriate court 26237
documents. Upon receipt of a petition for reconsideration and 26238
supporting court documents, the board shall reinstate the 26239
individual's license or permit. The board may then hold an 26240
adjudication under Chapter 119. of the Revised Code to determine 26241
whether the individual committed the act in question. Notice of 26242
an opportunity for a hearing shall be given in accordance with 26243
Chapter 119. of the Revised Code. If the board finds, pursuant 26244
to an adjudication held under this division, that the individual 26245
committed the act or if no hearing is requested, the board may 26246
order any of the sanctions identified under division (A) of this 26247
section. 26248

(M) The license or permit issued to an individual under 26249
this chapter and the individual's practice in this state are 26250
automatically suspended as of the date the individual pleads 26251
guilty to, is found by a judge or jury to be guilty of, or is 26252
subject to a judicial finding of eligibility for intervention in 26253
lieu of conviction in this state or treatment or intervention in 26254
lieu of conviction in another jurisdiction for any of the 26255
following criminal offenses in this state or a substantially 26256
equivalent criminal offense in another jurisdiction: aggravated 26257
murder, murder, voluntary manslaughter, felonious assault, 26258
kidnapping, rape, sexual battery, gross sexual imposition, 26259
aggravated arson, aggravated robbery, or aggravated burglary. 26260
Continued practice after suspension shall be considered 26261
practicing without a license or permit. 26262

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license or permit.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4760.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as an anesthesiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or

physical illness, including physical deterioration that 26321
adversely affects cognitive, motor, or perceptive skills; 26322

(6) Impairment of ability to practice according to 26323
acceptable and prevailing standards of care because of habitual 26324
or excessive use or abuse of drugs, alcohol, or other substances 26325
that impair ability to practice; 26326

(7) Willfully betraying a professional confidence; 26327

(8) Making a false, fraudulent, deceptive, or misleading 26328
statement in securing or attempting to secure a license to 26329
practice as an anesthesiologist assistant. 26330

As used in this division, "false, fraudulent, deceptive, 26331
or misleading statement" means a statement that includes a 26332
misrepresentation of fact, is likely to mislead or deceive 26333
because of a failure to disclose material facts, is intended or 26334
is likely to create false or unjustified expectations of 26335
favorable results, or includes representations or implications 26336
that in reasonable probability will cause an ordinarily prudent 26337
person to misunderstand or be deceived. 26338

(9) The obtaining of, or attempting to obtain, money or a 26339
thing of value by fraudulent misrepresentations in the course of 26340
practice; 26341

(10) A plea of guilty to, a judicial finding of guilt of, 26342
or a judicial finding of eligibility for intervention in lieu of 26343
conviction for, a felony; 26344

(11) Commission of an act that constitutes a felony in 26345
this state, regardless of the jurisdiction in which the act was 26346
committed; 26347

(12) A plea of guilty to, a judicial finding of guilt of, 26348

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a license to practice;

(19) Failure to use universal blood and body fluid

precautions established by rules adopted under section 4731.051 26378
of the Revised Code; 26379

(20) Failure to cooperate in an investigation conducted by 26380
the board under section 4760.14 of the Revised Code, including 26381
failure to comply with a subpoena or order issued by the board 26382
or failure to answer truthfully a question presented by the 26383
board at a deposition or in written interrogatories, except that 26384
failure to cooperate with an investigation shall not constitute 26385
grounds for discipline under this section if a court of 26386
competent jurisdiction has issued an order that either quashes a 26387
subpoena or permits the individual to withhold the testimony or 26388
evidence in issue; 26389

(21) Failure to comply with any code of ethics established 26390
by the national commission for the certification of 26391
anesthesiologist assistants; 26392

(22) Failure to notify the state medical board of the 26393
revocation or failure to maintain certification from the 26394
national commission for certification of anesthesiologist 26395
assistants. 26396

(C) The board shall not refuse to issue a certificate to 26397
an applicant because of a plea of guilty to, a judicial finding 26398
of guilt of, or a judicial finding of eligibility for 26399
intervention in lieu of conviction for an offense unless the 26400
refusal is in accordance with section 9.79 of the Revised Code. 26401

(D) Disciplinary actions taken by the board under 26402
divisions (A) and (B) of this section shall be taken pursuant to 26403
an adjudication under Chapter 119. of the Revised Code, except 26404
that in lieu of an adjudication, the board may enter into a 26405
consent agreement with an anesthesiologist assistant or 26406

applicant to resolve an allegation of a violation of this 26407
chapter or any rule adopted under it. A consent agreement, when 26408
ratified by an affirmative vote of not fewer than six members of 26409
the board, shall constitute the findings and order of the board 26410
with respect to the matter addressed in the agreement. If the 26411
board refuses to ratify a consent agreement, the admissions and 26412
findings contained in the consent agreement shall be of no force 26413
or effect. 26414

(E) For purposes of divisions (B) (11), (14), and (15) of 26415
this section, the commission of the act may be established by a 26416
finding by the board, pursuant to an adjudication under Chapter 26417
119. of the Revised Code, that the applicant or license holder 26418
committed the act in question. The board shall have no 26419
jurisdiction under these divisions in cases where the trial 26420
court renders a final judgment in the license holder's favor and 26421
that judgment is based upon an adjudication on the merits. The 26422
board shall have jurisdiction under these divisions in cases 26423
where the trial court issues an order of dismissal on technical 26424
or procedural grounds. 26425

(F) The sealing or expungement of conviction records by 26426
any court shall have no effect on a prior board order entered 26427
under the provisions of this section or on the board's 26428
jurisdiction to take action under the provisions of this section 26429
if, based upon a plea of guilty, a judicial finding of guilt, or 26430
a judicial finding of eligibility for intervention in lieu of 26431
conviction, the board issued a notice of opportunity for a 26432
hearing prior to the court's order to seal or expunge the 26433
records. The board shall not be required to seal, destroy, 26434
redact, or otherwise modify its records to reflect the court's 26435
sealing or expungement of conviction records. 26436

(G) For purposes of this division, any individual who holds a license to practice issued under this chapter, or applies for a license to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B) (5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice issued under this chapter or who has applied for a license to practice pursuant to this chapter to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an anesthesiologist assistant unable to practice because of the reasons set forth in division (B) (5) of this section, the board shall require the anesthesiologist assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B) (6) of this section, if

the board has reason to believe that any individual who holds a 26468
license to practice issued under this chapter or any applicant 26469
for a license to practice suffers such impairment, the board may 26470
compel the individual to submit to a mental or physical 26471
examination, or both. The expense of the examination is the 26472
responsibility of the individual compelled to be examined. Any 26473
mental or physical examination required under this division 26474
shall be undertaken by a treatment provider or physician 26475
qualified to conduct such examination and chosen by the board. 26476

Failure to submit to a mental or physical examination 26477
ordered by the board constitutes an admission of the allegations 26478
against the individual unless the failure is due to 26479
circumstances beyond the individual's control, and a default and 26480
final order may be entered without the taking of testimony or 26481
presentation of evidence. If the board determines that the 26482
individual's ability to practice is impaired, the board shall 26483
suspend the individual's license or deny the individual's 26484
application and shall require the individual, as a condition for 26485
an initial, continued, reinstated, or renewed license to 26486
practice, to submit to treatment. 26487

Before being eligible to apply for reinstatement of a 26488
license suspended under this division, the anesthesiologist 26489
assistant shall demonstrate to the board the ability to resume 26490
practice in compliance with acceptable and prevailing standards 26491
of care. The demonstration shall include the following: 26492

(a) Certification from a treatment provider approved under 26493
section 4731.25 of the Revised Code that the individual has 26494
successfully completed any required inpatient treatment; 26495

(b) Evidence of continuing full compliance with an 26496
aftercare contract or consent agreement; 26497

(c) Two written reports indicating that the individual's 26498
ability to practice has been assessed and that the individual 26499
has been found capable of practicing according to acceptable and 26500
prevailing standards of care. The reports shall be made by 26501
individuals or providers approved by the board for making such 26502
assessments and shall describe the basis for their 26503
determination. 26504

The board may reinstate a license suspended under this 26505
division after such demonstration and after the individual has 26506
entered into a written consent agreement. 26507

When the impaired anesthesiologist assistant resumes 26508
practice, the board shall require continued monitoring of the 26509
anesthesiologist assistant. The monitoring shall include 26510
monitoring of compliance with the written consent agreement 26511
entered into before reinstatement or with conditions imposed by 26512
board order after a hearing, and, on termination of the consent 26513
agreement, submission to the board for at least two years of 26514
annual written progress reports made under penalty of 26515
falsification stating whether the anesthesiologist assistant has 26516
maintained sobriety. 26517

(H) If the secretary and supervising member determine that 26518
there is clear and convincing evidence that an anesthesiologist 26519
assistant has violated division (B) of this section and that the 26520
individual's continued practice presents a danger of immediate 26521
and serious harm to the public, they may recommend that the 26522
board suspend the individual's license without a prior hearing. 26523
Written allegations shall be prepared for consideration by the 26524
board. 26525

The board, on review of the allegations and by an 26526
affirmative vote of not fewer than six of its members, excluding 26527

the secretary and supervising member, may suspend a license 26528
without a prior hearing. A telephone conference call may be 26529
utilized for reviewing the allegations and taking the vote on 26530
the summary suspension. 26531

The board shall issue a written order of suspension by 26532
certified mail or in person in accordance with section 119.07 of 26533
the Revised Code. The order shall not be subject to suspension 26534
by the court during pendency of any appeal filed under section 26535
119.12 of the Revised Code. If the anesthesiologist assistant 26536
requests an adjudicatory hearing by the board, the date set for 26537
the hearing shall be within fifteen days, but not earlier than 26538
seven days, after the anesthesiologist assistant requests the 26539
hearing, unless otherwise agreed to by both the board and the 26540
license holder. 26541

A summary suspension imposed under this division shall 26542
remain in effect, unless reversed on appeal, until a final 26543
adjudicative order issued by the board pursuant to this section 26544
and Chapter 119. of the Revised Code becomes effective. The 26545
board shall issue its final adjudicative order within sixty days 26546
after completion of its hearing. Failure to issue the order 26547
within sixty days shall result in dissolution of the summary 26548
suspension order, but shall not invalidate any subsequent, final 26549
adjudicative order. 26550

(I) If the board takes action under division (B) (11), 26551
(13), or (14) of this section, and the judicial finding of 26552
guilt, guilty plea, or judicial finding of eligibility for 26553
intervention in lieu of conviction is overturned on appeal, on 26554
exhaustion of the criminal appeal, a petition for 26555
reconsideration of the order may be filed with the board along 26556
with appropriate court documents. On receipt of a petition and 26557

supporting court documents, the board shall reinstate the 26558
license to practice. The board may then hold an adjudication 26559
under Chapter 119. of the Revised Code to determine whether the 26560
individual committed the act in question. Notice of opportunity 26561
for hearing shall be given in accordance with Chapter 119. of 26562
the Revised Code. If the board finds, pursuant to an 26563
adjudication held under this division, that the individual 26564
committed the act, or if no hearing is requested, it may order 26565
any of the sanctions specified in division (B) of this section. 26566

(J) The license to practice of an anesthesiologist 26567
assistant and the assistant's practice in this state are 26568
automatically suspended as of the date the anesthesiologist 26569
assistant pleads guilty to, is found by a judge or jury to be 26570
guilty of, or is subject to a judicial finding of eligibility 26571
for intervention in lieu of conviction in this state or 26572
treatment of intervention in lieu of conviction in another 26573
jurisdiction for any of the following criminal offenses in this 26574
state or a substantially equivalent criminal offense in another 26575
jurisdiction: aggravated murder, murder, voluntary manslaughter, 26576
felonious assault, kidnapping, rape, sexual battery, gross 26577
sexual imposition, aggravated arson, aggravated robbery, or 26578
aggravated burglary. Continued practice after the suspension 26579
shall be considered practicing without a license. 26580

The board shall notify the individual subject to the 26581
suspension by certified mail or in person in accordance with 26582
section 119.07 of the Revised Code. If an individual whose 26583
license is suspended under this division fails to make a timely 26584
request for an adjudication under Chapter 119. of the Revised 26585
Code, the board shall enter a final order permanently revoking 26586
the individual's license to practice. 26587

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the anesthesiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as an anesthesiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an anesthesiologist assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4760.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4761.09. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of

practice;	26647
(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	26648 26649 26650
(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	26651 26652 26653
(6) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	26654 26655 26656
(7) Except when civil penalties are imposed under section 4761.091 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;	26657 26658 26659 26660 26661
(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.	26662 26663 26664 26665 26666
As used in division (A) (8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	26667 26668 26669 26670 26671 26672 26673 26674
(9) Committing fraud during the administration of the	26675

examination for a license to practice or committing fraud, 26676
misrepresentation, or deception in applying for, renewing, or 26677
securing any license or permit issued by the board; 26678

(10) A departure from, or failure to conform to, minimal 26679
standards of care of similar practitioners under the same or 26680
similar circumstances, whether or not actual injury to a patient 26681
is established; 26682

(11) Violating the standards of ethical conduct adopted by 26683
the board, in the practice of respiratory care; 26684

(12) The obtaining of, or attempting to obtain, money or 26685
anything of value by fraudulent misrepresentations in the course 26686
of practice; 26687

(13) Violation of the conditions of limitation placed by 26688
the board upon a license or permit; 26689

(14) Inability to practice according to acceptable and 26690
prevailing standards of care by reason of mental illness or 26691
physical illness, including physical deterioration that 26692
adversely affects cognitive, motor, or perceptive skills; 26693

(15) Any of the following actions taken by an agency 26694
responsible for authorizing, certifying, or regulating an 26695
individual to practice a health care occupation or provide 26696
health care services in this state or another jurisdiction, for 26697
any reason other than the nonpayment of fees: the limitation, 26698
revocation, or suspension of an individual's license; acceptance 26699
of an individual's license surrender; denial of a license; 26700
refusal to renew or reinstate a license; imposition of 26701
probation; or issuance of an order of censure or other 26702
reprimand; 26703

(16) The revocation, suspension, restriction, reduction, 26704

or termination of practice privileges by the United States 26705
department of defense or department of veterans affairs; 26706

(17) Termination or suspension from participation in the 26707
medicare or medicaid programs by the department of health and 26708
human services or other responsible agency for any act or acts 26709
that also would constitute a violation of division (A) (10), 26710
(12), or (14) of this section; 26711

(18) Impairment of ability to practice according to 26712
acceptable and prevailing standards of care because of habitual 26713
or excessive use or abuse of drugs, alcohol, or other substances 26714
that impair ability to practice; 26715

(19) Failure to cooperate in an investigation conducted by 26716
the board under division (E) of section 4761.03 of the Revised 26717
Code, including failure to comply with a subpoena or order 26718
issued by the board or failure to answer truthfully a question 26719
presented by the board in an investigative interview, an 26720
investigative office conference, at a deposition, or in written 26721
interrogatories, except that failure to cooperate with an 26722
investigation shall not constitute grounds for discipline under 26723
this section if a court of competent jurisdiction has issued an 26724
order that either quashes a subpoena or permits the individual 26725
to withhold the testimony or evidence in issue; 26726

(20) Practicing in an area of respiratory care for which 26727
the person is clearly untrained or incompetent or practicing in 26728
a manner that conflicts with section 4761.17 of the Revised 26729
Code; 26730

(21) Employing, directing, or supervising a person who is 26731
not authorized to practice respiratory care under this chapter 26732
in the performance of respiratory care procedures; 26733

(22) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;

(23) Assisting suicide as defined in section 3795.01 of the Revised Code;

(24) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(B) The board shall not refuse to issue a license or limited permit to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of

eligibility for intervention in lieu of conviction for an 26763
offense unless the refusal is in accordance with section 9.79 of 26764
the Revised Code. 26765

(C) Any action taken by the board under division (A) of 26766
this section resulting in a suspension from practice shall be 26767
accompanied by a written statement of the conditions under which 26768
the individual's license or permit may be reinstated. The board 26769
shall adopt rules governing conditions to be imposed for 26770
reinstatement. Reinstatement of a license or permit suspended 26771
pursuant to division (A) of this section requires an affirmative 26772
vote of not fewer than six members of the board. 26773

(D) When the board refuses to grant or issue a license or 26774
permit to an applicant, revokes an individual's license or 26775
permit, refuses to renew an individual's license or permit, or 26776
refuses to reinstate an individual's license or permit, the 26777
board may specify that its action is permanent. An individual 26778
subject to a permanent action taken by the board is forever 26779
thereafter ineligible to hold a license or permit and the board 26780
shall not accept an application for reinstatement of the license 26781
or permit or for issuance of a new license or permit. 26782

(E) If the board is required by Chapter 119. of the 26783
Revised Code to give notice of an opportunity for a hearing and 26784
if the individual subject to the notice does not timely request 26785
a hearing in accordance with section 119.07 of the Revised Code, 26786
the board is not required to hold a hearing, but may adopt, by 26787
an affirmative vote of not fewer than six of its members, a 26788
final order that contains the board's findings. In the final 26789
order, the board may order any of the sanctions identified under 26790
division (A) of this section. 26791

(F) In enforcing division (A) (14) of this section, the 26792

board, upon a showing of a possible violation, may compel any 26793
individual authorized to practice by this chapter or who has 26794
submitted an application pursuant to this chapter to submit to a 26795
mental examination, physical examination, including an HIV test, 26796
or both a mental and a physical examination. The expense of the 26797
examination is the responsibility of the individual compelled to 26798
be examined. Failure to submit to a mental or physical 26799
examination or consent to an HIV test ordered by the board 26800
constitutes an admission of the allegations against the 26801
individual unless the failure is due to circumstances beyond the 26802
individual's control, and a default and final order may be 26803
entered without the taking of testimony or presentation of 26804
evidence. If the board finds an individual unable to practice 26805
because of the reasons set forth in division (A)(14) of this 26806
section, the board shall require the individual to submit to 26807
care, counseling, or treatment by physicians approved or 26808
designated by the board, as a condition for initial, continued, 26809
reinstated, or renewed authority to practice. An individual 26810
affected under this division shall be afforded an opportunity to 26811
demonstrate to the board the ability to resume practice in 26812
compliance with acceptable and prevailing standards under the 26813
provisions of the individual's license or permit. For the 26814
purpose of division (A)(14) of this section, any individual who 26815
applies for or receives a license or permit to practice under 26816
this chapter accepts the privilege of practicing in this state 26817
and, by so doing, shall be deemed to have given consent to 26818
submit to a mental or physical examination when directed to do 26819
so in writing by the board, and to have waived all objections to 26820
the admissibility of testimony or examination reports that 26821
constitute a privileged communication. 26822

(G) For the purposes of division (A)(18) of this section, 26823

any individual authorized to practice by this chapter accepts 26824
the privilege of practicing in this state subject to supervision 26825
by the board. By filing an application for or holding a license 26826
or permit under this chapter, an individual shall be deemed to 26827
have given consent to submit to a mental or physical examination 26828
when ordered to do so by the board in writing, and to have 26829
waived all objections to the admissibility of testimony or 26830
examination reports that constitute privileged communications. 26831

If it has reason to believe that any individual authorized 26832
to practice by this chapter or any applicant for a license or 26833
permit suffers such impairment, the board may compel the 26834
individual to submit to a mental or physical examination, or 26835
both. The expense of the examination is the responsibility of 26836
the individual compelled to be examined. Any mental or physical 26837
examination required under this division shall be undertaken by 26838
a treatment provider or physician who is qualified to conduct 26839
the examination and who is chosen by the board. 26840

Failure to submit to a mental or physical examination 26841
ordered by the board constitutes an admission of the allegations 26842
against the individual unless the failure is due to 26843
circumstances beyond the individual's control, and a default and 26844
final order may be entered without the taking of testimony or 26845
presentation of evidence. If the board determines that the 26846
individual's ability to practice is impaired, the board shall 26847
suspend the individual's license or permit or deny the 26848
individual's application and shall require the individual, as a 26849
condition for an initial, continued, reinstated, or renewed 26850
license or permit, to submit to treatment. 26851

Before being eligible to apply for reinstatement of a 26852
license or permit suspended under this division, the impaired 26853

practitioner shall demonstrate to the board the ability to 26854
resume practice in compliance with acceptable and prevailing 26855
standards of care under the provisions of the practitioner's 26856
license or permit. The demonstration shall include, but shall 26857
not be limited to, the following: 26858

(1) Certification from a treatment provider approved under 26859
section 4731.25 of the Revised Code that the individual has 26860
successfully completed any required inpatient treatment; 26861

(2) Evidence of continuing full compliance with an 26862
aftercare contract or consent agreement; 26863

(3) Two written reports indicating that the individual's 26864
ability to practice has been assessed and that the individual 26865
has been found capable of practicing according to acceptable and 26866
prevailing standards of care. The reports shall be made by 26867
individuals or providers approved by the board for making the 26868
assessments and shall describe the basis for their 26869
determination. 26870

The board may reinstate a license or permit suspended 26871
under this division after that demonstration and after the 26872
individual has entered into a written consent agreement. 26873

When the impaired practitioner resumes practice, the board 26874
shall require continued monitoring of the individual. The 26875
monitoring shall include, but not be limited to, compliance with 26876
the written consent agreement entered into before reinstatement 26877
or with conditions imposed by board order after a hearing, and, 26878
upon termination of the consent agreement, submission to the 26879
board for at least two years of annual written progress reports 26880
made under penalty of perjury stating whether the individual has 26881
maintained sobriety. 26882

(H) If the secretary and supervising member determine both 26883
of the following, they may recommend that the board suspend an 26884
individual's license or permit without a prior hearing: 26885

(1) That there is clear and convincing evidence that an 26886
individual has violated division (A) of this section; 26887

(2) That the individual's continued practice presents a 26888
danger of immediate and serious harm to the public. 26889

Written allegations shall be prepared for consideration by 26890
the board. The board, upon review of those allegations and by an 26891
affirmative vote of not fewer than six of its members, excluding 26892
the secretary and supervising member, may suspend a license or 26893
permit without a prior hearing. A telephone conference call may 26894
be utilized for reviewing the allegations and taking the vote on 26895
the summary suspension. 26896

The board shall issue a written order of suspension by 26897
certified mail or in person in accordance with section 119.07 of 26898
the Revised Code. The order shall not be subject to suspension 26899
by the court during pendency of any appeal filed under section 26900
119.12 of the Revised Code. If the individual subject to the 26901
summary suspension requests an adjudicatory hearing by the 26902
board, the date set for the hearing shall be within fifteen 26903
days, but not earlier than seven days, after the individual 26904
requests the hearing, unless otherwise agreed to by both the 26905
board and the individual. 26906

Any summary suspension imposed under this division shall 26907
remain in effect, unless reversed on appeal, until a final 26908
adjudicative order issued by the board pursuant to this section 26909
and Chapter 119. of the Revised Code becomes effective. The 26910
board shall issue its final adjudicative order within seventy- 26911

five days after completion of its hearing. A failure to issue 26912
the order within seventy-five days shall result in dissolution 26913
of the summary suspension order but shall not invalidate any 26914
subsequent, final adjudicative order. 26915

(I) For purposes of divisions (A) (2), (4), and (6) of this 26916
section, the commission of the act may be established by a 26917
finding by the board, pursuant to an adjudication under Chapter 26918
119. of the Revised Code, that the individual committed the act. 26919
The board does not have jurisdiction under those divisions if 26920
the trial court renders a final judgment in the individual's 26921
favor and that judgment is based upon an adjudication on the 26922
merits. The board has jurisdiction under those divisions if the 26923
trial court issues an order of dismissal upon technical or 26924
procedural grounds. 26925

(J) The sealing or expungement of conviction records by 26926
any court shall have no effect upon a prior board order entered 26927
under this section or upon the board's jurisdiction to take 26928
action under this section if, based upon a plea of guilty, a 26929
judicial finding of guilt, or a judicial finding of eligibility 26930
for intervention in lieu of conviction, the board issued a 26931
notice of opportunity for a hearing prior to the court's order 26932
to seal or expunge the records. The board shall not be required 26933
to seal, destroy, redact, or otherwise modify its records to 26934
reflect the court's sealing or expungement of conviction 26935
records. 26936

(K) If the board takes action under division (A) (1), (3), 26937
or (5) of this section, and the judicial finding of guilt, 26938
guilty plea, or judicial finding of eligibility for intervention 26939
in lieu of conviction is overturned on appeal, upon exhaustion 26940
of the criminal appeal, a petition for reconsideration of the 26941

order may be filed with the board along with appropriate court documents. Upon receipt of a petition for reconsideration and supporting court documents, the board shall reinstate the individual's license or permit. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (A) of this section.

(L) The license or permit issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or permit.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter

119. of the Revised Code, the board shall enter a final order 26973
permanently revoking the individual's license or permit. 26974

(M) Notwithstanding any other provision of the Revised 26975
Code, all of the following apply: 26976

(1) The surrender of a license or permit issued under this 26977
chapter shall not be effective unless or until accepted by the 26978
board. A telephone conference call may be utilized for 26979
acceptance of the surrender of an individual's license or 26980
permit. The telephone conference call shall be considered a 26981
special meeting under division (F) of section 121.22 of the 26982
Revised Code. Reinstatement of a license or permit surrendered 26983
to the board requires an affirmative vote of not fewer than six 26984
members of the board. 26985

(2) An application for a license or permit made under the 26986
provisions of this chapter may not be withdrawn without approval 26987
of the board. 26988

(3) Failure by an individual to renew a license or permit 26989
in accordance with this chapter shall not remove or limit the 26990
board's jurisdiction to take any disciplinary action under this 26991
section against the individual. 26992

(4) At the request of the board, a license or permit 26993
holder shall immediately surrender to the board a license or 26994
permit that the board has suspended, revoked, or permanently 26995
revoked. 26996

Sec. 4762.13. (A) The state medical board, by an 26997
affirmative vote of not fewer than six members, may revoke or 26998
may refuse to grant a license to practice as an oriental 26999
medicine practitioner or license to practice as an acupuncturist 27000
to a person found by the board to have committed fraud, 27001

misrepresentation, or deception in applying for or securing the license. 27002
27003

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 27004
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(1) Permitting the holder's name or license to be used by another person; 27011
27012

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 27013
27014
27015

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 27016
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 27020
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 27024
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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances 27028
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27030

that impair ability to practice;	27031
(7) Willfully betraying a professional confidence;	27032
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.	27033 27034 27035 27036 27037
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	27038 27039 27040 27041 27042 27043 27044 27045
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	27046 27047 27048 27049
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	27050 27051 27052
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	27053 27054 27055
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	27056 27057 27058

(13) A plea of guilty to, a judicial finding of guilt of, 27059
or a judicial finding of eligibility for intervention in lieu of 27060
conviction for, a misdemeanor committed in the course of 27061
practice; 27062

(14) A plea of guilty to, a judicial finding of guilt of, 27063
or a judicial finding of eligibility for intervention in lieu of 27064
conviction for, a misdemeanor involving moral turpitude; 27065

(15) Commission of an act in the course of practice that 27066
constitutes a misdemeanor in this state, regardless of the 27067
jurisdiction in which the act was committed; 27068

(16) Commission of an act involving moral turpitude that 27069
constitutes a misdemeanor in this state, regardless of the 27070
jurisdiction in which the act was committed; 27071

(17) A plea of guilty to, a judicial finding of guilt of, 27072
or a judicial finding of eligibility for intervention in lieu of 27073
conviction for violating any state or federal law regulating the 27074
possession, distribution, or use of any drug, including 27075
trafficking in drugs; 27076

(18) Any of the following actions taken by the state 27077
agency responsible for regulating the practice of oriental 27078
medicine or acupuncture in another jurisdiction, for any reason 27079
other than the nonpayment of fees: the limitation, revocation, 27080
or suspension of an individual's license to practice; acceptance 27081
of an individual's license surrender; denial of a license; 27082
refusal to renew or reinstate a license; imposition of 27083
probation; or issuance of an order of censure or other 27084
reprimand; 27085

(19) Violation of the conditions placed by the board on a 27086
license to practice as an oriental medicine practitioner or 27087

license to practice as an acupuncturist;	27088
(20) Failure to use universal blood and body fluid	27089
precautions established by rules adopted under section 4731.051	27090
of the Revised Code;	27091
(21) Failure to cooperate in an investigation conducted by	27092
the board under section 4762.14 of the Revised Code, including	27093
failure to comply with a subpoena or order issued by the board	27094
or failure to answer truthfully a question presented by the	27095
board at a deposition or in written interrogatories, except that	27096
failure to cooperate with an investigation shall not constitute	27097
grounds for discipline under this section if a court of	27098
competent jurisdiction has issued an order that either quashes a	27099
subpoena or permits the individual to withhold the testimony or	27100
evidence in issue;	27101
(22) Failure to comply with the standards of the national	27102
certification commission for acupuncture and oriental medicine	27103
regarding professional ethics, commitment to patients,	27104
commitment to the profession, and commitment to the public;	27105
(23) Failure to have adequate professional liability	27106
insurance coverage in accordance with section 4762.22 of the	27107
Revised Code;	27108
(24) Failure to maintain a current and active designation	27109
as a diplomate in oriental medicine, diplomate of acupuncture	27110
and Chinese herbology, or diplomate in acupuncture, as	27111
applicable, from the national certification commission for	27112
acupuncture and oriental medicine, including revocation by the	27113
commission of the individual's designation, failure by the	27114
individual to meet the commission's requirements for	27115
redesignation, or failure to notify the board that the	27116

appropriate designation has not been maintained. 27117

(C) The board shall not refuse to issue a certificate to 27118
an applicant because of a plea of guilty to, a judicial finding 27119
of guilt of, or a judicial finding of eligibility for 27120
intervention in lieu of conviction for an offense unless the 27121
refusal is in accordance with section 9.79 of the Revised Code. 27122

(D) Disciplinary actions taken by the board under 27123
divisions (A) and (B) of this section shall be taken pursuant to 27124
an adjudication under Chapter 119. of the Revised Code, except 27125
that in lieu of an adjudication, the board may enter into a 27126
consent agreement with an oriental medicine practitioner or 27127
acupuncturist or applicant to resolve an allegation of a 27128
violation of this chapter or any rule adopted under it. A 27129
consent agreement, when ratified by an affirmative vote of not 27130
fewer than six members of the board, shall constitute the 27131
findings and order of the board with respect to the matter 27132
addressed in the agreement. If the board refuses to ratify a 27133
consent agreement, the admissions and findings contained in the 27134
consent agreement shall be of no force or effect. 27135

(E) For purposes of divisions (B) (12), (15), and (16) of 27136
this section, the commission of the act may be established by a 27137
finding by the board, pursuant to an adjudication under Chapter 27138
119. of the Revised Code, that the applicant or license holder 27139
committed the act in question. The board shall have no 27140
jurisdiction under these divisions in cases where the trial 27141
court renders a final judgment in the license holder's favor and 27142
that judgment is based upon an adjudication on the merits. The 27143
board shall have jurisdiction under these divisions in cases 27144
where the trial court issues an order of dismissal upon 27145
technical or procedural grounds. 27146

(F) The sealing or expungement of conviction records by 27147
any court shall have no effect upon a prior board order entered 27148
under the provisions of this section or upon the board's 27149
jurisdiction to take action under the provisions of this section 27150
if, based upon a plea of guilty, a judicial finding of guilt, or 27151
a judicial finding of eligibility for intervention in lieu of 27152
conviction, the board issued a notice of opportunity for a 27153
hearing or entered into a consent agreement prior to the court's 27154
order to seal or expunge the records. The board shall not be 27155
required to seal, destroy, redact, or otherwise modify its 27156
records to reflect the court's sealing or expungement of 27157
conviction records. 27158

(G) For purposes of this division, any individual who 27159
holds a license to practice issued under this chapter, or 27160
applies for a license to practice, shall be deemed to have given 27161
consent to submit to a mental or physical examination when 27162
directed to do so in writing by the board and to have waived all 27163
objections to the admissibility of testimony or examination 27164
reports that constitute a privileged communication. 27165

(1) In enforcing division (B) (5) of this section, the 27166
board, upon a showing of a possible violation, may compel any 27167
individual who holds a license to practice issued under this 27168
chapter or who has applied for a license pursuant to this 27169
chapter to submit to a mental examination, physical examination, 27170
including an HIV test, or both a mental and physical 27171
examination. The expense of the examination is the 27172
responsibility of the individual compelled to be examined. 27173
Failure to submit to a mental or physical examination or consent 27174
to an HIV test ordered by the board constitutes an admission of 27175
the allegations against the individual unless the failure is due 27176
to circumstances beyond the individual's control, and a default 27177

and final order may be entered without the taking of testimony 27178
or presentation of evidence. If the board finds an oriental 27179
medicine practitioner or acupuncturist unable to practice 27180
because of the reasons set forth in division (B)(5) of this 27181
section, the board shall require the individual to submit to 27182
care, counseling, or treatment by physicians approved or 27183
designated by the board, as a condition for an initial, 27184
continued, reinstated, or renewed license to practice. An 27185
individual affected by this division shall be afforded an 27186
opportunity to demonstrate to the board the ability to resume 27187
practicing in compliance with acceptable and prevailing 27188
standards of care. 27189

(2) For purposes of division (B)(6) of this section, if 27190
the board has reason to believe that any individual who holds a 27191
license to practice issued under this chapter or any applicant 27192
for a license suffers such impairment, the board may compel the 27193
individual to submit to a mental or physical examination, or 27194
both. The expense of the examination is the responsibility of 27195
the individual compelled to be examined. Any mental or physical 27196
examination required under this division shall be undertaken by 27197
a treatment provider or physician qualified to conduct such 27198
examination and chosen by the board. 27199

Failure to submit to a mental or physical examination 27200
ordered by the board constitutes an admission of the allegations 27201
against the individual unless the failure is due to 27202
circumstances beyond the individual's control, and a default and 27203
final order may be entered without the taking of testimony or 27204
presentation of evidence. If the board determines that the 27205
individual's ability to practice is impaired, the board shall 27206
suspend the individual's license or deny the individual's 27207
application and shall require the individual, as a condition for 27208

an initial, continued, reinstated, or renewed license, to submit 27209
to treatment. 27210

Before being eligible to apply for reinstatement of a 27211
license suspended under this division, the oriental medicine 27212
practitioner or acupuncturist shall demonstrate to the board the 27213
ability to resume practice in compliance with acceptable and 27214
prevailing standards of care. The demonstration shall include 27215
the following: 27216

(a) Certification from a treatment provider approved under 27217
section 4731.25 of the Revised Code that the individual has 27218
successfully completed any required inpatient treatment; 27219

(b) Evidence of continuing full compliance with an 27220
aftercare contract or consent agreement; 27221

(c) Two written reports indicating that the individual's 27222
ability to practice has been assessed and that the individual 27223
has been found capable of practicing according to acceptable and 27224
prevailing standards of care. The reports shall be made by 27225
individuals or providers approved by the board for making such 27226
assessments and shall describe the basis for their 27227
determination. 27228

The board may reinstate a license suspended under this 27229
division after such demonstration and after the individual has 27230
entered into a written consent agreement. 27231

When the impaired individual resumes practice, the board 27232
shall require continued monitoring of the individual. The 27233
monitoring shall include monitoring of compliance with the 27234
written consent agreement entered into before reinstatement or 27235
with conditions imposed by board order after a hearing, and, 27236
upon termination of the consent agreement, submission to the 27237

board for at least two years of annual written progress reports 27238
made under penalty of falsification stating whether the 27239
individual has maintained sobriety. 27240

(H) If the secretary and supervising member determine both 27241
of the following, they may recommend that the board suspend an 27242
individual's license to practice without a prior hearing: 27243

(1) That there is clear and convincing evidence that an 27244
oriental medicine practitioner or acupuncturist has violated 27245
division (B) of this section; 27246

(2) That the individual's continued practice presents a 27247
danger of immediate and serious harm to the public. 27248

Written allegations shall be prepared for consideration by 27249
the board. The board, upon review of the allegations and by an 27250
affirmative vote of not fewer than six of its members, excluding 27251
the secretary and supervising member, may suspend a license 27252
without a prior hearing. A telephone conference call may be 27253
utilized for reviewing the allegations and taking the vote on 27254
the summary suspension. 27255

The board shall issue a written order of suspension by 27256
certified mail or in person in accordance with section 119.07 of 27257
the Revised Code. The order shall not be subject to suspension 27258
by the court during pendency of any appeal filed under section 27259
119.12 of the Revised Code. If the oriental medicine 27260
practitioner or acupuncturist requests an adjudicatory hearing 27261
by the board, the date set for the hearing shall be within 27262
fifteen days, but not earlier than seven days, after the hearing 27263
is requested, unless otherwise agreed to by both the board and 27264
the license holder. 27265

A summary suspension imposed under this division shall 27266

remain in effect, unless reversed on appeal, until a final
adjudicative order issued by the board pursuant to this section
and Chapter 119. of the Revised Code becomes effective. The
board shall issue its final adjudicative order within sixty days
after completion of its hearing. Failure to issue the order
within sixty days shall result in dissolution of the summary
suspension order, but shall not invalidate any subsequent, final
adjudicative order.

(I) If the board takes action under division (B) (11),
(13), or (14) of this section, and the judicial finding of
guilt, guilty plea, or judicial finding of eligibility for
intervention in lieu of conviction is overturned on appeal, upon
exhaustion of the criminal appeal, a petition for
reconsideration of the order may be filed with the board along
with appropriate court documents. Upon receipt of a petition and
supporting court documents, the board shall reinstate the
license. The board may then hold an adjudication under Chapter
119. of the Revised Code to determine whether the individual
committed the act in question. Notice of opportunity for hearing
shall be given in accordance with Chapter 119. of the Revised
Code. If the board finds, pursuant to an adjudication held under
this division, that the individual committed the act, or if no
hearing is requested, it may order any of the sanctions
specified in division (B) of this section.

(J) The license to practice of an oriental medicine
practitioner or acupuncturist and the practitioner's or
acupuncturist's practice in this state are automatically
suspended as of the date the practitioner or acupuncturist
pleads guilty to, is found by a judge or jury to be guilty of,
or is subject to a judicial finding of eligibility for
intervention in lieu of conviction in this state or treatment or

intervention in lieu of conviction in another jurisdiction for 27298
any of the following criminal offenses in this state or a 27299
substantially equivalent criminal offense in another 27300
jurisdiction: aggravated murder, murder, voluntary manslaughter, 27301
felonious assault, kidnapping, rape, sexual battery, gross 27302
sexual imposition, aggravated arson, aggravated robbery, or 27303
aggravated burglary. Continued practice after the suspension 27304
shall be considered practicing without a license. 27305

The board shall notify the individual subject to the 27306
suspension by certified mail or in person in accordance with 27307
section 119.07 of the Revised Code. If an individual whose 27308
license is suspended under this division fails to make a timely 27309
request for an adjudication under Chapter 119. of the Revised 27310
Code, the board shall enter a final order permanently revoking 27311
the individual's license. 27312

(K) In any instance in which the board is required by 27313
Chapter 119. of the Revised Code to give notice of opportunity 27314
for hearing and the individual subject to the notice does not 27315
timely request a hearing in accordance with section 119.07 of 27316
the Revised Code, the board is not required to hold a hearing, 27317
but may adopt, by an affirmative vote of not fewer than six of 27318
its members, a final order that contains the board's findings. 27319
In the final order, the board may order any of the sanctions 27320
identified under division (A) or (B) of this section. 27321

(L) Any action taken by the board under division (B) of 27322
this section resulting in a suspension shall be accompanied by a 27323
written statement of the conditions under which the license may 27324
be reinstated. The board shall adopt rules in accordance with 27325
Chapter 119. of the Revised Code governing conditions to be 27326
imposed for reinstatement. Reinstatement of a license suspended 27327

pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 27328
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(M) When the board refuses to grant or issue a license to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist and the board shall not accept an application for reinstatement of the license or for issuance of a new license. 27330
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(N) Notwithstanding any other provision of the Revised Code, all of the following apply: 27339
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(1) The surrender of a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board. 27341
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(2) An application made under this chapter for a license may not be withdrawn without approval of the board. 27347
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(3) Failure by an individual to renew a license in accordance with section 4762.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 27349
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Sec. 4774.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a radiologist assistant to an individual found by the board to have committed 27353
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fraud, misrepresentation, or deception in applying for or 27357
securing the license. 27358

(B) The board, by an affirmative vote of not fewer than 27359
six members, shall, except as provided in division (C) of this 27360
section, and to the extent permitted by law, limit, revoke, or 27361
suspend an individual's license to practice as a radiologist 27362
assistant, refuse to issue a license to an applicant, refuse to 27363
renew a license, refuse to reinstate a license, or reprimand or 27364
place on probation the holder of a license for any of the 27365
following reasons: 27366

(1) Permitting the holder's name or license to be used by 27367
another person; 27368

(2) Failure to comply with the requirements of this 27369
chapter, Chapter 4731. of the Revised Code, or any rules adopted 27370
by the board; 27371

(3) Violating or attempting to violate, directly or 27372
indirectly, or assisting in or abetting the violation of, or 27373
conspiring to violate, any provision of this chapter, Chapter 27374
4731. of the Revised Code, or the rules adopted by the board; 27375

(4) A departure from, or failure to conform to, minimal 27376
standards of care of similar practitioners under the same or 27377
similar circumstances whether or not actual injury to the 27378
patient is established; 27379

(5) Inability to practice according to acceptable and 27380
prevailing standards of care by reason of mental illness or 27381
physical illness, including physical deterioration that 27382
adversely affects cognitive, motor, or perceptive skills; 27383

(6) Impairment of ability to practice according to 27384
acceptable and prevailing standards of care because of habitual 27385

or excessive use or abuse of drugs, alcohol, or other substances	27386
that impair ability to practice;	27387
(7) Willfully betraying a professional confidence;	27388
(8) Making a false, fraudulent, deceptive, or misleading	27389
statement in securing or attempting to secure a license to	27390
practice as a radiologist assistant.	27391
As used in this division, "false, fraudulent, deceptive,	27392
or misleading statement" means a statement that includes a	27393
misrepresentation of fact, is likely to mislead or deceive	27394
because of a failure to disclose material facts, is intended or	27395
is likely to create false or unjustified expectations of	27396
favorable results, or includes representations or implications	27397
that in reasonable probability will cause an ordinarily prudent	27398
person to misunderstand or be deceived.	27399
(9) The obtaining of, or attempting to obtain, money or a	27400
thing of value by fraudulent misrepresentations in the course of	27401
practice;	27402
(10) A plea of guilty to, a judicial finding of guilt of,	27403
or a judicial finding of eligibility for intervention in lieu of	27404
conviction for, a felony;	27405
(11) Commission of an act that constitutes a felony in	27406
this state, regardless of the jurisdiction in which the act was	27407
committed;	27408
(12) A plea of guilty to, a judicial finding of guilt of,	27409
or a judicial finding of eligibility for intervention in lieu of	27410
conviction for, a misdemeanor committed in the course of	27411
practice;	27412
(13) A plea of guilty to, a judicial finding of guilt of,	27413

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	27414 27415
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	27416 27417 27418
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	27419 27420 27421
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	27422 27423 27424 27425 27426
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	27427 27428 27429 27430 27431 27432 27433 27434
(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant;	27435 27436
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	27437 27438 27439
(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board	27440 27441 27442

or failure to answer truthfully a question presented by the 27443
board at a deposition or in written interrogatories, except that 27444
failure to cooperate with an investigation shall not constitute 27445
grounds for discipline under this section if a court of 27446
competent jurisdiction has issued an order that either quashes a 27447
subpoena or permits the individual to withhold the testimony or 27448
evidence in issue; 27449

(21) Failure to maintain a license as a radiographer under 27450
Chapter 4773. of the Revised Code; 27451

(22) Failure to maintain certification as a registered 27452
radiologist assistant from the American registry of radiologic 27453
technologists, including revocation by the registry of the 27454
assistant's certification or failure by the assistant to meet 27455
the registry's requirements for annual registration, or failure 27456
to notify the board that the certification as a registered 27457
radiologist assistant has not been maintained; 27458

(23) Failure to comply with any of the rules of ethics 27459
included in the standards of ethics established by the American 27460
registry of radiologic technologists, as those rules apply to an 27461
individual who holds the registry's certification as a 27462
registered radiologist assistant. 27463

(C) The board shall not refuse to issue a license to an 27464
applicant because of a plea of guilty to, a judicial finding of 27465
guilt of, or a judicial finding of eligibility for intervention 27466
in lieu of conviction for an offense unless the refusal is in 27467
accordance with section 9.79 of the Revised Code. 27468

(D) Disciplinary actions taken by the board under 27469
divisions (A) and (B) of this section shall be taken pursuant to 27470
an adjudication under Chapter 119. of the Revised Code, except 27471

that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B) (11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's

sealing or expungement of conviction records. 27503

(G) For purposes of this division, any individual who 27504
holds a license to practice as a radiologist assistant issued 27505
under this chapter, or applies for a license, shall be deemed to 27506
have given consent to submit to a mental or physical examination 27507
when directed to do so in writing by the board and to have 27508
waived all objections to the admissibility of testimony or 27509
examination reports that constitute a privileged communication. 27510

(1) In enforcing division (B)(5) of this section, the 27511
board, on a showing of a possible violation, may compel any 27512
individual who holds a license to practice as a radiologist 27513
assistant issued under this chapter or who has applied for a 27514
license to submit to a mental or physical examination, or both. 27515
A physical examination may include an HIV test. The expense of 27516
the examination is the responsibility of the individual 27517
compelled to be examined. Failure to submit to a mental or 27518
physical examination or consent to an HIV test ordered by the 27519
board constitutes an admission of the allegations against the 27520
individual unless the failure is due to circumstances beyond the 27521
individual's control, and a default and final order may be 27522
entered without the taking of testimony or presentation of 27523
evidence. If the board finds a radiologist assistant unable to 27524
practice because of the reasons set forth in division (B)(5) of 27525
this section, the board shall require the radiologist assistant 27526
to submit to care, counseling, or treatment by physicians 27527
approved or designated by the board, as a condition for an 27528
initial, continued, reinstated, or renewed license. An 27529
individual affected by this division shall be afforded an 27530
opportunity to demonstrate to the board the ability to resume 27531
practicing in compliance with acceptable and prevailing 27532
standards of care. 27533

(2) For purposes of division (B)(6) of this section, if 27534
the board has reason to believe that any individual who holds a 27535
license to practice as a radiologist assistant issued under this 27536
chapter or any applicant for a license suffers such impairment, 27537
the board may compel the individual to submit to a mental or 27538
physical examination, or both. The expense of the examination is 27539
the responsibility of the individual compelled to be examined. 27540
Any mental or physical examination required under this division 27541
shall be undertaken by a treatment provider or physician 27542
qualified to conduct such examination and chosen by the board. 27543

Failure to submit to a mental or physical examination 27544
ordered by the board constitutes an admission of the allegations 27545
against the individual unless the failure is due to 27546
circumstances beyond the individual's control, and a default and 27547
final order may be entered without the taking of testimony or 27548
presentation of evidence. If the board determines that the 27549
individual's ability to practice is impaired, the board shall 27550
suspend the individual's license or deny the individual's 27551
application and shall require the individual, as a condition for 27552
an initial, continued, reinstated, or renewed license to 27553
practice, to submit to treatment. 27554

Before being eligible to apply for reinstatement of a 27555
license suspended under this division, the radiologist assistant 27556
shall demonstrate to the board the ability to resume practice in 27557
compliance with acceptable and prevailing standards of care. The 27558
demonstration shall include the following: 27559

(a) Certification from a treatment provider approved under 27560
section 4731.25 of the Revised Code that the individual has 27561
successfully completed any required inpatient treatment; 27562

(b) Evidence of continuing full compliance with an 27563

aftercare contract or consent agreement; 27564

(c) Two written reports indicating that the individual's 27565
ability to practice has been assessed and that the individual 27566
has been found capable of practicing according to acceptable and 27567
prevailing standards of care. The reports shall be made by 27568
individuals or providers approved by the board for making such 27569
assessments and shall describe the basis for their 27570
determination. 27571

The board may reinstate a license suspended under this 27572
division after such demonstration and after the individual has 27573
entered into a written consent agreement. 27574

When the impaired radiologist assistant resumes practice, 27575
the board shall require continued monitoring of the radiologist 27576
assistant. The monitoring shall include monitoring of compliance 27577
with the written consent agreement entered into before 27578
reinstatement or with conditions imposed by board order after a 27579
hearing, and, on termination of the consent agreement, 27580
submission to the board for at least two years of annual written 27581
progress reports made under penalty of falsification stating 27582
whether the radiologist assistant has maintained sobriety. 27583

(H) If the secretary and supervising member determine that 27584
there is clear and convincing evidence that a radiologist 27585
assistant has violated division (B) of this section and that the 27586
individual's continued practice presents a danger of immediate 27587
and serious harm to the public, they may recommend that the 27588
board suspend the individual's license to practice without a 27589
prior hearing. Written allegations shall be prepared for 27590
consideration by the board. 27591

The board, on review of the allegations and by an 27592

affirmative vote of not fewer than six of its members, excluding 27593
the secretary and supervising member, may suspend a license 27594
without a prior hearing. A telephone conference call may be 27595
utilized for reviewing the allegations and taking the vote on 27596
the summary suspension. 27597

The board shall issue a written order of suspension by 27598
certified mail or in person in accordance with section 119.07 of 27599
the Revised Code. The order shall not be subject to suspension 27600
by the court during pendency of any appeal filed under section 27601
119.12 of the Revised Code. If the radiologist assistant 27602
requests an adjudicatory hearing by the board, the date set for 27603
the hearing shall be within fifteen days, but not earlier than 27604
seven days, after the radiologist assistant requests the 27605
hearing, unless otherwise agreed to by both the board and the 27606
license holder. 27607

A summary suspension imposed under this division shall 27608
remain in effect, unless reversed on appeal, until a final 27609
adjudicative order issued by the board pursuant to this section 27610
and Chapter 119. of the Revised Code becomes effective. The 27611
board shall issue its final adjudicative order within sixty days 27612
after completion of its hearing. Failure to issue the order 27613
within sixty days shall result in dissolution of the summary 27614
suspension order, but shall not invalidate any subsequent, final 27615
adjudicative order. 27616

(I) If the board takes action under division (B) (10), 27617
(12), or (13) of this section, and the judicial finding of 27618
guilt, guilty plea, or judicial finding of eligibility for 27619
intervention in lieu of conviction is overturned on appeal, on 27620
exhaustion of the criminal appeal, a petition for 27621
reconsideration of the order may be filed with the board along 27622

with appropriate court documents. On receipt of a petition and 27623
supporting court documents, the board shall reinstate the 27624
license to practice as a radiologist assistant. The board may 27625
then hold an adjudication under Chapter 119. of the Revised Code 27626
to determine whether the individual committed the act in 27627
question. Notice of opportunity for hearing shall be given in 27628
accordance with Chapter 119. of the Revised Code. If the board 27629
finds, pursuant to an adjudication held under this division, 27630
that the individual committed the act, or if no hearing is 27631
requested, it may order any of the sanctions specified in 27632
division (B) of this section. 27633

(J) The license to practice of a radiologist assistant and 27634
the assistant's practice in this state are automatically 27635
suspended as of the date the radiologist assistant pleads guilty 27636
to, is found by a judge or jury to be guilty of, or is subject 27637
to a judicial finding of eligibility for intervention in lieu of 27638
conviction in this state or treatment of intervention in lieu of 27639
conviction in another jurisdiction for any of the following 27640
criminal offenses in this state or a substantially equivalent 27641
criminal offense in another jurisdiction: aggravated murder, 27642
murder, voluntary manslaughter, felonious assault, kidnapping, 27643
rape, sexual battery, gross sexual imposition, aggravated arson, 27644
aggravated robbery, or aggravated burglary. Continued practice 27645
after the suspension shall be considered practicing without a 27646
license. 27647

The board shall notify the individual subject to the 27648
suspension by certified mail or in person in accordance with 27649
section 119.07 of the Revised Code. If an individual whose 27650
license is suspended under this division fails to make a timely 27651
request for an adjudication under Chapter 119. of the Revised 27652
Code, the board shall enter a final order permanently revoking 27653

the individual's license. 27654

(K) In any instance in which the board is required by 27655
Chapter 119. of the Revised Code to give notice of opportunity 27656
for hearing and the individual subject to the notice does not 27657
timely request a hearing in accordance with section 119.07 of 27658
the Revised Code, the board is not required to hold a hearing, 27659
but may adopt, by an affirmative vote of not fewer than six of 27660
its members, a final order that contains the board's findings. 27661
In the final order, the board may order any of the sanctions 27662
identified under division (A) or (B) of this section. 27663

(L) Any action taken by the board under division (B) of 27664
this section resulting in a suspension shall be accompanied by a 27665
written statement of the conditions under which the radiologist 27666
assistant's license may be reinstated. The board shall adopt 27667
rules in accordance with Chapter 119. of the Revised Code 27668
governing conditions to be imposed for reinstatement. 27669
Reinstatement of a license suspended pursuant to division (B) of 27670
this section requires an affirmative vote of not fewer than six 27671
members of the board. 27672

(M) When the board refuses to grant or issue a license to 27673
practice as a radiologist assistant to an applicant, revokes an 27674
individual's license, refuses to renew an individual's license, 27675
or refuses to reinstate an individual's license, the board may 27676
specify that its action is permanent. An individual subject to a 27677
permanent action taken by the board is forever thereafter 27678
ineligible to hold a license to practice as a radiologist 27679
assistant and the board shall not accept an application for 27680
reinstatement of the license or for issuance of a new license. 27681

(N) Notwithstanding any other provision of the Revised 27682
Code, all of the following apply: 27683

(1) The surrender of a license to practice as a radiologist assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4778.14. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a genetic counselor to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted

by the board;	27713
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	27714 27715 27716 27717
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	27718 27719 27720 27721
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	27722 27723 27724 27725
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	27726 27727 27728 27729
(7) Willfully betraying a professional confidence;	27730
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	27731 27732 27733
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	27734 27735 27736 27737 27738 27739 27740 27741

- (9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 27742
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- (10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 27745
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- (11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 27748
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- (12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 27751
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 27755
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- (14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 27758
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- (15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 27761
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- (16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 27764
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- (17) Any of the following actions taken by an agency 27769

responsible for authorizing, certifying, or regulating an 27770
individual to practice a health care occupation or provide 27771
health care services in this state or in another jurisdiction, 27772
for any reason other than the nonpayment of fees: the 27773
limitation, revocation, or suspension of an individual's license 27774
to practice; acceptance of an individual's license surrender; 27775
denial of a license; refusal to renew or reinstate a license; 27776
imposition of probation; or issuance of an order of censure or 27777
other reprimand; 27778

(18) Violation of the conditions placed by the board on a 27779
license to practice as a genetic counselor; 27780

(19) Failure to cooperate in an investigation conducted by 27781
the board under section 4778.18 of the Revised Code, including 27782
failure to comply with a subpoena or order issued by the board 27783
or failure to answer truthfully a question presented by the 27784
board at a deposition or in written interrogatories, except that 27785
failure to cooperate with an investigation shall not constitute 27786
grounds for discipline under this section if a court of 27787
competent jurisdiction has issued an order that either quashes a 27788
subpoena or permits the individual to withhold the testimony or 27789
evidence in issue; 27790

(20) Failure to maintain the individual's status as a 27791
certified genetic counselor; 27792

(21) Failure to comply with the code of ethics established 27793
by the national society of genetic counselors. 27794

(C) The board shall not refuse to issue a license to an 27795
applicant because of a plea of guilty to, a judicial finding of 27796
guilt of, or a judicial finding of eligibility for intervention 27797
in lieu of conviction for an offense unless the refusal is in 27798

accordance with section 9.79 of the Revised Code. 27799

(D) Disciplinary actions taken by the board under 27800
divisions (A) and (B) of this section shall be taken pursuant to 27801
an adjudication under Chapter 119. of the Revised Code, except 27802
that in lieu of an adjudication, the board may enter into a 27803
consent agreement with a genetic counselor or applicant to 27804
resolve an allegation of a violation of this chapter or any rule 27805
adopted under it. A consent agreement, when ratified by an 27806
affirmative vote of not fewer than six members of the board, 27807
shall constitute the findings and order of the board with 27808
respect to the matter addressed in the agreement. If the board 27809
refuses to ratify a consent agreement, the admissions and 27810
findings contained in the consent agreement shall be of no force 27811
or effect. 27812

A telephone conference call may be utilized for 27813
ratification of a consent agreement that revokes or suspends an 27814
individual's license. The telephone conference call shall be 27815
considered a special meeting under division (F) of section 27816
121.22 of the Revised Code. 27817

(E) For purposes of divisions (B) (11), (14), and (15) of 27818
this section, the commission of the act may be established by a 27819
finding by the board, pursuant to an adjudication under Chapter 27820
119. of the Revised Code, that the applicant or license holder 27821
committed the act in question. The board shall have no 27822
jurisdiction under these divisions in cases where the trial 27823
court renders a final judgment in the license holder's favor and 27824
that judgment is based upon an adjudication on the merits. The 27825
board shall have jurisdiction under these divisions in cases 27826
where the trial court issues an order of dismissal on technical 27827
or procedural grounds. 27828

(F) The sealing or expungement of conviction records by 27829
any court shall have no effect on a prior board order entered 27830
under the provisions of this section or on the board's 27831
jurisdiction to take action under the provisions of this section 27832
if, based upon a plea of guilty, a judicial finding of guilt, or 27833
a judicial finding of eligibility for intervention in lieu of 27834
conviction, the board issued a notice of opportunity for a 27835
hearing or took other formal action under Chapter 119. of the 27836
Revised Code prior to the court's order to seal or expunge the 27837
records. The board shall not be required to seal, destroy, 27838
redact, or otherwise modify its records to reflect the court's 27839
sealing or expungement of conviction records. 27840

(G) For purposes of this division, any individual who 27841
holds a license to practice as a genetic counselor, or applies 27842
for a license, shall be deemed to have given consent to submit 27843
to a mental or physical examination when directed to do so in 27844
writing by the board and to have waived all objections to the 27845
admissibility of testimony or examination reports that 27846
constitute a privileged communication. 27847

(1) In enforcing division (B) (5) of this section, the 27848
board, on a showing of a possible violation, may compel any 27849
individual who holds a license to practice as a genetic 27850
counselor or who has applied for a license to practice as a 27851
genetic counselor to submit to a mental or physical examination, 27852
or both. A physical examination may include an HIV test. The 27853
expense of the examination is the responsibility of the 27854
individual compelled to be examined. Failure to submit to a 27855
mental or physical examination or consent to an HIV test ordered 27856
by the board constitutes an admission of the allegations against 27857
the individual unless the failure is due to circumstances beyond 27858
the individual's control, and a default and final order may be 27859

entered without the taking of testimony or presentation of 27860
evidence. If the board finds a genetic counselor unable to 27861
practice because of the reasons set forth in division (B) (5) of 27862
this section, the board shall require the genetic counselor to 27863
submit to care, counseling, or treatment by physicians approved 27864
or designated by the board, as a condition for an initial, 27865
continued, reinstated, or renewed license to practice. An 27866
individual affected by this division shall be afforded an 27867
opportunity to demonstrate to the board the ability to resume 27868
practicing in compliance with acceptable and prevailing 27869
standards of care. 27870

(2) For purposes of division (B) (6) of this section, if 27871
the board has reason to believe that any individual who holds a 27872
license to practice as a genetic counselor or any applicant for 27873
a license suffers such impairment, the board may compel the 27874
individual to submit to a mental or physical examination, or 27875
both. The expense of the examination is the responsibility of 27876
the individual compelled to be examined. Any mental or physical 27877
examination required under this division shall be undertaken by 27878
a treatment provider or physician qualified to conduct such 27879
examination and chosen by the board. 27880

Failure to submit to a mental or physical examination 27881
ordered by the board constitutes an admission of the allegations 27882
against the individual unless the failure is due to 27883
circumstances beyond the individual's control, and a default and 27884
final order may be entered without the taking of testimony or 27885
presentation of evidence. If the board determines that the 27886
individual's ability to practice is impaired, the board shall 27887
suspend the individual's license or deny the individual's 27888
application and shall require the individual, as a condition for 27889
an initial, continued, reinstated, or renewed license, to submit 27890

to treatment. 27891

Before being eligible to apply for reinstatement of a 27892
license suspended under this division, the genetic counselor 27893
shall demonstrate to the board the ability to resume practice in 27894
compliance with acceptable and prevailing standards of care. The 27895
demonstration shall include the following: 27896

(a) Certification from a treatment provider approved under 27897
section 4731.25 of the Revised Code that the individual has 27898
successfully completed any required inpatient treatment; 27899

(b) Evidence of continuing full compliance with an 27900
aftercare contract or consent agreement; 27901

(c) Two written reports indicating that the individual's 27902
ability to practice has been assessed and that the individual 27903
has been found capable of practicing according to acceptable and 27904
prevailing standards of care. The reports shall be made by 27905
individuals or providers approved by the board for making such 27906
assessments and shall describe the basis for their 27907
determination. 27908

The board may reinstate a license suspended under this 27909
division after such demonstration and after the individual has 27910
entered into a written consent agreement. 27911

When the impaired genetic counselor resumes practice, the 27912
board shall require continued monitoring of the genetic 27913
counselor. The monitoring shall include monitoring of compliance 27914
with the written consent agreement entered into before 27915
reinstatement or with conditions imposed by board order after a 27916
hearing, and, on termination of the consent agreement, 27917
submission to the board for at least two years of annual written 27918
progress reports made under penalty of falsification stating 27919

whether the genetic counselor has maintained sobriety. 27920

(H) If the secretary and supervising member determine both 27921
of the following, they may recommend that the board suspend an 27922
individual's license to practice without a prior hearing: 27923

(1) That there is clear and convincing evidence that a 27924
genetic counselor has violated division (B) of this section; 27925

(2) That the individual's continued practice presents a 27926
danger of immediate and serious harm to the public. 27927

Written allegations shall be prepared for consideration by 27928
the board. The board, on review of the allegations and by an 27929
affirmative vote of not fewer than six of its members, excluding 27930
the secretary and supervising member, may suspend a license 27931
without a prior hearing. A telephone conference call may be 27932
utilized for reviewing the allegations and taking the vote on 27933
the summary suspension. 27934

The board shall issue a written order of suspension by 27935
certified mail or in person in accordance with section 119.07 of 27936
the Revised Code. The order shall not be subject to suspension 27937
by the court during pendency of any appeal filed under section 27938
119.12 of the Revised Code. If the genetic counselor requests an 27939
adjudicatory hearing by the board, the date set for the hearing 27940
shall be within fifteen days, but not earlier than seven days, 27941
after the genetic counselor requests the hearing, unless 27942
otherwise agreed to by both the board and the genetic counselor. 27943

A summary suspension imposed under this division shall 27944
remain in effect, unless reversed on appeal, until a final 27945
adjudicative order issued by the board pursuant to this section 27946
and Chapter 119. of the Revised Code becomes effective. The 27947
board shall issue its final adjudicative order within sixty days 27948

after completion of its hearing. Failure to issue the order 27949
within sixty days shall result in dissolution of the summary 27950
suspension order, but shall not invalidate any subsequent, final 27951
adjudicative order. 27952

(I) If the board takes action under division (B) (10), 27953
(12), or (13) of this section, and the judicial finding of 27954
guilt, guilty plea, or judicial finding of eligibility for 27955
intervention in lieu of conviction is overturned on appeal, on 27956
exhaustion of the criminal appeal, a petition for 27957
reconsideration of the order may be filed with the board along 27958
with appropriate court documents. On receipt of a petition and 27959
supporting court documents, the board shall reinstate the 27960
license to practice as a genetic counselor. The board may then 27961
hold an adjudication under Chapter 119. of the Revised Code to 27962
determine whether the individual committed the act in question. 27963
Notice of opportunity for hearing shall be given in accordance 27964
with Chapter 119. of the Revised Code. If the board finds, 27965
pursuant to an adjudication held under this division, that the 27966
individual committed the act, or if no hearing is requested, it 27967
may order any of the sanctions specified in division (B) of this 27968
section. 27969

(J) The license to practice as a genetic counselor and the 27970
counselor's practice in this state are automatically suspended 27971
as of the date the genetic counselor pleads guilty to, is found 27972
by a judge or jury to be guilty of, or is subject to a judicial 27973
finding of eligibility for intervention in lieu of conviction in 27974
this state or treatment of intervention in lieu of conviction in 27975
another jurisdiction for any of the following criminal offenses 27976
in this state or a substantially equivalent criminal offense in 27977
another jurisdiction: aggravated murder, murder, voluntary 27978
manslaughter, felonious assault, kidnapping, rape, sexual 27979

battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license. 27980
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The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice. 27983
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(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section. 27990
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(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 27999
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(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an 28008
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individual's license, refuses to renew an individual's license, 28010
or refuses to reinstate an individual's license, the board may 28011
specify that its action is permanent. An individual subject to a 28012
permanent action taken by the board is forever thereafter 28013
ineligible to hold a license to practice as a genetic counselor 28014
and the board shall not accept an application for reinstatement 28015
of the license or for issuance of a new license. 28016

(N) Notwithstanding any other provision of the Revised 28017
Code, all of the following apply: 28018

(1) The surrender of a license to practice as a genetic 28019
counselor is not effective unless or until accepted by the 28020
board. A telephone conference call may be utilized for 28021
acceptance of the surrender of an individual's license. The 28022
telephone conference call shall be considered a special meeting 28023
under division (F) of section 121.22 of the Revised Code. 28024
Reinstatement of a license surrendered to the board requires an 28025
affirmative vote of not fewer than six members of the board. 28026

(2) An application made under this chapter for a license 28027
to practice may not be withdrawn without approval of the board. 28028

(3) Failure by an individual to renew a license in 28029
accordance with section 4778.06 of the Revised Code shall not 28030
remove or limit the board's jurisdiction to take disciplinary 28031
action under this section against the individual. 28032

Sec. 5120.035. (A) As used in this section: 28033

(1) "Community treatment provider" means a program that 28034
provides substance use disorder assessment and treatment for 28035
persons and that satisfies all of the following: 28036

(a) It is located outside of a state correctional 28037
institution. 28038

(b) It shall provide the assessment and treatment for 28039
qualified prisoners referred and transferred to it under this 28040
section in a suitable facility that is licensed pursuant to 28041
division (C) of section 2967.14 of the Revised Code. 28042

(c) All qualified prisoners referred and transferred to it 28043
under this section shall reside initially in the suitable 28044
facility specified in division (A) (1) (b) of this section while 28045
undergoing the assessment and treatment. 28046

(2) "Electronic monitoring device" has the same meaning as 28047
in section 2929.01 of the Revised Code. 28048

(3) "State correctional institution" has the same meaning 28049
as in section 2967.01 of the Revised Code. 28050

(4) "Qualified prisoner" means a person who satisfies all 28051
of the following: 28052

(a) The person is confined in a state correctional 28053
institution under a prison term imposed for a felony of the 28054
third, fourth, or fifth degree that is not an offense of 28055
violence. 28056

(b) The department of rehabilitation and correction 28057
determines, using a standardized assessment tool, that the 28058
person has a substance use disorder. 28059

(c) The person has not more than twelve months remaining 28060
to be served under the prison term described in division (A) (4) 28061
(a) of this section. 28062

(d) The person is not serving any prison term other than 28063
the term described in division (A) (4) (a) of this section. 28064

(e) The person is eighteen years of age or older. 28065

(f) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 28066
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(g) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 28068
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety. 28073
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(C) (1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C) (3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive 28081
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credit against the prisoner's prison term for all time served in 28096
the provider's approved and licensed facility and may earn days 28097
of credit under section 2967.193 of the Revised Code, but 28098
otherwise neither the placement nor the prisoner's participation 28099
in or completion of the program shall result in any reduction of 28100
the prisoner's prison term. 28101

(2) If the department places a prisoner in the substance 28102
use disorder treatment program, the prisoner does not 28103
satisfactorily participate in the program, and the prisoner has 28104
not served the prisoner's entire prison term, the department may 28105
remove the prisoner from the program and return the prisoner to 28106
a state correctional institution. 28107

(3) If the department places a prisoner in the substance 28108
use disorder treatment program and the prisoner is 28109
satisfactorily participating in the program, the department may 28110
permit the prisoner to reside at a residence approved by the 28111
department if the department determines, with input from the 28112
community treatment provider, that residing at the approved 28113
residence will help the prisoner prepare for reentry into the 28114
community and will help reduce substance use relapses and 28115
recidivism for the prisoner. If a prisoner is permitted under 28116
this division to reside at a residence approved by the 28117
department, the prisoner shall be monitored during the period of 28118
that residence by an electronic monitoring device. 28119

(D) (1) When a prisoner has been placed in the substance 28120
use disorder treatment program established under division (B) of 28121
this section, before the prisoner is released from custody of 28122
the department upon completion of the prisoner's prison term, 28123
the department shall conduct and prepare an evaluation of the 28124
prisoner, the prisoner's participation in the program, and the 28125

prisoner's needs regarding substance use disorder treatment upon 28126
release. Before the prisoner is released from custody of the 28127
department upon completion of the prisoner's prison term, the 28128
parole board or the court acting pursuant to an agreement under 28129
section 2967.29 of the Revised Code shall consider the 28130
evaluation, in addition to all other information and materials 28131
considered, as follows: 28132

(a) If the prisoner is a prisoner for whom post-release 28133
control is mandatory under section 2967.28 of the Revised Code, 28134
the board or court shall consider it in determining which post- 28135
release control sanction or sanctions to impose upon the 28136
prisoner under that section. 28137

(b) If the prisoner is a prisoner for whom post-release 28138
control is not mandatory under section 2967.28 of the Revised 28139
Code, the board or court shall consider it in determining 28140
whether a post-release control sanction is necessary and, if so, 28141
which post-release control sanction or sanctions to impose upon 28142
the prisoner under that section. 28143

(2) If the department determines that a prisoner it placed 28144
in the substance use disorder treatment program successfully 28145
completed the program and successfully completed a term of post- 28146
release control, if applicable, and if the prisoner submits an 28147
application under section 2953.32 or the prosecutor in the case 28148
submits an application under section 2953.39 of the Revised Code 28149
for sealing or expungement of the record of the conviction, the 28150
director may issue a letter to the court in support of the 28151
application. 28152

(E) (1) The department shall accept applications from 28153
community treatment providers that satisfy the requirement 28154
specified in division (E) (2) of this section and that wish to 28155

participate in the substance use disorder treatment program 28156
established under division (B) of this section, and shall 28157
approve for participation in the program at least four and not 28158
more than eight of the providers that apply. To the extent 28159
feasible, the department shall approve one or more providers 28160
from each geographical quadrant of the state. 28161

(2) Each community treatment provider that applies under 28162
division (E)(1) of this section to participate in the program 28163
shall have the provider's alcohol and drug addiction services 28164
that provide substance use disorder treatment certified by the 28165
department of mental health and addiction services under section 28166
5119.36 of the Revised Code. A community treatment provider is 28167
not required to have the provider's halfway house or residential 28168
treatment certified by the department of mental health and 28169
addiction services. 28170

(F) The department of rehabilitation and correction shall 28171
adopt rules for the operation of the substance use disorder 28172
treatment program it establishes under division (B) of this 28173
section and shall operate the program in accordance with this 28174
section and those rules. The rules shall establish, at a 28175
minimum, all of the following: 28176

(1) Criteria that establish which qualified prisoners are 28177
eligible for the program; 28178

(2) Criteria that must be satisfied to transfer a 28179
qualified prisoner to a residence pursuant to division (C)(3) of 28180
this section; 28181

(3) Criteria for the removal of a prisoner from the 28182
program pursuant to division (C)(2) of this section; 28183

(4) Criteria for determining when an offender has 28184

successfully completed the program for purposes of division (D)	28185
(2) of this section;	28186
(5) Criteria for community treatment providers to provide	28187
assessment and treatment, including minimum standards for	28188
treatment.	28189
Sec. 5120.66. (A) Within ninety days after November 23,	28190
2005, but not before January 1, 2006, the department of	28191
rehabilitation and correction shall establish and operate on the	28192
internet a database that contains all of the following:	28193
(1) For each inmate in the custody of the department under	28194
a sentence imposed for a conviction of or plea of guilty to any	28195
offense, all of the following information:	28196
(a) The inmate's name;	28197
(b) For each offense for which the inmate was sentenced to	28198
a prison term or term of imprisonment and is in the department's	28199
custody, the name of the offense, the Revised Code section of	28200
which the offense is a violation, the gender of each victim of	28201
the offense if those facts are known, whether each victim of the	28202
offense was an adult or child if those facts are known, whether	28203
any victim of the offense was a law enforcement officer if that	28204
fact is known, the range of the possible prison terms or term of	28205
imprisonment that could have been imposed for the offense, the	28206
actual prison term or term of imprisonment imposed for the	28207
offense, the county in which the offense was committed, the date	28208
on which the inmate began serving the prison term or term of	28209
imprisonment imposed for the offense, and whichever of the	28210
following is applicable:	28211
(i) The date on which the inmate will be eligible for	28212
parole relative to the offense if the prison term or term of	28213

imprisonment is an indefinite term or life term with parole 28214
eligibility; 28215

(ii) The date on which the term ends if the prison term is 28216
a definite term; 28217

(iii) The date on which the inmate will be eligible for 28218
presumptive release under section 2967.271 of the Revised Code, 28219
if the inmate is serving a non-life felony indefinite prison 28220
term. 28221

(c) All of the following information that is applicable 28222
regarding the inmate: 28223

(i) If known to the department prior to the conduct of any 28224
hearing for judicial release of the defendant pursuant to 28225
section 2929.20 of the Revised Code in relation to any prison 28226
term or term of imprisonment the inmate is serving for any 28227
offense ~~or any hearing for release of the defendant pursuant to~~ 28228
~~section 2967.19 of the Revised Code in relation to any such~~ 28229
~~term,~~ notice of the fact that the inmate will be having a 28230
hearing regarding a possible grant of judicial release ~~or~~ 28231
~~release,~~ the date of the hearing, and the right of any person 28232
pursuant to division ~~(J)~~ (I) of section 2929.20 ~~or division (H)~~ 28233
~~of section 2967.19 of the Revised Code, whichever is applicable,~~ 28234
to submit to the court a written statement regarding the 28235
possible judicial release ~~or release.~~ The department also shall 28236
post notice of the submission to a sentencing court of any 28237
recommendation for early judicial release of the inmate 28238
submitted by the director of the department of rehabilitation 28239
and correction pursuant to division (O) of section 2967.19 28240
2929.20 of the Revised Code, as required by that division ~~(E) of~~ 28241
~~that section.~~ 28242

(ii) If the inmate is serving a prison term pursuant to 28243
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 28244
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 28245
Code, prior to the conduct of any hearing pursuant to section 28246
2971.05 of the Revised Code to determine whether to modify the 28247
requirement that the inmate serve the entire prison term in a 28248
state correctional facility in accordance with division (C) of 28249
that section, whether to continue, revise, or revoke any 28250
existing modification of that requirement, or whether to 28251
terminate the prison term in accordance with division (D) of 28252
that section, notice of the fact that the inmate will be having 28253
a hearing regarding those determinations and the date of the 28254
hearing; 28255

(iii) At least sixty days before the adult parole 28256
authority recommends a pardon or commutation of sentence for the 28257
inmate, at least sixty days prior to a hearing before the adult 28258
parole authority regarding a grant of parole to the inmate in 28259
relation to any prison term or term of imprisonment the inmate 28260
is serving for any offense, or at least sixty days prior to a 28261
hearing before the department regarding a determination of 28262
whether the inmate must be released under division (C) or (D) (2) 28263
of section 2967.271 of the Revised Code if the inmate is serving 28264
a non-life felony indefinite prison term, notice of the fact 28265
that the inmate might be under consideration for a pardon or 28266
commutation of sentence or will be having a hearing regarding a 28267
possible grant of parole or release, the date of any hearing 28268
regarding a possible grant of parole or release, and the right 28269
of any person to submit a written statement regarding the 28270
pending action; 28271

(iv) At least sixty days before the inmate is transferred 28272
to transitional control under section 2967.26 of the Revised 28273

Code in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the pendency of the transfer, the date of the possible transfer, and the right of any person to submit a statement regarding the possible transfer; 28274
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(v) Prompt notice of the inmate's escape from any facility in which the inmate was incarcerated and of the capture of the inmate after an escape; 28279
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(vi) Notice of the inmate's death while in confinement; 28282

(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release; 28283
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(viii) Notice of the inmate's judicial release pursuant to section 2929.20 of the Revised Code ~~or release pursuant to section 2967.19 of the Revised Code.~~ 28287
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(2) Information as to where a person can send written statements of the types referred to in divisions (A) (1) (c) (i), (iii), and (iv) of this section. 28290
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(B) (1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current. 28293
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(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department. 28296
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(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division.

(4) No information included on the database required under division (A) of this section shall identify or enable the identification of any victim of any offense committed by an inmate.

(C) The failure of the department to comply with the requirements of division (A) or (B) of this section does not give any rights or any grounds for appeal or post-conviction relief to any inmate.

(D) This section, and the related provisions of sections 2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted in the act in which this section was enacted, shall be known as "Laura's Law."

(E) As used in this section, "non-life felony indefinite prison term" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 5139.101. (A) The department of youth services, in coordination with any other agencies deemed necessary, may develop a program to assist a youth leaving the supervision, control, and custody of the department at twenty-one years of age. The program shall provide supportive services for specific educational or rehabilitative purposes, under conditions agreed upon by both the department and the youth and terminable by either. Services shall cease not later than when the youth reaches twenty-two years of age and shall not be construed as extending control of a child beyond discharge as described in

section 5139.10 of the Revised Code. 28332

(B) The services provided by the program shall be offered 28333
to the youth prior to the youth's discharge date, but a youth 28334
may request and the department shall consider any such request 28335
for the services described up to ninety days after the youth's 28336
effective date of discharge, even if the youth has previously 28337
declined services. 28338

Sec. 5139.45. (A) As used in this section: 28339

(1) "Quality assurance committee" means a committee that 28340
is appointed in the central office of the department of youth 28341
services by the director of youth services, a committee 28342
appointed at an institution by the managing officer of the 28343
institution, or a duly authorized subcommittee of that nature 28344
and that is designated to carry out quality assurance program 28345
activities. 28346

(2) "Institution" means a state facility that is created 28347
by the general assembly and that is under the management and 28348
control of the department of youth services or a private entity 28349
with which the department has contracted for the institutional 28350
care and custody of felony delinquents. 28351

~~(2)~~ (3) "Quality assurance program" means a comprehensive 28352
program within the department of youth services to 28353
systematically review and improve the quality of programming, 28354
operations, education, comprehensive services, including but not 28355
limited to, medical and mental health services within the 28356
department and the department's institutions, the safety and 28357
security of persons receiving care and services within the 28358
department and the department's institutions, and the efficiency 28359
and effectiveness of the utilization of staff and resources in 28360

the delivery of services within the department and the 28361
department's institutions. 28362

~~(3)~~ (4) "Quality assurance program activities" means the 28363
activities of ~~the institution and the office of quality~~ 28364
~~assurance and improvement~~ a quality assurance committee, of 28365
persons who provide, collect, or compile information and reports 28366
required by ~~the office of quality assurance and improvement~~ a 28367
quality assurance committee, and of persons who receive, review, 28368
or implement the recommendations made by ~~the office of quality~~ 28369
~~assurance and improvement~~ a quality assurance committee. "Quality 28370
assurance program activities" include, but are not limited to, 28371
credentialing, infection control, utilization review including 28372
access to patient care, patient care assessments, medical and 28373
mental health records, medical and mental health resource 28374
management, mortality and morbidity review, ~~and~~ identification 28375
and prevention of medical or mental health incidents and risks, 28376
and other comprehensive service activities whether performed by 28377
~~the office of quality assurance and improvement~~ a quality 28378
assurance committee or by persons who are directed by ~~the office~~ 28379
~~of quality assurance and improvement~~ a quality assurance 28380
committee. 28381

~~(4)~~ (5) "Quality assurance record" means the proceedings, 28382
records, minutes, and reports that result from quality assurance 28383
program activities. "Quality assurance record" does not include 28384
aggregate statistical information that does not disclose the 28385
identity of persons receiving or providing services in 28386
institutions. 28387

(B) ~~The office of quality assurance and improvement is~~ 28388
~~hereby created as an office in the department of youth services.~~ 28389
~~The director of youth services shall appoint a managing officer~~ 28390

~~to carry out quality assurance program activities~~The director of 28391
the department of youth services shall appoint a central office 28392
quality assurance committee consisting of staff members from 28393
relevant divisions within the department. The managing officer 28394
of an institution may appoint an institutional quality assurance 28395
committee. 28396

(C) (1) Except as otherwise provided in division (F) of 28397
this section, quality assurance records are confidential and are 28398
not public records under section 149.43 of the Revised Code and 28399
shall be used only in the course of the proper functions of a 28400
quality assurance program. 28401

(2) Except as provided in division (F) of this section, no 28402
person who possesses or has access to quality assurance records 28403
and who knows that the records are quality assurance records 28404
shall willfully disclose the contents of the records to any 28405
person or entity. 28406

(D) (1) Except as otherwise provided in division (F) of 28407
this section, a quality assurance record is not subject to 28408
discovery and is not admissible as evidence in any judicial or 28409
administrative proceeding. 28410

(2) Except as provided in division (F) of this section, no 28411
~~employee of the office of quality assurance and improvement~~ 28412
~~member of a quality assurance committee or a person who is~~ 28413
performing a function that is part of a quality assurance 28414
program shall be permitted or required to testify in a judicial 28415
or administrative proceeding with respect to a quality assurance 28416
record or with respect to any finding, recommendation, 28417
evaluation, opinion, or other action taken by the ~~office or~~ 28418
~~program or by the person within the scope of the quality~~ 28419
~~assurance program~~committee, member, or person. 28420

(3) Information, documents, or records otherwise available 28421
from original sources shall not be unavailable for discovery or 28422
inadmissible as evidence in a judicial or administrative 28423
proceeding under division (D)(1) of this section merely because 28424
they were presented to ~~the office of quality assurance and~~ 28425
~~improvement~~ a quality assurance committee. No person ~~who is an~~ 28426
~~employee of the office of quality assurance and improvement~~ 28427
testifying before a quality assurance committee or person who is 28428
a member of a quality assurance committee shall be prohibited 28429
from testifying as to matters within the person's knowledge, but 28430
the person shall not be asked about an opinion formed by the 28431
person as a result of the ~~person's quality assurance program~~ 28432
~~activities~~ quality assurance committee proceedings. 28433

(E) (1) A person who, without malice and in the reasonable 28434
belief that the information is warranted by the facts known to 28435
the person, provides information to a person engaged in quality 28436
assurance program activities is not liable for damages in a 28437
civil action for injury, death, or loss to person or property as 28438
a result of providing the information. 28439

(2) ~~An employee of the office of quality assurance and~~ 28440
~~improvement~~ A member of a quality assurance committee, a person 28441
engaged in quality assurance program activities, or an employee 28442
of the department of youth services shall not be liable in 28443
damages in a civil action for injury, death, or loss to person 28444
or property for any acts, omissions, decisions, or other conduct 28445
within the scope of the functions of the quality assurance 28446
program. 28447

(3) Nothing in this section shall relieve any institution 28448
from liability arising from the treatment of a patient. 28449

(F) Quality assurance records may be disclosed, and 28450

testimony may be provided concerning quality assurance records, 28451
only to the following persons or entities or under the following 28452
circumstances: 28453

(1) Persons who are employed or retained by the department 28454
of youth services and who have the authority to evaluate or 28455
implement the recommendations of ~~an institution or the office of~~ 28456
~~quality assurance and improvement~~ a quality assurance committee; 28457

(2) Public or private agencies or organizations if needed 28458
to perform a licensing or accreditation function related to 28459
institutions or to perform monitoring of institutions as 28460
required by law; 28461

(3) A governmental board or agency, a professional health 28462
care society or organization, or a professional standards review 28463
organization, if the records or testimony are needed to perform 28464
licensing, credentialing, or monitoring of professional 28465
standards with respect to medical or mental health professionals 28466
employed or retained by the department; 28467

(4) A criminal or civil law enforcement agency or public 28468
health agency charged by law with the protection of public 28469
health or safety, if a qualified representative of the agency 28470
makes a written request stating that the records or testimony 28471
are necessary for a purpose authorized by law; 28472

(5) In a judicial or administrative proceeding commenced 28473
by an entity described in division (F) (3) or (4) of this section 28474
for a purpose described in that division but only with respect 28475
to the subject of the proceedings. 28476

(G) A disclosure of quality assurance records pursuant to 28477
division (F) of this section does not otherwise waive the 28478
confidential and privileged status of the disclosed quality 28479

assurance records. The names and other identifying information 28480
regarding individual patients or employees of ~~the office of~~ 28481
~~quality assurance and improvement~~ a quality assurance committee 28482
contained in a quality assurance record shall be redacted from 28483
the record prior to the disclosure of the record unless the 28484
identity of an individual is necessary for the purpose for which 28485
the disclosure is being made and does not constitute a clearly 28486
unwarranted invasion of personal privacy. 28487

Sec. 5147.30. (A) As used in this section, "prisoner" 28488
means any person confined in the county jail in lieu of bail 28489
while awaiting trial, any person committed to jail for 28490
nonpayment of a fine, or any person sentenced by a court to the 28491
jail. 28492

(B) A board of county commissioners, by resolution adopted 28493
by a majority vote of its members, may approve the establishment 28494
of a county jail industry program for its county in accordance 28495
with this section. 28496

(C) Upon the adoption by the board of the resolution 28497
described in division (B) of this section, a jail industry board 28498
shall be established, consisting of three voting members 28499
appointed by the board of county commissioners, three voting 28500
members appointed by the county sheriff, and one voting member 28501
appointed jointly by the board of county commissioners and the 28502
county sheriff. One of these voting members shall have knowledge 28503
of and experience in the social services, one in the field of 28504
labor, one in law enforcement, and one in business. The initial 28505
appointments to the jail industry board shall be made on the 28506
same date. Of the initial appointments, one by the board of 28507
county commissioners and one by the county sheriff shall be for 28508
terms ending one year after the date of appointment, two by the 28509

board of county commissioners and two by the county sheriff 28510
shall be for terms ending two years after that date, and the 28511
joint appointment shall be for a term ending three years after 28512
that date. Thereafter, terms of office for all appointed members 28513
shall be for three years, with each term ending on the same day 28514
of the same month as did the term that it succeeds. Any vacancy 28515
on the board shall be filled in the same manner as the original 28516
appointment. Any member appointed to fill a vacancy occurring 28517
prior to the expiration date of the term for which the member's 28518
predecessor was appointed shall hold office as a member for the 28519
remainder of that term. Any member shall continue in office 28520
subsequent to the expiration date of the member's term until the 28521
member's successor takes office, or until a period of sixty days 28522
has elapsed, whichever occurs first. 28523

The jail industry board, by majority vote, may appoint 28524
additional persons to serve as nonvoting members of the board. 28525

Each member of the jail industry board shall be reimbursed 28526
for expenses actually and necessarily incurred in the 28527
performance of the member's duties as a board member. The board 28528
of county commissioners, by resolution, shall approve the 28529
expenses to be reimbursed. 28530

(D) A jail industry board established under division (C) 28531
of this section shall establish a program for the employment of 28532
as many prisoners as possible, except those unable to perform 28533
labor because of illness or other health problems, security 28534
requirements, routine processing, disciplinary action, or other 28535
reasonable circumstances or because they are engaged in 28536
education or vocational or other training. The employment may be 28537
in jail manufacturing and service industries and agriculture, in 28538
private industry or agriculture that is located within or 28539

outside the jail, in public works, in institutional jobs 28540
necessary for the proper maintenance and operation of the jail, 28541
or in any other appropriate form of labor. The county shall 28542
attempt to employ, provide employment for, and seek employment 28543
for as many prisoners as possible through the program. The 28544
county is not required to provide employment for every 28545
employable prisoner when the available funds, facilities, or 28546
jobs are insufficient to provide the employment; however, a 28547
county that has a county jail industry program shall 28548
continuously seek sources of employment for as many employable 28549
prisoners as possible. 28550

(E) The jail industry program established under division 28551
(D) of this section shall do all of the following: 28552

(1) Establish a system for assigning prisoners to perform 28553
jobs, for periodically evaluating the job performance of each 28554
prisoner, and for periodically evaluating the qualifications of 28555
each prisoner for other jobs; 28556

(2) Attempt to provide jobs and job training for prisoners 28557
that will be useful to them in obtaining employment when 28558
released, except that institutional jobs at the jail need not be 28559
related to any previous employment of the prisoner or relevant 28560
to any job the prisoner intends to pursue after release from 28561
jail; 28562

(3) Establish an accounting system to administer and 28563
allocate the earnings of each prisoner. The accounting system 28564
may permit earnings to be used for payment of the employee taxes 28565
and workers' compensation of the prisoner, for reimbursing the 28566
county for room and board and for the expense of providing 28567
employment to the prisoner, for restitution to the victims of 28568
the prisoner's offenses if the prisoner voluntarily requests or 28569

is under court order to make restitution payments, for fines and 28570
court costs, for support of the dependents of the prisoner, and 28571
for an account for the prisoner. 28572

(4) Require all persons who employ prisoners to meet all 28573
applicable work safety standards. 28574

(F) The jail industry board, with the approval of the 28575
county sheriff, shall adopt rules for the establishment and 28576
administration of the jail industry program. The rules shall 28577
provide for all of the following: 28578

(1) A procedure for seeking the employment of prisoners in 28579
penal industries and agriculture, in private industry and 28580
agriculture located within or outside the county jail, in public 28581
works, in institutional jobs necessary for the proper 28582
maintenance or operation of the county's institutions, and in 28583
other appropriate forms of labor; 28584

(2) A system of compensation, allowances, hours, 28585
conditions of employment, and advancement for prisoners employed 28586
in any form of labor; 28587

(3) The regulation of the working conditions of prisoners 28588
employed in any form of labor; 28589

(4) An accounting system for the allocation of the 28590
earnings of each prisoner; 28591

(5) Any other rules on any subject that are necessary to 28592
administer the program or to provide employment for as many 28593
prisoners as possible. 28594

(G) In establishing and administering a county jail 28595
industry program, the board of county commissioners, upon the 28596
recommendation of the jail industry board and the county sheriff 28597

may do any of the following: 28598

(1) Enter into contracts with private industry, 28599
agriculture, and other organizations or persons, and receive 28600
grants to establish test work programs within or outside 28601
institutions under the control of the county; 28602

(2) Enter into contracts with private industry for the 28603
establishment of manufacturing and service industries within or 28604
near institutions under the control of the county for the 28605
employment of prisoners; 28606

(3) Enter into contracts with private industry, 28607
agriculture, and other organizations or persons to provide 28608
employment for prisoners; 28609

(4) Enter into any other contracts or perform any other 28610
functions that are necessary for the county jail industry 28611
program. 28612

(H) The jail industry program established under division 28613
(D) of this section shall be administered in accordance with any 28614
rules adopted by the jail industry board pursuant to division 28615
(F) of this section and with the following requirements: 28616

(1) The county sheriff at all times shall be responsible 28617
for the security and discipline of the prisoners in the program. 28618
~~the~~ The sheriff shall adopt a procedure for the discipline of a 28619
prisoner who violates the requirements of a job in the program, 28620
and the sheriff may remove a prisoner from the program if the 28621
sheriff determines that considerations of security or discipline 28622
require it. 28623

(2) ~~When the sentence imposed on a prisoner includes a~~ 28624
~~specification pursuant to division (E) of section 2929.24 of the~~ 28625
~~Revised Code, authorizing the county sheriff to consider the~~ 28626

~~prisoner for participation in the county jail industry program,~~ 28627
~~the sheriff shall review the qualifications of the prisoner and~~ 28628
~~determine whether the prisoner's participation in the program is~~ 28629
~~appropriate.~~ 28630

~~(3)~~ When making the initial job assignment for a prisoner 28631
whom the county sheriff has approved for participation in the 28632
program, the board shall consider the nature of the offense 28633
committed by the prisoner, the availability of employment, the 28634
security requirements of the prisoner, the prisoner's present 28635
state of mind, the prisoner's jail record, and all other 28636
relevant factors. When making the initial job assignment of a 28637
prisoner, the board shall attempt to develop the work skills of 28638
the prisoner, provide the prisoner rehabilitation, consider the 28639
proximity of the job to the prisoner's family, and permit the 28640
prisoner to provide support for the prisoner's dependents if the 28641
prisoner's earnings are sufficient to make that feasible. 28642

~~(4)~~ (3) Each prisoner shall be required to perform 28643
satisfactorily the job to which the prisoner is assigned, be 28644
permitted to be absent from that job only for legitimate 28645
reasons, be required to comply with all security requirements, 28646
and be required to comply with any other reasonable job 28647
performance standards. 28648

~~(5)~~ (4) A prisoner who violates the work requirements of 28649
any job shall be disciplined pursuant to the disciplinary 28650
procedure adopted by the county sheriff pursuant to division (H) 28651
(1) of this section. 28652

Sec. 5149.101. (A) (1) A board hearing officer, a board 28653
member, or the office of victims' services may petition the 28654
board for a full board hearing that relates to the proposed 28655
parole or re-parole of a prisoner, including any prisoner 28656

described in section 2967.132 of the Revised Code. At a meeting 28657
of the board at which a majority of board members are present, 28658
the majority of those present shall determine whether a full 28659
board hearing shall be held. 28660

(2) A victim of a violation of section 2903.01 or 2903.02 28661
of the Revised Code, an offense of violence that is a felony of 28662
the first, second, or third degree, or an offense punished by a 28663
sentence of life imprisonment, the victim's representative, or 28664
any person described in division (B) (5) of this section may 28665
request the board to hold a full board hearing that relates to 28666
the proposed parole or re-parole of the person that committed 28667
the violation. If a victim, victim's representative, or other 28668
person requests a full board hearing pursuant to this division, 28669
the board shall hold a full board hearing. 28670

At least thirty days before the full hearing, except as 28671
otherwise provided in this division, the board shall give notice 28672
of the date, time, and place of the hearing to the victim 28673
regardless of whether the victim has requested the notification. 28674
The notice of the date, time, and place of the hearing shall not 28675
be given under this division to a victim if the victim has 28676
requested pursuant to division (B) (2) of section 2930.03 of the 28677
Revised Code that the notice not be provided to the victim. At 28678
least thirty days before the full board hearing and regardless 28679
of whether the victim has requested that the notice be provided 28680
or not be provided under this division to the victim, the board 28681
shall give similar notice to the prosecuting attorney in the 28682
case, the law enforcement agency that arrested the prisoner if 28683
any officer of that agency was a victim of the offense, and, if 28684
different than the victim, the person who requested the full 28685
hearing. If the prosecuting attorney has not previously been 28686
sent an institutional summary report with respect to the 28687

prisoner, upon the request of the prosecuting attorney, the 28688
board shall include with the notice sent to the prosecuting 28689
attorney an institutional summary report that covers the 28690
offender's participation while confined in a state correctional 28691
institution in training, work, and other rehabilitative 28692
activities and any disciplinary action taken against the 28693
offender while so confined. Upon the request of a law 28694
enforcement agency that has not previously been sent an 28695
institutional summary report with respect to the prisoner, the 28696
board also shall send a copy of the institutional summary report 28697
to the law enforcement agency. If notice is to be provided as 28698
described in this division, the board may give the notice by any 28699
reasonable means, including regular mail, telephone, and 28700
electronic mail, in accordance with division (D)(1) of section 28701
2930.16 of the Revised Code. If the notice is based on an 28702
offense committed prior to March 22, 2013, the notice also shall 28703
include the opt-out information described in division (D)(1) of 28704
section 2930.16 of the Revised Code. The board, in accordance 28705
with division (D)(2) of section 2930.16 of the Revised Code, 28706
shall keep a record of all attempts to provide the notice, and 28707
of all notices provided, under this division. 28708

The preceding paragraph, and the notice-related provisions 28709
of divisions (E)(2) and (K) of section 2929.20, division (D)(1) 28710
of section 2930.16, division (H) of section 2967.12, division 28711
(E)(1)(b) of section 2967.19 as it existed prior to the 28712
effective date of this amendment, division (A)(3)(b) of section 28713
2967.26, and division (D)(1) of section 2967.28 of the Revised 28714
Code enacted in the act in which this paragraph was enacted, 28715
shall be known as "Roberta's Law." 28716

(B) At a full board hearing that relates to the proposed 28717
parole or re-parole of a prisoner and that has been petitioned 28718

for or requested in accordance with division (A) of this 28719
section, the parole board shall permit the following persons to 28720
appear and to give testimony or to submit written statements: 28721

(1) The prosecuting attorney of the county in which the 28722
original indictment against the prisoner was found and members 28723
of any law enforcement agency that assisted in the prosecution 28724
of the original offense; 28725

(2) The judge of the court of common pleas who imposed the 28726
original sentence of incarceration upon the prisoner, or the 28727
judge's successor; 28728

(3) The victim of the original offense for which the 28729
prisoner is serving the sentence or the victim's representative 28730
designated pursuant to section 2930.02 of the Revised Code; 28731

(4) The victim of any behavior that resulted in parole 28732
being revoked; 28733

(5) With respect to a full board hearing held pursuant to 28734
division (A) (2) of this section, all of the following: 28735

(a) The spouse of the victim of the original offense; 28736

(b) The parent or parents of the victim of the original 28737
offense; 28738

(c) The sibling of the victim of the original offense; 28739

(d) The child or children of the victim of the original 28740
offense. 28741

(6) Counsel or some other person designated by the 28742
prisoner as a representative, as described in division (C) of 28743
this section. 28744

(C) Except as otherwise provided in this division, a full 28745

board hearing of the parole board is not subject to section 28746
121.22 of the Revised Code. The persons who may attend a full 28747
board hearing are the persons described in divisions (B) (1) to 28748
(6) of this section, and representatives of the press, radio and 28749
television stations, and broadcasting networks who are members 28750
of a generally recognized professional media organization. 28751

At the request of a person described in division (B) (3) of 28752
this section, representatives of the news media described in 28753
this division shall be excluded from the hearing while that 28754
person is giving testimony at the hearing. The prisoner being 28755
considered for parole has no right to be present at the hearing, 28756
but may be represented by counsel or some other person 28757
designated by the prisoner. 28758

If there is an objection at a full board hearing to a 28759
recommendation for the parole of a prisoner, the board may 28760
approve or disapprove the recommendation or defer its decision 28761
until a subsequent full board hearing. The board may permit 28762
interested persons other than those listed in this division and 28763
division (B) of this section to attend full board hearings 28764
pursuant to rules adopted by the adult parole authority. 28765

(D) If the victim of the original offense died as a result 28766
of the offense and the offense was aggravated murder, murder, an 28767
offense of violence that is a felony of the first, second, or 28768
third degree, or an offense punished by a sentence of life 28769
imprisonment, the family of the victim may show at a full board 28770
hearing a video recording not exceeding five minutes in length 28771
memorializing the victim. 28772

(E) The adult parole authority shall adopt rules for the 28773
implementation of this section. The rules shall specify 28774
reasonable restrictions on the number of media representatives 28775

that may attend a hearing, based on considerations of space, and 28776
other procedures designed to accomplish an effective, orderly 28777
process for full board hearings. 28778

Section 2. That existing sections 9.79, 109.11, 109.42, 28779
109.57, 109.572, 109.71, 109.73, 109.75, 109.79, 109.801, 28780
149.43, 307.93, 307.932, 313.10, 341.42, 753.32, 1547.11, 28781
1547.111, 1547.99, 2151.23, 2151.358, 2152.02, 2152.10, 2152.11, 28782
2152.12, 2152.121, 2746.02, 2901.01, 2901.011, 2901.13, 2903.06, 28783
2903.08, 2903.13, 2903.214, 2907.05, 2913.02, 2923.12, 2923.125, 28784
2923.128, 2923.1213, 2923.16, 2925.11, 2925.12, 2925.14, 28785
2925.141, 2929.01, 2929.13, 2929.14, 2929.141, 2929.142, 28786
2929.143, 2929.15, 2929.20, 2929.24, 2929.25, 2930.03, 2930.06, 28787
2930.16, 2930.17, 2935.01, 2935.10, 2939.21, 2941.1413, 28788
2941.1415, 2941.1421, 2941.1423, 2945.71, 2945.73, 2950.151, 28789
2950.99, 2951.02, 2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 28790
2953.37, 2953.38, 2953.52, 2953.521, 2953.56, 2953.57, 2953.58, 28791
2953.59, 2953.61, 2967.04, 2967.12, 2967.13, 2967.131, 2967.132, 28792
2967.193, 2967.26, 2967.28, 3770.021, 4301.69, 4301.99, 4506.01, 28793
4510.04, 4510.17, 4511.181, 4511.19, 4511.191, 4511.192, 28794
4511.193, 4511.195, 4511.21, 4723.28, 4729.16, 4729.56, 4729.57, 28795
4729.96, 4730.25, 4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 28796
4761.09, 4762.13, 4774.13, 4778.14, 5120.035, 5120.66, 5139.45, 28797
5147.30, and 5149.101 of the Revised Code are hereby repealed. 28798

Section 3. That sections 2953.321, 2953.33, 2953.35, 28799
2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 2967.19 of the 28800
Revised Code are hereby repealed. 28801

Section 4. The General Assembly, applying the principle 28802
stated in division (B) of section 1.52 of the Revised Code that 28803
amendments are to be harmonized if reasonably capable of 28804
simultaneous operation, finds that the following sections, 28805

presented in this act as composites of the sections as amended 28806
by the acts indicated, are the resulting versions of the 28807
sections in effect prior to the effective date of the sections 28808
as presented in this act: 28809

Section 109.42 of the Revised Code as amended by both H.B. 28810
1 and S.B. 201 of the 132nd General Assembly. 28811

Section 109.71 of the Revised Code as amended by H.B. 49, 28812
H.B. 79, and S.B. 229, all of the 132nd General Assembly. 28813

Section 109.73 of the Revised Code as amended by both H.B. 28814
24 and S.B. 68 of the 133rd General Assembly. 28815

Section 2907.05 of the Revised Code as amended by both 28816
S.B. 201 and S.B. 229 of the 132nd General Assembly. 28817

Section 2923.1213 of the Revised Code as amended by both 28818
H.B. 234 and S.B. 43 of the 130th General Assembly. 28819

Section 2925.11 of the Revised Code as amended by S.B. 1, 28820
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 28821

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