

As Passed by the Senate

134th General Assembly

Regular Session

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Am. Sub. S. B. No. 288

Senator Manning

Cosponsors: Senators Antonio, Blessing, Cirino, Craig, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Lang, McColley, Reineke, Schuring, Sykes, Thomas

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
2941.1416, 2953.321, 2953.33, 2953.35, 2953.36, 35
2953.51, 2953.53, 2953.54, 2953.55, and 2967.19 36
of the Revised Code to modify various aspects of 37
the 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
2953.37, 2953.38, 2953.52, 2953.521, 2953.57, 2953.58, 2953.59, 60
2953.61, 2967.04, 2967.12, 2967.13, 2967.131, 2967.132, 61
2967.193, 2967.26, 2967.28, 3770.021, 4301.69, 4301.99, 4506.01, 62
4510.04, 4510.17, 4511.181, 4511.19, 4511.191, 4511.192, 63
4511.193, 4511.195, 4511.21, 4723.28, 4729.16, 4729.56, 4729.57, 64
4729.96, 4730.25, 4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 65
4761.09, 4762.13, 4774.13, 4778.14, 5120.035, 5120.66, 5139.45, 66
5147.30, and 5149.101 be amended; sections 2953.37 (2953.35), 67
2953.38 (2953.36), 2953.52 (2953.33), and 2953.56 (2953.37) be 68
amended for the purpose of adopting new section numbers as 69
indicated in parentheses; and sections 109.772, 109.773, 70
2152.022, 2305.118, 2903.18, 2907.13, 2907.14, 2953.39, 4731.86, 71
4731.861, 4731.862, 4731.864, 4731.865, 4731.867, 4731.869, 72
4731.8610, 4731.8611, and 5139.101 of the Revised Code be 73
enacted to read as follows: 74

Sec. 9.79. (A) As used in this section: 75

(1) "License" means an authorization evidenced by a 76
license, certificate, registration, permit, card, or other 77
authority that is issued or conferred by a licensing authority 78
to an individual by which the individual has or claims the 79
privilege to engage in a profession, occupation, or occupational 80
activity over which the licensing authority has jurisdiction. 81

"License" does not include a registration under section 101.72, 82
101.92, or 121.62 of the Revised Code. 83

(2) "Licensing authority" means a state agency that issues 84
licenses under Title XLVII or any other provision of the Revised 85
Code to practice an occupation or profession. 86

(3) "Offense of violence" has the same meaning as in 87
section 2901.01 of the Revised Code. 88

(4) "Sexually oriented offense" has the same meaning as in 89
section 2950.01 of the Revised Code. 90

(5) "State agency" has the same meaning as in section 1.60 91
of the Revised Code. 92

(6) "Community control sanction" has the same meaning as 93
in section 2929.01 of the Revised Code. 94

(7) "Post-release control sanction" has the same meaning 95
as in section 2967.01 of the Revised Code. 96

(8) "Fiduciary duty" means a duty to act for someone 97
else's benefit, while subordinating one's personal interest to 98
that of the other person. 99

(B) (1) Notwithstanding any provision of the Revised Code 100
to the contrary, subject to division (L) of this section, for 101
each type of license issued or conferred by a licensing 102
authority, the licensing authority shall establish within one 103
hundred eighty days after ~~the effective date of this section~~ 104
April 12, 2021, a list of specific criminal offenses for which a 105
conviction, judicial finding of guilt, or plea of guilty may 106
disqualify an individual from obtaining an initial license. The 107
licensing authority shall make the list available to the public 108
on the licensing authority's web site pursuant to division (C) 109

of section 9.78 of the Revised Code. The licensing authority, in 110
adopting the list, shall do both of the following: 111

(a) Identify each disqualifying offense by name or by the 112
Revised Code section number that creates the offense; 113

(b) Include in the list only criminal offenses that are 114
directly related to the duties and responsibilities of the 115
licensed occupation. 116

(2) The licensing authority may include in the list 117
established under division (B) (1) of this section an existing or 118
former municipal ordinance or law of this or any other state or 119
the United States that is substantially equivalent to any 120
section or offense included in the list adopted under division 121
(B) (1) of this section. 122

(C) (1) Except as provided in division (C) (2) or (D) of 123
this section and subject to division (L) of this section, a 124
licensing authority shall not refuse to issue an initial license 125
to an individual based on any of the following: 126

(a) Solely or in part on a conviction of, judicial finding 127
of guilt of, or plea of guilty to an offense; 128

(b) A criminal charge that does not result in a 129
conviction, judicial finding of guilt, or plea of guilty; 130

(c) A nonspecific qualification such as "moral turpitude" 131
or lack of "moral character"; 132

(d) A disqualifying offense included ~~on~~ in the list 133
~~adopted~~ established under division (B) of this section, if 134
consideration of that offense occurs after the time periods 135
permitted in division (D) of this section. 136

(2) If the individual was convicted of, found guilty 137

pursuant to a judicial finding of guilt of, or pleaded guilty to 138
a disqualifying offense included in the list ~~adopted~~ established 139
under division (B) of this section for the license for which the 140
individual applied, the licensing authority may take the 141
conviction, judicial finding of guilt, or plea of guilty into 142
consideration in accordance with division (D) of this section. 143

(D) (1) A licensing authority that may, under division (C) 144
(2) of this section, consider a conviction of, judicial finding 145
of guilt of, or plea of guilty to an offense in determining 146
whether to refuse to issue an initial license to an individual 147
shall consider all of the following factors and shall use a 148
preponderance of the evidence standard in evaluating those 149
factors to determine whether the conviction, judicial finding of 150
guilt, or plea of guilty disqualifies the individual from 151
receiving the license: 152

(a) The nature and seriousness of the offense for which 153
the individual was convicted, found guilty pursuant to a 154
judicial finding of guilt, or pleaded guilty; 155

(b) The passage of time since the individual committed the 156
offense; 157

(c) The relationship of the offense to the ability, 158
capacity, and fitness required to perform the duties and 159
discharge the responsibilities of the occupation; 160

(d) Any evidence of mitigating rehabilitation or treatment 161
undertaken by the individual, including whether the individual 162
has been issued a certificate of qualification for employment 163
under section 2953.25 of the Revised Code or a certificate of 164
achievement and employability under section 2961.22 of the 165
Revised Code; 166

(e) Whether the denial of a license is reasonably necessary to ensure public safety.	167 168
(2) A licensing authority may take a disqualifying offense <u>included in the list established under division (B) of this section</u> into account only during the following time periods:	169 170 171
(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that does not involve a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of <u>guilt of</u> , and did not enter a plea of guilty to any other offense during the applicable period:	172 173 174 175 176 177 178 179
(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;	180 181
(ii) Five years from the date of the release from incarceration;	182 183
(iii) The time period specified in division (D) (3) of this section.	184 185
(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involves a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of <u>guilt of</u> , and did not enter a plea of guilty to any other offense during the applicable period:	186 187 188 189 190 191 192 193
(i) Ten years from the date of conviction, judicial finding of guilt, or plea of guilty;	194 195

(ii) Ten years from the date of the release from incarceration;	196 197
(iii) The time period specified in division (D)(4) of this section.	198 199
(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.	200 201 202
(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:	203 204 205 206 207 208 209 210
(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;	211 212 213 214 215 216
(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.	217 218 219 220
(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</u>	221 222 223 224

under division (B) of this section that involved a breach of 225
fiduciary duty and that is not an offense of violence or a 226
sexually oriented offense, a licensing authority may take the 227
offense into account during the following time periods: 228

(a) If the community control sanction, parole, or post- 229
release control sanction was for a term of less than ten years, 230
for the period of the community control sanction, parole, or 231
post-release control sanction plus the number of years after the 232
date of final discharge of the community control sanction, 233
parole, or post-release control sanction necessary to equal ten 234
years; 235

(b) If the community control sanction, parole, or post- 236
release control sanction was for a term of ten years or more, 237
the period of the community control sanction, parole, or post- 238
release control sanction. 239

(E) If a licensing authority refuses to issue an initial 240
license to an individual pursuant to division (D) of this 241
section, the licensing authority shall notify the individual in 242
writing of all of the following: 243

(1) The grounds and reasons for the refusal, including an 244
explanation of the licensing authority's application of the 245
factors under division (D) of this section to the evidence the 246
licensing authority used to reach the decision; 247

(2) The individual's right to a hearing regarding the 248
licensing authority's decision under section 119.06 of the 249
Revised Code; 250

(3) The earliest date the individual may reapply for a 251
license; 252

(4) Notice that evidence of rehabilitation may be 253

considered on reapplication.	254
(F) In an administrative hearing or civil action reviewing	255
a licensing authority's refusal <u>under divisions (B) to (K) of</u>	256
<u>this section</u> to issue an initial license under this section to	257
<u>an individual</u> , the licensing authority has the burden of proof	258
on the question of whether the individual's conviction of,	259
judicial finding of guilt of, or plea of guilty to an offense	260
directly relates to the licensed occupation.	261
(G) A licensing authority that is authorized by law to	262
limit or otherwise place restrictions on a license may do so to	263
comply with the terms and conditions of a community control	264
sanction, post-release control sanction, or an intervention plan	265
established in accordance with section 2951.041 of the Revised	266
Code.	267
(H) Each licensing authority shall adopt any rules that it	268
determines are necessary to implement <u>divisions (B) to (F) of</u>	269
this section.	270
(I) This section does <u>Divisions (B) to (K) of this section</u>	271
<u>do not</u> apply to any of the following:	272
(1) Any position for which appointment requires compliance	273
with section 109.77 of the Revised Code or in which an	274
individual may satisfy the requirements for appointment or	275
election by complying with that section;	276
(2) Any position for which federal law requires	277
disqualification from licensure or employment based on a	278
conviction of, judicial finding of guilt of, or plea of guilty	279
to an offense;	280
(3) Community-based long-term care services certificates	281
and community-based long-term care services contracts or grants	282

issued under section 173.381 of the Revised Code;	283
(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;	284 285 286
(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;	287 288
(6) Licenses to operate a home or residential care facility issued under section 3721.07 of the Revised Code;	289 290
(7) Certificates of authority to make contracts of indemnity issued under section 3931.10 of the Revised Code;	291 292
(8) Supported living certificates issued under section 5123.161 of the Revised Code;	293 294
(9) Certificates to administer medications and perform health-related activities under section 5123.45 of the Revised Code.	295 296 297
(J) Nothing in <u>divisions (B) to (K) of this section</u> prohibits a licensing authority from considering either of the following when making a determination whether to issue a license to an individual:	298 299 300 301
(1) Past disciplinary action taken by the licensing authority against the individual;	302 303
(2) Past disciplinary action taken against the individual by an authority in another state that issues a license that is substantially similar to the license for which the individual applies.	304 305 306 307
(K) Notwithstanding any provision of the Revised Code to the contrary, if a licensing authority issues a license to an	308 309

individual after considering a conviction of, judicial finding 310
of guilt of, or plea of guilty to an offense under division (D) 311
of this section, the licensing authority shall not refuse to 312
renew the individual's license based on that conviction, 313
judicial finding of guilt, or plea of guilty. 314

(L) (1) Notwithstanding any provision of the Revised Code 315
to the contrary, subject to division (G) of this section, during 316
the period commencing on the effective date of this amendment 317
and ending on the date that is two years after the effective 318
date of this amendment, no licensing authority shall refuse to 319
issue a license to a person, limit or otherwise place 320
restrictions on a person's license, or suspend or revoke a 321
person's license under any provision of the Revised Code that 322
takes effect on or after the effective date of this amendment 323
and prior to the date that is two years after the effective date 324
of this amendment and that requires or authorizes such a 325
refusal, limitation, restriction, suspension, or revocation as a 326
result of the person's conviction of, judicial finding of guilt 327
of, or plea of guilty to an offense. 328

(2) Divisions (B) to (F), and (H) to (K), of this section 329
do not apply with respect to any provision of the Revised Code 330
that takes effect on or after the effective date of this 331
amendment and prior to the date that is two years after the 332
effective date of this amendment and that requires or authorizes 333
a licensing authority to refuse to issue a license to a person, 334
to limit or otherwise place restrictions on a person's license, 335
or to suspend or revoke a person's license as a result of the 336
person's conviction of, judicial finding of guilt of, or plea of 337
guilty to an offense. 338

Sec. 109.11. There is hereby created in the state treasury 339

the attorney general reimbursement fund that shall be used for 340
the expenses of the office of the attorney general in providing 341
legal services and other services on behalf of the state. Except 342
as otherwise provided in this division, all amounts received by 343
the attorney general as reimbursement for legal services and 344
other services that have been rendered to other state agencies 345
shall be paid into the state treasury to the credit of the 346
attorney general reimbursement fund. All amounts awarded by a 347
court to the attorney general for attorney's fees, investigation 348
costs, expert witness fees, fines, and all other costs and fees 349
associated with representation provided by the attorney general 350
and all amounts awarded to the attorney general by a court shall 351
be paid into the state treasury to the credit of the attorney 352
general reimbursement fund. All amounts paid into the state 353
treasury under division ~~(C) (3)~~ (D) (3) of section 2953.32 or 354
division (B) (3) of section 2953.39 of the Revised Code and that 355
are required under that division to be credited to the attorney 356
general reimbursement fund shall be credited to the fund, and 357
the amounts so credited shall be used by the bureau of criminal 358
identification and investigation for expenses related to the 359
sealing or expungement of records. 360

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

that represent or provide services for victims of crime. The 371
victim's bill of rights set forth in the pamphlet shall contain 372
a description of all of the rights of victims that are provided 373
for in Chapter 2930. or in any other section of the Revised Code 374
and shall include, but not be limited to, all of the following: 375

(1) The right of a victim or a victim's representative to 376
attend a proceeding before a grand jury, in a juvenile case, or 377
in a criminal case pursuant to a subpoena without being 378
discharged from the victim's or representative's employment, 379
having the victim's or representative's employment terminated, 380
having the victim's or representative's pay decreased or 381
withheld, or otherwise being punished, penalized, or threatened 382
as a result of time lost from regular employment because of the 383
victim's or representative's attendance at the proceeding 384
pursuant to the subpoena, as set forth in section 2151.211, 385
2930.18, 2939.121, or 2945.451 of the Revised Code; 386

(2) The potential availability pursuant to section 387
2151.359 or 2152.61 of the Revised Code of a forfeited 388
recognizance to pay damages caused by a child when the 389
delinquency of the child or child's violation of probation or 390
community control is found to be proximately caused by the 391
failure of the child's parent or guardian to subject the child 392
to reasonable parental authority or to faithfully discharge the 393
conditions of probation or community control; 394

(3) The availability of awards of reparations pursuant to 395
sections 2743.51 to 2743.72 of the Revised Code for injuries 396
caused by criminal offenses; 397

(4) The right of the victim in certain criminal or 398
juvenile cases or a victim's representative to receive, pursuant 399
to section 2930.06 of the Revised Code, notice of the date, 400

time, and place of the trial or delinquency proceeding in the 401
case or, if there will not be a trial or delinquency proceeding, 402
information from the prosecutor, as defined in section 2930.01 403
of the Revised Code, regarding the disposition of the case; 404

(5) The right of the victim in certain criminal or 405
juvenile cases or a victim's representative to receive, pursuant 406
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 407
notice of the name of the person charged with the violation, the 408
case or docket number assigned to the charge, and a telephone 409
number or numbers that can be called to obtain information about 410
the disposition of the case; 411

(6) The right of the victim in certain criminal or 412
juvenile cases or of the victim's representative pursuant to 413
section 2930.13 or 2930.14 of the Revised Code, subject to any 414
reasonable terms set by the court as authorized under section 415
2930.14 of the Revised Code, to make a statement about the 416
victimization and, if applicable, a statement relative to the 417
sentencing or disposition of the offender; 418

(7) The opportunity to obtain a court order, pursuant to 419
section 2945.04 of the Revised Code, to prevent or stop the 420
commission of the offense of intimidation of a crime victim or 421
witness or an offense against the person or property of the 422
complainant, or of the complainant's ward or child; 423

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

court hearing on the motion, and to be notified of the court's 431
decision on the motion; 432

(9) The right of the victim in certain criminal or 433
juvenile cases or a victim's representative pursuant to section 434
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 435
Code to receive notice of any pending commutation, pardon, 436
parole, transitional control, discharge, other form of 437
authorized release, post-release control, or supervised release 438
for the person who committed the offense against the victim or 439
any application for release of that person and to send a written 440
statement relative to the victimization and the pending action 441
to the adult parole authority or the release authority of the 442
department of youth services; 443

(10) The right of the victim to bring a civil action 444
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 445
obtain money from the offender's profit fund; 446

(11) The right, pursuant to section 3109.09 of the Revised 447
Code, to maintain a civil action to recover compensatory damages 448
not exceeding ten thousand dollars and costs from the parent of 449
a minor who willfully damages property through the commission of 450
an act that would be a theft offense, as defined in section 451
2913.01 of the Revised Code, if committed by an adult; 452

(12) The right, pursuant to section 3109.10 of the Revised 453
Code, to maintain a civil action to recover compensatory damages 454
not exceeding ten thousand dollars and costs from the parent of 455
a minor who willfully and maliciously assaults a person; 456

(13) The possibility of receiving restitution from an 457
offender or a delinquent child pursuant to section 2152.20, 458
2929.18, or 2929.28 of the Revised Code; 459

(14) The right of the victim in certain criminal or 460
juvenile cases or a victim's representative, pursuant to section 461
2930.16 of the Revised Code, to receive notice of the escape 462
from confinement or custody of the person who committed the 463
offense, to receive that notice from the custodial agency of the 464
person at the victim's last address or telephone number provided 465
to the custodial agency, and to receive notice that, if either 466
the victim's address or telephone number changes, it is in the 467
victim's interest to provide the new address or telephone number 468
to the custodial agency; 469

(15) The right of a victim of domestic violence, including 470
domestic violence in a dating relationship as defined in section 471
3113.31 of the Revised Code, to seek the issuance of a civil 472
protection order pursuant to that section, the right of a victim 473
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 474
2911.211, or 2919.22 of the Revised Code, a violation of a 475
substantially similar municipal ordinance, or an offense of 476
violence who is a family or household member of the offender at 477
the time of the offense to seek the issuance of a temporary 478
protection order pursuant to section 2919.26 of the Revised 479
Code, and the right of both types of victims to be accompanied 480
by a victim advocate during court proceedings; 481

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

the offender's school, institution of higher education, or place 491
of employment address or addresses that are registered, the 492
person's photograph, and a summary of the manner in which the 493
victim must make a request to receive the notice. As used in 494
this division, "sexually oriented offense" and "child-victim 495
oriented offense" have the same meanings as in section 2950.01 496
of the Revised Code. 497

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

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

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

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

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

(ii) If the offense or delinquent act is an offense of
violence, if the circumstances of the offense or delinquent act
and the condition of the victim, the victim's family, or the
victim's dependents indicate that the victim, the victim's
family, or the victim's dependents will not be able to
understand the significance of the pamphlet upon first contact

with the agency, and if the agency anticipates that it will have 552
an additional contact with the victim, the victim's family, or 553
the victim's dependents, upon the agency's second contact with 554
the victim, the victim's family, or the victim's dependents. 555

If the agency does not give the victim, the victim's 556
family, or the victim's dependents a copy of the pamphlet upon 557
first contact with them and does not have a second contact with 558
the victim, the victim's family, or the victim's dependents, the 559
agency shall mail a copy of the pamphlet to the victim, the 560
victim's family, or the victim's dependents at their last known 561
address. 562

(c) In complying on and after December 9, 1994, with the 563
duties imposed by division (B) (1) (a) or (b) of this section, an 564
official or a law enforcement agency shall use copies of the 565
pamphlet that are in the official's or agency's possession on 566
December 9, 1994, until the official or agency has distributed 567
all of those copies. After the official or agency has 568
distributed all of those copies, the official or agency shall 569
use only copies of the pamphlet that contain at least the 570
information described in divisions (A) (1) to (17) of this 571
section. 572

(2) The failure of a law enforcement agency or of a 573
prosecuting attorney, assistant prosecuting attorney, city 574
director of law, assistant city director of law, village 575
solicitor, assistant village solicitor, or similar chief legal 576
officer of a municipal corporation or an assistant to any of 577
those officers to give, as required by division (B) (1) of this 578
section, the victim of an offense or delinquent act, the 579
victim's family, or the victim's dependents a copy of the 580
pamphlet prepared pursuant to division (A) of this section does 581

not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.

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

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

(D) As used in this section:

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

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

Sec. 109.57. (A) (1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information

that may be pertinent of all persons who have been convicted of 611
committing within this state a felony, any crime constituting a 612
misdemeanor on the first offense and a felony on subsequent 613
offenses, or any misdemeanor described in division (A) (1) (a), 614
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 615
of all children under eighteen years of age who have been 616
adjudicated delinquent children for committing within this state 617
an act that would be a felony or an offense of violence if 618
committed by an adult or who have been convicted of or pleaded 619
guilty to committing within this state a felony or an offense of 620
violence, and of all well-known and habitual criminals. The 621
person in charge of any county, multicounty, municipal, 622
municipal-county, or multicounty-municipal jail or workhouse, 623
community-based correctional facility, halfway house, 624
alternative residential facility, or state correctional 625
institution and the person in charge of any state institution 626
having custody of a person suspected of having committed a 627
felony, any crime constituting a misdemeanor on the first 628
offense and a felony on subsequent offenses, or any misdemeanor 629
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 630
section 109.572 of the Revised Code or having custody of a child 631
under eighteen years of age with respect to whom there is 632
probable cause to believe that the child may have committed an 633
act that would be a felony or an offense of violence if 634
committed by an adult shall furnish such material to the 635
superintendent of the bureau. Fingerprints, photographs, or 636
other descriptive information of a child who is under eighteen 637
years of age, has not been arrested or otherwise taken into 638
custody for committing an act that would be a felony or an 639
offense of violence who is not in any other category of child 640
specified in this division, if committed by an adult, has not 641
been adjudicated a delinquent child for committing an act that 642

would be a felony or an offense of violence if committed by an 643
adult, has not been convicted of or pleaded guilty to committing 644
a felony or an offense of violence, and is not a child with 645
respect to whom there is probable cause to believe that the 646
child may have committed an act that would be a felony or an 647
offense of violence if committed by an adult shall not be 648
procured by the superintendent or furnished by any person in 649
charge of any county, multicounty, municipal, municipal-county, 650
or multicounty-municipal jail or workhouse, community-based 651
correctional facility, halfway house, alternative residential 652
facility, or state correctional institution, except as 653
authorized in section 2151.313 of the Revised Code. 654

(2) Every clerk of a court of record in this state, other 655
than the supreme court or a court of appeals, shall send to the 656
superintendent of the bureau a weekly report containing a 657
summary of each case involving a felony, involving any crime 658
constituting a misdemeanor on the first offense and a felony on 659
subsequent offenses, involving a misdemeanor described in 660
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 661
of the Revised Code, or involving an adjudication in a case in 662
which a child under eighteen years of age was alleged to be a 663
delinquent child for committing an act that would be a felony or 664
an offense of violence if committed by an adult. The clerk of 665
the court of common pleas shall include in the report and 666
summary the clerk sends under this division all information 667
described in divisions (A) (2) (a) to (f) of this section 668
regarding a case before the court of appeals that is served by 669
that clerk. The summary shall be written on the standard forms 670
furnished by the superintendent pursuant to division (B) of this 671
section and shall include the following information: 672

(a) The incident tracking number contained on the standard 673

forms furnished by the superintendent pursuant to division (B) 674
of this section; 675

(b) The style and number of the case; 676

(c) The date of arrest, offense, summons, or arraignment; 677

(d) The date that the person was convicted of or pleaded 678
guilty to the offense, adjudicated a delinquent child for 679
committing the act that would be a felony or an offense of 680
violence if committed by an adult, found not guilty of the 681
offense, or found not to be a delinquent child for committing an 682
act that would be a felony or an offense of violence if 683
committed by an adult, the date of an entry dismissing the 684
charge, an entry declaring a mistrial of the offense in which 685
the person is discharged, an entry finding that the person or 686
child is not competent to stand trial, or an entry of a nolle 687
prosequi, or the date of any other determination that 688
constitutes final resolution of the case; 689

(e) A statement of the original charge with the section of 690
the Revised Code that was alleged to be violated; 691

(f) If the person or child was convicted, pleaded guilty, 692
or was adjudicated a delinquent child, the sentence or terms of 693
probation imposed or any other disposition of the offender or 694
the delinquent child. 695

If the offense involved the disarming of a law enforcement 696
officer or an attempt to disarm a law enforcement officer, the 697
clerk shall clearly state that fact in the summary, and the 698
superintendent shall ensure that a clear statement of that fact 699
is placed in the bureau's records. 700

(3) The superintendent shall cooperate with and assist 701
sheriffs, chiefs of police, and other law enforcement officers 702

in the establishment of a complete system of criminal 703
identification and in obtaining fingerprints and other means of 704
identification of all persons arrested on a charge of a felony, 705
any crime constituting a misdemeanor on the first offense and a 706
felony on subsequent offenses, or a misdemeanor described in 707
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 708
of the Revised Code and of all children under eighteen years of 709
age arrested or otherwise taken into custody for committing an 710
act that would be a felony or an offense of violence if 711
committed by an adult. The superintendent also shall file for 712
record the fingerprint impressions of all persons confined in a 713
county, multicounty, municipal, municipal-county, or 714
multicounty-municipal jail or workhouse, community-based 715
correctional facility, halfway house, alternative residential 716
facility, or state correctional institution for the violation of 717
state laws and of all children under eighteen years of age who 718
are confined in a county, multicounty, municipal, municipal- 719
county, or multicounty-municipal jail or workhouse, community- 720
based correctional facility, halfway house, alternative 721
residential facility, or state correctional institution or in 722
any facility for delinquent children for committing an act that 723
would be a felony or an offense of violence if committed by an 724
adult, and any other information that the superintendent may 725
receive from law enforcement officials of the state and its 726
political subdivisions. 727

(4) The superintendent shall carry out Chapter 2950. of 728
the Revised Code with respect to the registration of persons who 729
are convicted of or plead guilty to a sexually oriented offense 730
or a child-victim oriented offense and with respect to all other 731
duties imposed on the bureau under that chapter. 732

(5) The bureau shall perform centralized recordkeeping 733

functions for criminal history records and services in this 734
state for purposes of the national crime prevention and privacy 735
compact set forth in section 109.571 of the Revised Code and is 736
the criminal history record repository as defined in that 737
section for purposes of that compact. The superintendent or the 738
superintendent's designee is the compact officer for purposes of 739
that compact and shall carry out the responsibilities of the 740
compact officer specified in that compact. 741

(6) The superintendent shall, upon request, assist a 742
county coroner in the identification of a deceased person 743
through the use of fingerprint impressions obtained pursuant to 744
division (A) (1) of this section or collected pursuant to section 745
109.572 or 311.41 of the Revised Code. 746

(B) The superintendent shall prepare and furnish to every 747
county, multicounty, municipal, municipal-county, or 748
multicounty-municipal jail or workhouse, community-based 749
correctional facility, halfway house, alternative residential 750
facility, or state correctional institution and to every clerk 751
of a court in this state specified in division (A) (2) of this 752
section standard forms for reporting the information required 753
under division (A) of this section. The standard forms that the 754
superintendent prepares pursuant to this division may be in a 755
tangible format, in an electronic format, or in both tangible 756
formats and electronic formats. 757

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

criminal activity, crime prevention, law enforcement, and 764
criminal justice, and may establish and operate a statewide 765
communications network to be known as the Ohio law enforcement 766
gateway to gather and disseminate information, data, and 767
statistics for the use of law enforcement agencies and for other 768
uses specified in this division. The superintendent may gather, 769
store, retrieve, and disseminate information, data, and 770
statistics that pertain to children who are under eighteen years 771
of age and that are gathered pursuant to sections 109.57 to 772
109.61 of the Revised Code together with information, data, and 773
statistics that pertain to adults and that are gathered pursuant 774
to those sections. 775

(2) The superintendent or the superintendent's designee 776
shall gather information of the nature described in division (C) 777
(1) of this section that pertains to the offense and delinquency 778
history of a person who has been convicted of, pleaded guilty 779
to, or been adjudicated a delinquent child for committing a 780
sexually oriented offense or a child-victim oriented offense for 781
inclusion in the state registry of sex offenders and child- 782
victim offenders maintained pursuant to division (A)(1) of 783
section 2950.13 of the Revised Code and in the internet database 784
operated pursuant to division (A)(13) of that section and for 785
possible inclusion in the internet database operated pursuant to 786
division (A)(11) of that section. 787

(3) In addition to any other authorized use of 788
information, data, and statistics of the nature described in 789
division (C)(1) of this section, the superintendent or the 790
superintendent's designee may provide and exchange the 791
information, data, and statistics pursuant to the national crime 792
prevention and privacy compact as described in division (A)(5) 793
of this section. 794

(4) The Ohio law enforcement gateway shall contain the 795
name, confidential address, and telephone number of program 796
participants in the address confidentiality program established 797
under sections 111.41 to 111.47 of the Revised Code. 798

(5) The attorney general may adopt rules under Chapter 799
119. of the Revised Code establishing guidelines for the 800
operation of and participation in the Ohio law enforcement 801
gateway. The rules may include criteria for granting and 802
restricting access to information gathered and disseminated 803
through the Ohio law enforcement gateway. The attorney general 804
shall adopt rules under Chapter 119. of the Revised Code that 805
grant access to information in the gateway regarding an address 806
confidentiality program participant under sections 111.41 to 807
111.47 of the Revised Code to only chiefs of police, village 808
marshals, county sheriffs, county prosecuting attorneys, and a 809
designee of each of these individuals. The attorney general 810
shall permit the state medical board and board of nursing to 811
access and view, but not alter, information gathered and 812
disseminated through the Ohio law enforcement gateway. 813

The attorney general may appoint a steering committee to 814
advise the attorney general in the operation of the Ohio law 815
enforcement gateway that is comprised of persons who are 816
representatives of the criminal justice agencies in this state 817
that use the Ohio law enforcement gateway and is chaired by the 818
superintendent or the superintendent's designee. 819

(D) (1) The following are not public records under section 820
149.43 of the Revised Code: 821

(a) Information and materials furnished to the 822
superintendent pursuant to division (A) of this section; 823

(b) Information, data, and statistics gathered or 824
disseminated through the Ohio law enforcement gateway pursuant 825
to division (C) (1) of this section; 826

(c) Information and materials furnished to any board or 827
person under division (F) or (G) of this section. 828

(2) The superintendent or the superintendent's designee 829
shall gather and retain information so furnished under division 830
(A) of this section that pertains to the offense and delinquency 831
history of a person who has been convicted of, pleaded guilty 832
to, or been adjudicated a delinquent child for committing a 833
sexually oriented offense or a child-victim oriented offense for 834
the purposes described in division (C) (2) of this section. 835

(E) (1) The attorney general shall adopt rules, in 836
accordance with Chapter 119. of the Revised Code and subject to 837
division (E) (2) of this section, setting forth the procedure by 838
which a person may receive or release information gathered by 839
the superintendent pursuant to division (A) of this section. A 840
reasonable fee may be charged for this service. If a temporary 841
employment service submits a request for a determination of 842
whether a person the service plans to refer to an employment 843
position has been convicted of or pleaded guilty to an offense 844
listed or described in division (A) (1), (2), or (3) of section 845
109.572 of the Revised Code, the request shall be treated as a 846
single request and only one fee shall be charged. 847

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

provided in division (E) (3) of this section. The superintendent 854
shall not release, and the attorney general shall not adopt any 855
rule under division (E) (1) of this section that permits the 856
release of, any information gathered pursuant to division (A) of 857
this section that relates to an adjudication of a child as a 858
delinquent child, or that relates to a criminal conviction of a 859
person under eighteen years of age if the person's case was 860
transferred back to a juvenile court under division (B) (2) or 861
(3) of section 2152.121 of the Revised Code and the juvenile 862
court imposed a disposition or serious youthful offender 863
disposition upon the person under either division, unless either 864
of the following applies with respect to the adjudication or 865
conviction: 866

(a) The adjudication or conviction was for a violation of 867
section 2903.01 or 2903.02 of the Revised Code. 868

(b) The adjudication or conviction was for a sexually 869
oriented offense, the juvenile court was required to classify 870
the child a juvenile offender registrant for that offense under 871
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 872
classification has not been removed, and the records of the 873
adjudication or conviction have not been sealed or expunged 874
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 875
pursuant to section ~~2952.32~~ 2953.32 of the Revised Code. 876

(3) A rule adopted under division (E) (1) of this section 877
may provide for the release of information gathered pursuant to 878
division (A) of this section that relates to the arrest of a 879
person who is eighteen years of age or older when the person has 880
not been convicted as a result of that arrest if any of the 881
following applies: 882

(a) The arrest was made outside of this state. 883

(b) A criminal action resulting from the arrest is 884
pending, and the superintendent confirms that the criminal 885
action has not been resolved at the time the criminal records 886
check is performed. 887

(c) The bureau cannot reasonably determine whether a 888
criminal action resulting from the arrest is pending, and not 889
more than one year has elapsed since the date of the arrest. 890

(4) A rule adopted under division (E) (1) of this section 891
may provide for the release of information gathered pursuant to 892
division (A) of this section that relates to an adjudication of 893
a child as a delinquent child if not more than five years have 894
elapsed since the date of the adjudication, the adjudication was 895
for an act that would have been a felony if committed by an 896
adult, the records of the adjudication have not been sealed or 897
expunged pursuant to sections 2151.355 to 2151.358 of the 898
Revised Code, and the request for information is made under 899
division (F) of this section or under section 109.572 of the 900
Revised Code. In the case of an adjudication for a violation of 901
the terms of community control or supervised release, the five- 902
year period shall be calculated from the date of the 903
adjudication to which the community control or supervised 904
release pertains. 905

(F) (1) As used in division (F) (2) of this section, "head 906
start agency" means an entity in this state that has been 907
approved to be an agency for purposes of subchapter II of the 908
"Community Economic Development Act," 95 Stat. 489 (1981), 42 909
U.S.C.A. 9831, as amended. 910

(2) (a) In addition to or in conjunction with any request 911
that is required to be made under section 109.572, 2151.86, 912
3301.32, 3301.541, division (C) of section 3310.58, or section 913

3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 914
5153.111 of the Revised Code or that is made under section 915
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 916
board of education of any school district; the director of 917
developmental disabilities; any county board of developmental 918
disabilities; any provider or subcontractor as defined in 919
section 5123.081 of the Revised Code; the chief administrator of 920
any chartered nonpublic school; the chief administrator of a 921
registered private provider that is not also a chartered 922
nonpublic school; the chief administrator of any home health 923
agency; the chief administrator of or person operating any child 924
day-care center, type A family day-care home, or type B family 925
day-care home licensed under Chapter 5104. of the Revised Code; 926
the chief administrator of any head start agency; the executive 927
director of a public children services agency; a private company 928
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 929
the Revised Code; or an employer described in division (J)(2) of 930
section 3327.10 of the Revised Code may request that the 931
superintendent of the bureau investigate and determine, with 932
respect to any individual who has applied for employment in any 933
position after October 2, 1989, or any individual wishing to 934
apply for employment with a board of education may request, with 935
regard to the individual, whether the bureau has any information 936
gathered under division (A) of this section that pertains to 937
that individual. On receipt of the request, subject to division 938
(E)(2) of this section, the superintendent shall determine 939
whether that information exists and, upon request of the person, 940
board, or entity requesting information, also shall request from 941
the federal bureau of investigation any criminal records it has 942
pertaining to that individual. The superintendent or the 943
superintendent's designee also may request criminal history 944
records from other states or the federal government pursuant to 945

the national crime prevention and privacy compact set forth in 946
section 109.571 of the Revised Code. Within thirty days of the 947
date that the superintendent receives a request, subject to 948
division (E) (2) of this section, the superintendent shall send 949
to the board, entity, or person a report of any information that 950
the superintendent determines exists, including information 951
contained in records that have been sealed under section 2953.32 952
of the Revised Code, and, within thirty days of its receipt, 953
subject to division (E) (2) of this section, shall send the 954
board, entity, or person a report of any information received 955
from the federal bureau of investigation, other than information 956
the dissemination of which is prohibited by federal law. 957

(b) When a board of education or a registered private 958
provider is required to receive information under this section 959
as a prerequisite to employment of an individual pursuant to 960
division (C) of section 3310.58 or section 3319.39 of the 961
Revised Code, it may accept a certified copy of records that 962
were issued by the bureau of criminal identification and 963
investigation and that are presented by an individual applying 964
for employment with the district in lieu of requesting that 965
information itself. In such a case, the board shall accept the 966
certified copy issued by the bureau in order to make a photocopy 967
of it for that individual's employment application documents and 968
shall return the certified copy to the individual. In a case of 969
that nature, a district or provider only shall accept a 970
certified copy of records of that nature within one year after 971
the date of their issuance by the bureau. 972

(c) Notwithstanding division (F) (2) (a) of this section, in 973
the case of a request under section 3319.39, 3319.391, or 974
3327.10 of the Revised Code only for criminal records maintained 975
by the federal bureau of investigation, the superintendent shall 976

not determine whether any information gathered under division 977
(A) of this section exists on the person for whom the request is 978
made. 979

(3) The state board of education may request, with respect 980
to any individual who has applied for employment after October 981
2, 1989, in any position with the state board or the department 982
of education, any information that a school district board of 983
education is authorized to request under division (F) (2) of this 984
section, and the superintendent of the bureau shall proceed as 985
if the request has been received from a school district board of 986
education under division (F) (2) of this section. 987

(4) When the superintendent of the bureau receives a 988
request for information under section 3319.291 of the Revised 989
Code, the superintendent shall proceed as if the request has 990
been received from a school district board of education and 991
shall comply with divisions (F) (2) (a) and (c) of this section. 992

(G) In addition to or in conjunction with any request that 993
is required to be made under section 3712.09, 3721.121, or 994
3740.11 of the Revised Code with respect to an individual who 995
has applied for employment in a position that involves providing 996
direct care to an older adult or adult resident, the chief 997
administrator of a home health agency, hospice care program, 998
home licensed under Chapter 3721. of the Revised Code, or adult 999
day-care program operated pursuant to rules adopted under 1000
section 3721.04 of the Revised Code may request that the 1001
superintendent of the bureau investigate and determine, with 1002
respect to any individual who has applied after January 27, 1003
1997, for employment in a position that does not involve 1004
providing direct care to an older adult or adult resident, 1005
whether the bureau has any information gathered under division 1006

(A) of this section that pertains to that individual. 1007

In addition to or in conjunction with any request that is 1008
required to be made under section 173.27 of the Revised Code 1009
with respect to an individual who has applied for employment in 1010
a position that involves providing ombudsman services to 1011
residents of long-term care facilities or recipients of 1012
community-based long-term care services, the state long-term 1013
care ombudsman, the director of aging, a regional long-term care 1014
ombudsman program, or the designee of the ombudsman, director, 1015
or program may request that the superintendent investigate and 1016
determine, with respect to any individual who has applied for 1017
employment in a position that does not involve providing such 1018
ombudsman services, whether the bureau has any information 1019
gathered under division (A) of this section that pertains to 1020
that applicant. 1021

In addition to or in conjunction with any request that is 1022
required to be made under section 173.38 of the Revised Code 1023
with respect to an individual who has applied for employment in 1024
a direct-care position, the chief administrator of a provider, 1025
as defined in section 173.39 of the Revised Code, may request 1026
that the superintendent investigate and determine, with respect 1027
to any individual who has applied for employment in a position 1028
that is not a direct-care position, whether the bureau has any 1029
information gathered under division (A) of this section that 1030
pertains to that applicant. 1031

In addition to or in conjunction with any request that is 1032
required to be made under section 3712.09 of the Revised Code 1033
with respect to an individual who has applied for employment in 1034
a position that involves providing direct care to a pediatric 1035
respite care patient, the chief administrator of a pediatric 1036

respice care program may request that the superintendent of the 1037
bureau investigate and determine, with respect to any individual 1038
who has applied for employment in a position that does not 1039
involve providing direct care to a pediatric respice care 1040
patient, whether the bureau has any information gathered under 1041
division (A) of this section that pertains to that individual. 1042

On receipt of a request under this division, the 1043
superintendent shall determine whether that information exists 1044
and, on request of the individual requesting information, shall 1045
also request from the federal bureau of investigation any 1046
criminal records it has pertaining to the applicant. The 1047
superintendent or the superintendent's designee also may request 1048
criminal history records from other states or the federal 1049
government pursuant to the national crime prevention and privacy 1050
compact set forth in section 109.571 of the Revised Code. Within 1051
thirty days of the date a request is received, subject to 1052
division (E) (2) of this section, the superintendent shall send 1053
to the requester a report of any information determined to 1054
exist, including information contained in records that have been 1055
sealed under section 2953.32 of the Revised Code, and, within 1056
thirty days of its receipt, shall send the requester a report of 1057
any information received from the federal bureau of 1058
investigation, other than information the dissemination of which 1059
is prohibited by federal law. 1060

(H) Information obtained by a government entity or person 1061
under this section is confidential and shall not be released or 1062
disseminated. 1063

(I) The superintendent may charge a reasonable fee for 1064
providing information or criminal records under division (F) (2) 1065
or (G) of this section. 1066

(J) As used in this section: 1067

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code. 1068
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(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 1071
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(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. 1074
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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: 1080
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(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, 1091
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2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1096
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1097
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1098
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1099
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1100
of the Revised Code, felonious sexual penetration in violation 1101
of former section 2907.12 of the Revised Code, a violation of 1102
section 2905.04 of the Revised Code as it existed prior to July 1103
1, 1996, a violation of section 2919.23 of the Revised Code that 1104
would have been a violation of section 2905.04 of the Revised 1105
Code as it existed prior to July 1, 1996, had the violation been 1106
committed prior to that date, or a violation of section 2925.11 1107
of the Revised Code that is not a minor drug possession offense; 1108

(b) A violation of an existing or former law of this 1109
state, any other state, or the United States that is 1110
substantially equivalent to any of the offenses listed in 1111
division (A) (1) (a) of this section; 1112

(c) If the request is made pursuant to section 3319.39 of 1113
the Revised Code for an applicant who is a teacher, any offense 1114
specified under section 9.79 of the Revised Code or in section 1115
3319.31 of the Revised Code. 1116

(2) On receipt of a request pursuant to section 3712.09 or 1117
3721.121 of the Revised Code, a completed form prescribed 1118
pursuant to division (C) (1) of this section, and a set of 1119
fingerprint impressions obtained in the manner described in 1120
division (C) (2) of this section, the superintendent of the 1121
bureau of criminal identification and investigation shall 1122
conduct a criminal records check with respect to any person who 1123
has applied for employment in a position for which a criminal 1124
records check is required by those sections. The superintendent 1125

shall conduct the criminal records check in the manner described 1126
in division (B) of this section to determine whether any 1127
information exists that indicates that the person who is the 1128
subject of the request previously has been convicted of or 1129
pleaded guilty to any of the following: 1130

(a) A violation of section 2903.01, 2903.02, 2903.03, 1131
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1132
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1133
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1134
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1135
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1136
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1137
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1138
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1139

(b) An existing or former law of this state, any other 1140
state, or the United States that is substantially equivalent to 1141
any of the offenses listed in division (A)(2)(a) of this 1142
section. 1143

(3) On receipt of a request pursuant to section 173.27, 1144
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1145
5123.081, or 5123.169 of the Revised Code, a completed form 1146
prescribed pursuant to division (C)(1) of this section, and a 1147
set of fingerprint impressions obtained in the manner described 1148
in division (C)(2) of this section, the superintendent of the 1149
bureau of criminal identification and investigation shall 1150
conduct a criminal records check of the person for whom the 1151
request is made. The superintendent shall conduct the criminal 1152
records check in the manner described in division (B) of this 1153
section to determine whether any information exists that 1154
indicates that the person who is the subject of the request 1155

previously has been convicted of, has pleaded guilty to, or 1156
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 1157
eligible for intervention in lieu of conviction for any of the 1158
following, regardless of the date of the conviction, the date of 1159
entry of the guilty plea, or (except in the case of a request 1160
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1161
Revised Code) the date the person was found eligible for 1162
intervention in lieu of conviction: 1163
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(a) A violation of section 959.13, 959.131, 2903.01, 1165
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1166
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1167
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1168
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1169
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1170
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1171
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1172
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1173
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1174
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1175
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1176
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 1177
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 1178
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 1179
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 1180
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1181
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 1182
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 1183
of the Revised Code; 1184

(b) Felonious sexual penetration in violation of former 1185
section 2907.12 of the Revised Code; 1186

(c) A violation of section 2905.04 of the Revised Code as 1187
it existed prior to July 1, 1996; 1188

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1189
the Revised Code when the underlying offense that is the object 1190
of the conspiracy, attempt, or complicity is one of the offenses 1191
listed in divisions (A) (3) (a) to (c) of this section; 1192

(e) A violation of an existing or former municipal 1193
ordinance or law of this state, any other state, or the United 1194
States that is substantially equivalent to any of the offenses 1195
listed in divisions (A) (3) (a) to (d) of this section. 1196

(4) On receipt of a request pursuant to section 2151.86 or 1197
2151.904 of the Revised Code, a completed form prescribed 1198
pursuant to division (C) (1) of this section, and a set of 1199
fingerprint impressions obtained in the manner described in 1200
division (C) (2) of this section, the superintendent of the 1201
bureau of criminal identification and investigation shall 1202
conduct a criminal records check in the manner described in 1203
division (B) of this section to determine whether any 1204
information exists that indicates that the person who is the 1205
subject of the request previously has been convicted of or 1206
pleaded guilty to any of the following: 1207

(a) A violation of section 959.13, 2903.01, 2903.02, 1208
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1209
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1210
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1211
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1212
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1213
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1214
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1215
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1216

2927.12, or 3716.11 of the Revised Code, a violation of section 1217
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1218
a violation of section 2919.23 of the Revised Code that would 1219
have been a violation of section 2905.04 of the Revised Code as 1220
it existed prior to July 1, 1996, had the violation been 1221
committed prior to that date, a violation of section 2925.11 of 1222
the Revised Code that is not a minor drug possession offense, 1223
two or more OVI or OVUAC violations committed within the three 1224
years immediately preceding the submission of the application or 1225
petition that is the basis of the request, or felonious sexual 1226
penetration in violation of former section 2907.12 of the 1227
Revised Code; 1228

(b) A violation of an existing or former law of this 1229
state, any other state, or the United States that is 1230
substantially equivalent to any of the offenses listed in 1231
division (A) (4) (a) of this section. 1232

(5) Upon receipt of a request pursuant to section 5104.013 1233
of the Revised Code, a completed form prescribed pursuant to 1234
division (C) (1) of this section, and a set of fingerprint 1235
impressions obtained in the manner described in division (C) (2) 1236
of this section, the superintendent of the bureau of criminal 1237
identification and investigation shall conduct a criminal 1238
records check in the manner described in division (B) of this 1239
section to determine whether any information exists that 1240
indicates that the person who is the subject of the request has 1241
been convicted of or pleaded guilty to any of the following: 1242

(a) A violation of section 2151.421, 2903.01, 2903.02, 1243
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1244
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1245
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1246

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1247
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1248
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1249
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1250
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1251
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1252
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1253
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1254
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1255
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1256
3716.11 of the Revised Code, felonious sexual penetration in 1257
violation of former section 2907.12 of the Revised Code, a 1258
violation of section 2905.04 of the Revised Code as it existed 1259
prior to July 1, 1996, a violation of section 2919.23 of the 1260
Revised Code that would have been a violation of section 2905.04 1261
of the Revised Code as it existed prior to July 1, 1996, had the 1262
violation been committed prior to that date, a violation of 1263
section 2925.11 of the Revised Code that is not a minor drug 1264
possession offense, a violation of section 2923.02 or 2923.03 of 1265
the Revised Code that relates to a crime specified in this 1266
division, or a second violation of section 4511.19 of the 1267
Revised Code within five years of the date of application for 1268
licensure or certification. 1269

(b) A violation of an existing or former law of this 1270
state, any other state, or the United States that is 1271
substantially equivalent to any of the offenses or violations 1272
described in division (A) (5) (a) of this section. 1273

(6) Upon receipt of a request pursuant to section 5153.111 1274
of the Revised Code, a completed form prescribed pursuant to 1275
division (C) (1) of this section, and a set of fingerprint 1276
impressions obtained in the manner described in division (C) (2) 1277

of this section, the superintendent of the bureau of criminal 1278
identification and investigation shall conduct a criminal 1279
records check in the manner described in division (B) of this 1280
section to determine whether any information exists that 1281
indicates that the person who is the subject of the request 1282
previously has been convicted of or pleaded guilty to any of the 1283
following: 1284

(a) A violation of section 2903.01, 2903.02, 2903.03, 1285
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1286
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1287
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1288
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1289
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1290
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1291
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1292
Code, felonious sexual penetration in violation of former 1293
section 2907.12 of the Revised Code, a violation of section 1294
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1295
a violation of section 2919.23 of the Revised Code that would 1296
have been a violation of section 2905.04 of the Revised Code as 1297
it existed prior to July 1, 1996, had the violation been 1298
committed prior to that date, or a violation of section 2925.11 1299
of the Revised Code that is not a minor drug possession offense; 1300

(b) A violation of an existing or former law of this 1301
state, any other state, or the United States that is 1302
substantially equivalent to any of the offenses listed in 1303
division (A) (6) (a) of this section. 1304

(7) On receipt of a request for a criminal records check 1305
from an individual pursuant to section 4749.03 or 4749.06 of the 1306
Revised Code, accompanied by a completed copy of the form 1307

prescribed in division (C) (1) of this section and a set of 1308
fingerprint impressions obtained in a manner described in 1309
division (C) (2) of this section, the superintendent of the 1310
bureau of criminal identification and investigation shall 1311
conduct a criminal records check in the manner described in 1312
division (B) of this section to determine whether any 1313
information exists indicating that the person who is the subject 1314
of the request has been convicted of or pleaded guilty to any 1315
criminal offense in this state or in any other state. If the 1316
individual indicates that a firearm will be carried in the 1317
course of business, the superintendent shall require information 1318
from the federal bureau of investigation as described in 1319
division (B) (2) of this section. Subject to division (F) of this 1320
section, the superintendent shall report the findings of the 1321
criminal records check and any information the federal bureau of 1322
investigation provides to the director of public safety. 1323

(8) On receipt of a request pursuant to section 1321.37, 1324
1321.53, or 4763.05 of the Revised Code, a completed form 1325
prescribed pursuant to division (C) (1) of this section, and a 1326
set of fingerprint impressions obtained in the manner described 1327
in division (C) (2) of this section, the superintendent of the 1328
bureau of criminal identification and investigation shall 1329
conduct a criminal records check with respect to any person who 1330
has applied for a license, permit, or certification from the 1331
department of commerce or a division in the department. The 1332
superintendent shall conduct the criminal records check in the 1333
manner described in division (B) of this section to determine 1334
whether any information exists that indicates that the person 1335
who is the subject of the request previously has been convicted 1336
of or pleaded guilty to any criminal offense in this state, any 1337
other state, or the United States. 1338

(9) On receipt of a request for a criminal records check 1339
from the treasurer of state under section 113.041 of the Revised 1340
Code or from an individual under section 928.03, 4701.08, 1341
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1342
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1343
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1344
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 1345
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1346
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1347
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1348
Code, accompanied by a completed form prescribed under division 1349
(C) (1) of this section and a set of fingerprint impressions 1350
obtained in the manner described in division (C) (2) of this 1351
section, the superintendent of the bureau of criminal 1352
identification and investigation shall conduct a criminal 1353
records check in the manner described in division (B) of this 1354
section to determine whether any information exists that 1355
indicates that the person who is the subject of the request has 1356
been convicted of or pleaded guilty to any criminal offense in 1357
this state or any other state. Subject to division (F) of this 1358
section, the superintendent shall send the results of a check 1359
requested under section 113.041 of the Revised Code to the 1360
treasurer of state and shall send the results of a check 1361
requested under any of the other listed sections to the 1362
licensing board specified by the individual in the request. 1363

(10) On receipt of a request pursuant to section 124.74, 1364
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1365
Code, a completed form prescribed pursuant to division (C) (1) of 1366
this section, and a set of fingerprint impressions obtained in 1367
the manner described in division (C) (2) of this section, the 1368
superintendent of the bureau of criminal identification and 1369

investigation shall conduct a criminal records check in the 1370
manner described in division (B) of this section to determine 1371
whether any information exists that indicates that the person 1372
who is the subject of the request previously has been convicted 1373
of or pleaded guilty to any criminal offense under any existing 1374
or former law of this state, any other state, or the United 1375
States. 1376

(11) On receipt of a request for a criminal records check 1377
from an appointing or licensing authority under section 3772.07 1378
of the Revised Code, a completed form prescribed under division 1379
(C)(1) of this section, and a set of fingerprint impressions 1380
obtained in the manner prescribed in division (C)(2) of this 1381
section, the superintendent of the bureau of criminal 1382
identification and investigation shall conduct a criminal 1383
records check in the manner described in division (B) of this 1384
section to determine whether any information exists that 1385
indicates that the person who is the subject of the request 1386
previously has been convicted of or pleaded guilty or no contest 1387
to any offense under any existing or former law of this state, 1388
any other state, or the United States that makes the person 1389
ineligible for appointment or retention under section 3772.07 of 1390
the Revised Code or that is a disqualifying offense as defined 1391
in that section or substantially equivalent to a disqualifying 1392
offense, as applicable. 1393

(12) On receipt of a request pursuant to section 2151.33 1394
or 2151.412 of the Revised Code, a completed form prescribed 1395
pursuant to division (C)(1) of this section, and a set of 1396
fingerprint impressions obtained in the manner described in 1397
division (C)(2) of this section, the superintendent of the 1398
bureau of criminal identification and investigation shall 1399
conduct a criminal records check with respect to any person for 1400

whom a criminal records check is required under that section. 1401
The superintendent shall conduct the criminal records check in 1402
the manner described in division (B) of this section to 1403
determine whether any information exists that indicates that the 1404
person who is the subject of the request previously has been 1405
convicted of or pleaded guilty to any of the following: 1406

(a) A violation of section 2903.01, 2903.02, 2903.03, 1407
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1408
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1409
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1410
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1411
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1412
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1413
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1414
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1415

(b) An existing or former law of this state, any other 1416
state, or the United States that is substantially equivalent to 1417
any of the offenses listed in division (A)(12)(a) of this 1418
section. 1419

(13) On receipt of a request pursuant to section 3796.12 1420
of the Revised Code, a completed form prescribed pursuant to 1421
division (C)(1) of this section, and a set of fingerprint 1422
impressions obtained in a manner described in division (C)(2) of 1423
this section, the superintendent of the bureau of criminal 1424
identification and investigation shall conduct a criminal 1425
records check in the manner described in division (B) of this 1426
section to determine whether any information exists that 1427
indicates that the person who is the subject of the request 1428
previously has been convicted of or pleaded guilty to the 1429
following: 1430

(a) A disqualifying offense as specified in rules adopted 1431
under section 9.79 and division (B) (2) (b) of section 3796.03 of 1432
the Revised Code if the person who is the subject of the request 1433
is an administrator or other person responsible for the daily 1434
operation of, or an owner or prospective owner, officer or 1435
prospective officer, or board member or prospective board member 1436
of, an entity seeking a license from the department of commerce 1437
under Chapter 3796. of the Revised Code; 1438

(b) A disqualifying offense as specified in rules adopted 1439
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1440
the Revised Code if the person who is the subject of the request 1441
is an administrator or other person responsible for the daily 1442
operation of, or an owner or prospective owner, officer or 1443
prospective officer, or board member or prospective board member 1444
of, an entity seeking a license from the state board of pharmacy 1445
under Chapter 3796. of the Revised Code. 1446

(14) On receipt of a request required by section 3796.13 1447
of the Revised Code, a completed form prescribed pursuant to 1448
division (C) (1) of this section, and a set of fingerprint 1449
impressions obtained in a manner described in division (C) (2) of 1450
this section, the superintendent of the bureau of criminal 1451
identification and investigation shall conduct a criminal 1452
records check in the manner described in division (B) of this 1453
section to determine whether any information exists that 1454
indicates that the person who is the subject of the request 1455
previously has been convicted of or pleaded guilty to the 1456
following: 1457

(a) A disqualifying offense as specified in rules adopted 1458
under division (B) (8) (a) of section 3796.03 of the Revised Code 1459
if the person who is the subject of the request is seeking 1460

employment with an entity licensed by the department of commerce 1461
under Chapter 3796. of the Revised Code; 1462

(b) A disqualifying offense as specified in rules adopted 1463
under division (B)(14)(a) of section 3796.04 of the Revised Code 1464
if the person who is the subject of the request is seeking 1465
employment with an entity licensed by the state board of 1466
pharmacy under Chapter 3796. of the Revised Code. 1467

(15) On receipt of a request pursuant to section 4768.06 1468
of the Revised Code, a completed form prescribed under division 1469
(C)(1) of this section, and a set of fingerprint impressions 1470
obtained in the manner described in division (C)(2) of this 1471
section, the superintendent of the bureau of criminal 1472
identification and investigation shall conduct a criminal 1473
records check in the manner described in division (B) of this 1474
section to determine whether any information exists indicating 1475
that the person who is the subject of the request has been 1476
convicted of or pleaded guilty to any criminal offense in this 1477
state or in any other state. 1478

(16) On receipt of a request pursuant to division (B) of 1479
section 4764.07 or division (A) of section 4735.143 of the 1480
Revised Code, a completed form prescribed under division (C)(1) 1481
of this section, and a set of fingerprint impressions obtained 1482
in the manner described in division (C)(2) of this section, the 1483
superintendent of the bureau of criminal identification and 1484
investigation shall conduct a criminal records check in the 1485
manner described in division (B) of this section to determine 1486
whether any information exists indicating that the person who is 1487
the subject of the request has been convicted of or pleaded 1488
guilty to any criminal offense in any state or the United 1489
States. 1490

(17) On receipt of a request for a criminal records check 1491
under section 147.022 of the Revised Code, a completed form 1492
prescribed under division (C)(1) of this section, and a set of 1493
fingerprint impressions obtained in the manner prescribed in 1494
division (C)(2) of this section, the superintendent of the 1495
bureau of criminal identification and investigation shall 1496
conduct a criminal records check in the manner described in 1497
division (B) of this section to determine whether any 1498
information exists that indicates that the person who is the 1499
subject of the request previously has been convicted of or 1500
pleaded guilty or no contest to any criminal offense under any 1501
existing or former law of this state, any other state, or the 1502
United States. 1503

(18) Upon receipt of a request pursuant to division (F) of 1504
section 2915.081 or division (E) of section 2915.082 of the 1505
Revised Code, a completed form prescribed under division (C)(1) 1506
of this section, and a set of fingerprint impressions obtained 1507
in the manner described in division (C)(2) of this section, the 1508
superintendent of the bureau of criminal identification and 1509
investigation shall conduct a criminal records check in the 1510
manner described in division (B) of this section to determine 1511
whether any information exists indicating that the person who is 1512
the subject of the request has been convicted of or pleaded 1513
guilty or no contest to any offense that is a violation of 1514
Chapter 2915. of the Revised Code or to any offense under any 1515
existing or former law of this state, any other state, or the 1516
United States that is substantially equivalent to such an 1517
offense. 1518

(19) On receipt of a request pursuant to section 3775.03 1519
of the Revised Code, a completed form prescribed under division 1520
(C)(1) of this section, and a set of fingerprint impressions 1521

obtained in the manner described in division (C) (2) of this 1522
section, the superintendent of the bureau of criminal 1523
identification and investigation shall conduct a criminal 1524
records check in the manner described in division (B) of this 1525
section and shall request information from the federal bureau of 1526
investigation to determine whether any information exists 1527
indicating that the person who is the subject of the request has 1528
been convicted of any offense under any existing or former law 1529
of this state, any other state, or the United States that is a 1530
disqualifying offense as defined in section 3772.07 of the 1531
Revised Code. 1532

(B) Subject to division (F) of this section, the 1533
superintendent shall conduct any criminal records check to be 1534
conducted under this section as follows: 1535

(1) The superintendent shall review or cause to be 1536
reviewed any relevant information gathered and compiled by the 1537
bureau under division (A) of section 109.57 of the Revised Code 1538
that relates to the person who is the subject of the criminal 1539
records check, including, if the criminal records check was 1540
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1541
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1542
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1543
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1544
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1545
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1546
5123.169, or 5153.111 of the Revised Code, any relevant 1547
information contained in records that have been sealed under 1548
section 2953.32 of the Revised Code; 1549

(2) If the request received by the superintendent asks for 1550
information from the federal bureau of investigation, the 1551

superintendent shall request from the federal bureau of 1552
investigation any information it has with respect to the person 1553
who is the subject of the criminal records check, including 1554
fingerprint-based checks of national crime information databases 1555
as described in 42 U.S.C. 671 if the request is made pursuant to 1556
section 2151.86 or 5104.013 of the Revised Code or if any other 1557
Revised Code section requires fingerprint-based checks of that 1558
nature, and shall review or cause to be reviewed any information 1559
the superintendent receives from that bureau. If a request under 1560
section 3319.39 of the Revised Code asks only for information 1561
from the federal bureau of investigation, the superintendent 1562
shall not conduct the review prescribed by division (B) (1) of 1563
this section. 1564

(3) The superintendent or the superintendent's designee 1565
may request criminal history records from other states or the 1566
federal government pursuant to the national crime prevention and 1567
privacy compact set forth in section 109.571 of the Revised 1568
Code. 1569

(4) The superintendent shall include in the results of the 1570
criminal records check a list or description of the offenses 1571
listed or described in the relevant provision of division (A) of 1572
this section. The superintendent shall exclude from the results 1573
any information the dissemination of which is prohibited by 1574
federal law. 1575

(5) The superintendent shall send the results of the 1576
criminal records check to the person to whom it is to be sent 1577
not later than the following number of days after the date the 1578
superintendent receives the request for the criminal records 1579
check, the completed form prescribed under division (C) (1) of 1580
this section, and the set of fingerprint impressions obtained in 1581

the manner described in division (C) (2) of this section: 1582

(a) If the superintendent is required by division (A) of 1583
this section (other than division (A) (3) of this section) to 1584
conduct the criminal records check, thirty; 1585

(b) If the superintendent is required by division (A) (3) 1586
of this section to conduct the criminal records check, sixty. 1587

(C) (1) The superintendent shall prescribe a form to obtain 1588
the information necessary to conduct a criminal records check 1589
from any person for whom a criminal records check is to be 1590
conducted under this section. The form that the superintendent 1591
prescribes pursuant to this division may be in a tangible 1592
format, in an electronic format, or in both tangible and 1593
electronic formats. 1594

(2) The superintendent shall prescribe standard impression 1595
sheets to obtain the fingerprint impressions of any person for 1596
whom a criminal records check is to be conducted under this 1597
section. Any person for whom a records check is to be conducted 1598
under this section shall obtain the fingerprint impressions at a 1599
county sheriff's office, municipal police department, or any 1600
other entity with the ability to make fingerprint impressions on 1601
the standard impression sheets prescribed by the superintendent. 1602
The office, department, or entity may charge the person a 1603
reasonable fee for making the impressions. The standard 1604
impression sheets the superintendent prescribes pursuant to this 1605
division may be in a tangible format, in an electronic format, 1606
or in both tangible and electronic formats. 1607

(3) Subject to division (D) of this section, the 1608
superintendent shall prescribe and charge a reasonable fee for 1609
providing a criminal records check under this section. The 1610

person requesting the criminal records check shall pay the fee 1611
prescribed pursuant to this division. In the case of a request 1612
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1613
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1614
fee shall be paid in the manner specified in that section. 1615

(4) The superintendent of the bureau of criminal 1616
identification and investigation may prescribe methods of 1617
forwarding fingerprint impressions and information necessary to 1618
conduct a criminal records check, which methods shall include, 1619
but not be limited to, an electronic method. 1620

(D) The results of a criminal records check conducted 1621
under this section, other than a criminal records check 1622
specified in division (A) (7) of this section, are valid for the 1623
person who is the subject of the criminal records check for a 1624
period of one year from the date upon which the superintendent 1625
completes the criminal records check. If during that period the 1626
superintendent receives another request for a criminal records 1627
check to be conducted under this section for that person, the 1628
superintendent shall provide the results from the previous 1629
criminal records check of the person at a lower fee than the fee 1630
prescribed for the initial criminal records check. 1631

(E) When the superintendent receives a request for 1632
information from a registered private provider, the 1633
superintendent shall proceed as if the request was received from 1634
a school district board of education under section 3319.39 of 1635
the Revised Code. The superintendent shall apply division (A) (1) 1636
(c) of this section to any such request for an applicant who is 1637
a teacher. 1638

(F) (1) Subject to division (F) (2) of this section, all 1639
information regarding the results of a criminal records check 1640

conducted under this section that the superintendent reports or 1641
sends under division (A) (7) or (9) of this section to the 1642
director of public safety, the treasurer of state, or the 1643
person, board, or entity that made the request for the criminal 1644
records check shall relate to the conviction of the subject 1645
person, or the subject person's plea of guilty to, a criminal 1646
offense. 1647

(2) Division (F) (1) of this section does not limit, 1648
restrict, or preclude the superintendent's release of 1649
information that relates to the arrest of a person who is 1650
eighteen years of age or older, to an adjudication of a child as 1651
a delinquent child, or to a criminal conviction of a person 1652
under eighteen years of age in circumstances in which a release 1653
of that nature is authorized under division (E) (2), (3), or (4) 1654
of section 109.57 of the Revised Code pursuant to a rule adopted 1655
under division (E) (1) of that section. 1656

(G) As used in this section: 1657

(1) "Criminal records check" means any criminal records 1658
check conducted by the superintendent of the bureau of criminal 1659
identification and investigation in accordance with division (B) 1660
of this section. 1661

(2) "Minor drug possession offense" has the same meaning 1662
as in section 2925.01 of the Revised Code. 1663

(3) "OVI or OVUAC violation" means a violation of section 1664
4511.19 of the Revised Code or a violation of an existing or 1665
former law of this state, any other state, or the United States 1666
that is substantially equivalent to section 4511.19 of the 1667
Revised Code. 1668

(4) "Registered private provider" means a nonpublic school 1669

or entity registered with the superintendent of public 1670
instruction under section 3310.41 of the Revised Code to 1671
participate in the autism scholarship program or section 3310.58 1672
of the Revised Code to participate in the Jon Peterson special 1673
needs scholarship program. 1674

Sec. 109.71. There is hereby created in the office of the 1675
attorney general the Ohio peace officer training commission. The 1676
commission shall consist of ten members appointed by the 1677
governor with the advice and consent of the senate and selected 1678
as follows: one member representing the public; one member who 1679
represents a fraternal organization representing law enforcement 1680
officers; two members who are incumbent sheriffs; two members 1681
who are incumbent chiefs of police; one member from the bureau 1682
of criminal identification and investigation; one member from 1683
the state highway patrol; one member who is the special agent in 1684
charge of a field office of the federal bureau of investigation 1685
in this state; and one member from the department of education, 1686
trade and industrial education services, law enforcement 1687
training. 1688

This section does not confer any arrest authority or any 1689
ability or authority to detain a person, write or issue any 1690
citation, or provide any disposition alternative, as granted 1691
under Chapter 2935. of the Revised Code. 1692

Pursuant to division (A) (9) of section 101.82 of the 1693
Revised Code, the commission is exempt from the requirements of 1694
sections 101.82 to 101.87 of the Revised Code. 1695

As used in sections 109.71 to 109.801 of the Revised Code: 1696

(A) "Peace officer" means: 1697

(1) A deputy sheriff, marshal, deputy marshal, member of 1698

the organized police department of a township or municipal 1699
corporation, member of a township police district or joint 1700
police district police force, member of a police force employed 1701
by a metropolitan housing authority under division (D) of 1702
section 3735.31 of the Revised Code, or township constable, who 1703
is commissioned and employed as a peace officer by a political 1704
subdivision of this state or by a metropolitan housing 1705
authority, and whose primary duties are to preserve the peace, 1706
to protect life and property, and to enforce the laws of this 1707
state, ordinances of a municipal corporation, resolutions of a 1708
township, or regulations of a board of county commissioners or 1709
board of township trustees, or any of those laws, ordinances, 1710
resolutions, or regulations; 1711

(2) A police officer who is employed by a railroad company 1712
and appointed and commissioned by the secretary of state 1713
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 1714

(3) Employees of the department of taxation engaged in the 1715
enforcement of Chapter 5743. of the Revised Code and designated 1716
by the tax commissioner for peace officer training for purposes 1717
of the delegation of investigation powers under section 5743.45 1718
of the Revised Code; 1719

(4) An undercover drug agent; 1720

(5) Enforcement agents of the department of public safety 1721
whom the director of public safety designates under section 1722
5502.14 of the Revised Code; 1723

(6) An employee of the department of natural resources who 1724
is a natural resources law enforcement staff officer designated 1725
pursuant to section 1501.013, a natural resources officer 1726
appointed pursuant to section 1501.24, a forest-fire 1727

investigator appointed pursuant to section 1503.09, or a 1728
wildlife officer designated pursuant to section 1531.13 of the 1729
Revised Code; 1730

(7) An employee of a park district who is designated 1731
pursuant to section 511.232 or 1545.13 of the Revised Code; 1732

(8) An employee of a conservancy district who is 1733
designated pursuant to section 6101.75 of the Revised Code; 1734

(9) A police officer who is employed by a hospital that 1735
employs and maintains its own proprietary police department or 1736
security department, and who is appointed and commissioned by 1737
the secretary of state pursuant to sections 4973.17 to 4973.22 1738
of the Revised Code; 1739

(10) Veterans' homes police officers designated under 1740
section 5907.02 of the Revised Code; 1741

(11) A police officer who is employed by a qualified 1742
nonprofit corporation police department pursuant to section 1743
1702.80 of the Revised Code; 1744

(12) A state university law enforcement officer appointed 1745
under section 3345.04 of the Revised Code or a person serving as 1746
a state university law enforcement officer on a permanent basis 1747
on June 19, 1978, who has been awarded a certificate by the 1748
executive director of the Ohio peace officer training commission 1749
attesting to the person's satisfactory completion of an approved 1750
state, county, municipal, or department of natural resources 1751
peace officer basic training program; 1752

(13) A special police officer employed by the department 1753
of mental health and addiction services pursuant to section 1754
5119.08 of the Revised Code or the department of developmental 1755
disabilities pursuant to section 5123.13 of the Revised Code; 1756

- (14) A member of a campus police department appointed 1757
under section 1713.50 of the Revised Code; 1758
- (15) A member of a police force employed by a regional 1759
transit authority under division (Y) of section 306.35 of the 1760
Revised Code; 1761
- (16) Investigators appointed by the auditor of state 1762
pursuant to section 117.091 of the Revised Code and engaged in 1763
the enforcement of Chapter 117. of the Revised Code; 1764
- (17) A special police officer designated by the 1765
superintendent of the state highway patrol pursuant to section 1766
5503.09 of the Revised Code or a person who was serving as a 1767
special police officer pursuant to that section on a permanent 1768
basis on October 21, 1997, and who has been awarded a 1769
certificate by the executive director of the Ohio peace officer 1770
training commission attesting to the person's satisfactory 1771
completion of an approved state, county, municipal, or 1772
department of natural resources peace officer basic training 1773
program; 1774
- (18) A special police officer employed by a port authority 1775
under section 4582.04 or 4582.28 of the Revised Code or a person 1776
serving as a special police officer employed by a port authority 1777
on a permanent basis on May 17, 2000, who has been awarded a 1778
certificate by the executive director of the Ohio peace officer 1779
training commission attesting to the person's satisfactory 1780
completion of an approved state, county, municipal, or 1781
department of natural resources peace officer basic training 1782
program; 1783
- (19) A special police officer employed by a municipal 1784
corporation who has been awarded a certificate by the executive 1785

director of the Ohio peace officer training commission for 1786
satisfactory completion of an approved peace officer basic 1787
training program and who is employed on a permanent basis on or 1788
after March 19, 2003, at a municipal airport, or other municipal 1789
air navigation facility, that has scheduled operations, as 1790
defined in section 119.3 of Title 14 of the Code of Federal 1791
Regulations, 14 C.F.R. 119.3, as amended, and that is required 1792
to be under a security program and is governed by aviation 1793
security rules of the transportation security administration of 1794
the United States department of transportation as provided in 1795
Parts 1542. and 1544. of Title 49 of the Code of Federal 1796
Regulations, as amended; 1797

(20) A police officer who is employed by an owner or 1798
operator of an amusement park that has an average yearly 1799
attendance in excess of six hundred thousand guests and that 1800
employs and maintains its own proprietary police department or 1801
security department, and who is appointed and commissioned by a 1802
judge of the appropriate municipal court or county court 1803
pursuant to section 4973.17 of the Revised Code; 1804

(21) A police officer who is employed by a bank, savings 1805
and loan association, savings bank, credit union, or association 1806
of banks, savings and loan associations, savings banks, or 1807
credit unions, who has been appointed and commissioned by the 1808
secretary of state pursuant to sections 4973.17 to 4973.22 of 1809
the Revised Code, and who has been awarded a certificate by the 1810
executive director of the Ohio peace officer training commission 1811
attesting to the person's satisfactory completion of a state, 1812
county, municipal, or department of natural resources peace 1813
officer basic training program; 1814

(22) An investigator, as defined in section 109.541 of the 1815

Revised Code, of the bureau of criminal identification and 1816
investigation who is commissioned by the superintendent of the 1817
bureau as a special agent for the purpose of assisting law 1818
enforcement officers or providing emergency assistance to peace 1819
officers pursuant to authority granted under that section; 1820

(23) A state fire marshal law enforcement officer 1821
appointed under section 3737.22 of the Revised Code or a person 1822
serving as a state fire marshal law enforcement officer on a 1823
permanent basis on or after July 1, 1982, who has been awarded a 1824
certificate by the executive director of the Ohio peace officer 1825
training commission attesting to the person's satisfactory 1826
completion of an approved state, county, municipal, or 1827
department of natural resources peace officer basic training 1828
program; 1829

(24) A gaming agent employed under section 3772.03 of the 1830
Revised Code; 1831

(25) An employee of the state board of pharmacy designated 1832
by the executive director of the board pursuant to section 1833
4729.04 of the Revised Code to investigate violations of 1834
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 1835
Revised Code and rules adopted thereunder. 1836

(B) "Undercover drug agent" has the same meaning as in 1837
division (B) (2) of section 109.79 of the Revised Code. 1838

(C) "Crisis intervention training" means training in the 1839
use of interpersonal and communication skills to most 1840
effectively and sensitively interview victims of rape. 1841

(D) "Missing children" has the same meaning as in section 1842
2901.30 of the Revised Code. 1843

(E) "Tactical medical professional" means an EMT, EMT- 1844

basic, AEMT, EMT-I, paramedic, nurse, or physician who is 1845
trained and certified in a nationally recognized tactical 1846
medical training program that is equivalent to "tactical combat 1847
casualty care" (TCCC) and "tactical emergency medical support" 1848
(TEMS) and who functions in the tactical or austere environment 1849
while attached to a law enforcement agency of either this state 1850
or a political subdivision of this state. 1851

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 1852
meanings as in section 4765.01 of the Revised Code and "EMT" and 1853
"AEMT" have the same meanings as in section 4765.011 of the 1854
Revised Code. 1855

(G) "Nurse" means any of the following: 1856

(1) Any person who is licensed to practice nursing as a 1857
registered nurse by the board of nursing; 1858

(2) Any certified nurse practitioner, clinical nurse 1859
specialist, certified registered nurse anesthetist, or certified 1860
nurse-midwife who holds a certificate of authority issued by the 1861
board of nursing under Chapter 4723. of the Revised Code; 1862

(3) Any person who is licensed to practice nursing as a 1863
licensed practical nurse by the board of nursing pursuant to 1864
Chapter 4723. of the Revised Code. 1865

(H) "Physician" means a person who is licensed pursuant to 1866
Chapter 4731. of the Revised Code to practice medicine and 1867
surgery or osteopathic medicine and surgery. 1868

(I) "County correctional officer" has the same meaning as 1869
in section 341.41 of the Revised Code. 1870

Sec. 109.73. (A) The Ohio peace officer training 1871
commission shall recommend rules to the attorney general with 1872

respect to all of the following: 1873

(1) The approval, or revocation of approval, of peace 1874
officer training schools administered by the state, counties, 1875
municipal corporations, public school districts, technical 1876
college districts, and the department of natural resources; 1877

(2) Minimum courses of study, attendance requirements, and 1878
equipment and facilities to be required at approved state, 1879
county, municipal, and department of natural resources peace 1880
officer training schools; 1881

(3) Minimum qualifications for instructors at approved 1882
state, county, municipal, and department of natural resources 1883
peace officer training schools; 1884

(4) The requirements of minimum basic training that peace 1885
officers appointed to probationary terms shall complete before 1886
being eligible for permanent appointment, which requirements 1887
shall include training in the handling of the offense of 1888
domestic violence, other types of domestic violence-related 1889
offenses and incidents, and protection orders and consent 1890
agreements issued or approved under section 2919.26 or 3113.31 1891
of the Revised Code; crisis intervention training; and training 1892
in the handling of missing children and child abuse and neglect 1893
cases; and training in handling violations of section 2905.32 of 1894
the Revised Code; and the time within which such basic training 1895
shall be completed following appointment to a probationary term; 1896

(5) The requirements of minimum basic training that peace 1897
officers not appointed for probationary terms but appointed on 1898
other than a permanent basis shall complete in order to be 1899
eligible for continued employment or permanent appointment, 1900
which requirements shall include training in the handling of the 1901

offense of domestic violence, other types of domestic violence- 1902
related offenses and incidents, and protection orders and 1903
consent agreements issued or approved under section 2919.26 or 1904
3113.31 of the Revised Code, crisis intervention training, and 1905
training in the handling of missing children and child abuse and 1906
neglect cases, and training in handling violations of section 1907
2905.32 of the Revised Code, and the time within which such 1908
basic training shall be completed following appointment on other 1909
than a permanent basis; 1910

(6) Categories or classifications of advanced in-service 1911
training programs for peace officers, including programs in the 1912
handling of the offense of domestic violence, other types of 1913
domestic violence-related offenses and incidents, and protection 1914
orders and consent agreements issued or approved under section 1915
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 1916
and in the handling of missing children and child abuse and 1917
neglect cases, and in handling violations of section 2905.32 of 1918
the Revised Code, and minimum courses of study and attendance 1919
requirements with respect to such categories or classifications; 1920

(7) Permitting persons, who are employed as members of a 1921
campus police department appointed under section 1713.50 of the 1922
Revised Code; who are employed as police officers by a qualified 1923
nonprofit corporation police department pursuant to section 1924
1702.80 of the Revised Code; who are appointed and commissioned 1925
as bank, savings and loan association, savings bank, credit 1926
union, or association of banks, savings and loan associations, 1927
savings banks, or credit unions police officers, as railroad 1928
police officers, or as hospital police officers pursuant to 1929
sections 4973.17 to 4973.22 of the Revised Code; or who are 1930
appointed and commissioned as amusement park police officers 1931
pursuant to section 4973.17 of the Revised Code, to attend 1932

approved peace officer training schools, including the Ohio 1933
peace officer training academy, and to receive certificates of 1934
satisfactory completion of basic training programs, if the 1935
private college or university that established the campus police 1936
department; qualified nonprofit corporation police department; 1937
bank, savings and loan association, savings bank, credit union, 1938
or association of banks, savings and loan associations, savings 1939
banks, or credit unions; railroad company; hospital; or 1940
amusement park sponsoring the police officers pays the entire 1941
cost of the training and certification and if trainee vacancies 1942
are available; 1943

(8) Permitting undercover drug agents to attend approved 1944
peace officer training schools, other than the Ohio peace 1945
officer training academy, and to receive certificates of 1946
satisfactory completion of basic training programs, if, for each 1947
undercover drug agent, the county, township, or municipal 1948
corporation that employs that undercover drug agent pays the 1949
entire cost of the training and certification; 1950

(9) (a) The requirements for basic training programs for 1951
bailiffs and deputy bailiffs of courts of record of this state 1952
and for criminal investigators employed by the state public 1953
defender that those persons shall complete before they may carry 1954
a firearm while on duty; 1955

(b) The requirements for any training received by a 1956
bailiff or deputy bailiff of a court of record of this state or 1957
by a criminal investigator employed by the state public defender 1958
prior to June 6, 1986, that is to be considered equivalent to 1959
the training described in division (A) (9) (a) of this section. 1960

(10) Establishing minimum qualifications and requirements 1961
for certification for dogs utilized by law enforcement agencies; 1962

(11) Establishing minimum requirements for certification	1963
of persons who are employed as correction officers in a full-	1964
service jail, five-day facility, or eight-hour holding facility	1965
or who provide correction services in such a jail or facility;	1966
(12) Establishing requirements for the training of humane	1967
society agents under section 1717.061 of the Revised Code,	1968
including, without limitation, a requirement that the agents	1969
receive instruction on traditional animal husbandry methods and	1970
training techniques, including customary owner-performed	1971
practices;	1972
(13) Permitting tactical medical professionals to attend	1973
approved peace officer training schools, including the Ohio	1974
peace officer training academy, to receive training of the type	1975
described in division (A) (14) of this section and to receive	1976
certificates of satisfactory completion of training programs	1977
described in that division;	1978
(14) The requirements for training programs that tactical	1979
medical professionals shall complete to qualify them to carry	1980
firearms while on duty under section 109.771 of the Revised	1981
Code, which requirements shall include at least the firearms	1982
training specified in division (A) of section 109.748 of the	1983
Revised Code;	1984
(15) Procedures and requirements for a portion of basic	1985
training that peace officers complete in proper interactions	1986
with civilians during traffic stops and other in-person	1987
encounters as specified in division (B) (4) of section 109.803 of	1988
the Revised Code and including the topics of instruction listed	1989
for active duty peace officers under divisions (B) (4) (a) to (d)	1990
of that section;	1991

(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; 1992
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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. 1998
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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. 2003
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(C) The commission may do all of the following: 2015

(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; 2016
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(2) Visit and inspect any peace officer training school 2020

that has been approved by the executive director or for which
application for approval has been made;

(3) Make recommendations, from time to time, to the
executive director, the attorney general, and the general
assembly regarding the carrying out of the purposes of sections
109.71 to 109.77 of the Revised Code;

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

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

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

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

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

with section 109.751 of the Revised Code and the rules adopted 2050
pursuant to that section, and with the rules adopted by the 2051
attorney general pursuant to sections 109.74, 109.741, 109.742, 2052
and 109.743 of the Revised Code: 2053

(A) To approve peace officer training schools and firearms 2054
requalification programs administered by the state, counties, 2055
municipal corporations, and the department of natural resources, 2056
to issue certificates of approval to approved schools, and to 2057
revoke an approval or certificate; 2058

(B) To certify, as qualified, instructors at approved 2059
peace officer training schools, to issue appropriate 2060
certificates to these instructors, and to revoke for good cause 2061
shown certificates of these instructors; 2062

(C) To certify, as qualified, commanders at approved peace 2063
officer training schools, to issue appropriate certificates to 2064
these commanders, and to revoke for good cause shown 2065
certificates of these commanders. As used in this division, 2066
"commander" means the director or other head of an approved 2067
peace officer training school. 2068

(D) To certify peace officers and sheriffs who have 2069
satisfactorily completed basic training programs and to issue 2070
appropriate certificates to these peace officers and sheriffs; 2071

(E) To cause studies and surveys to be made relating to 2072
the establishment, operation, and approval of state, county, and 2073
municipal peace officer training schools; 2074

(F) To consult and cooperate with state, county, and 2075
municipal peace officer training schools for the development of 2076
advanced in-service training programs for peace officers; 2077

(G) To consult and cooperate with universities, colleges, 2078

and institutes for the development of specialized courses of 2079
study in the state for peace officers in police science and 2080
police administration; 2081

(H) To consult and cooperate with other departments and 2082
agencies of the state and federal government concerned with 2083
peace officer training; 2084

(I) To perform any other acts that may be necessary or 2085
appropriate to carry out the executive director's powers and 2086
duties as set forth in sections 109.71 to 109.77 of the Revised 2087
Code; 2088

(J) To report to the commission at each regular meeting of 2089
the commission and at any other times that the commission may 2090
require; 2091

(K) To certify persons who have satisfactorily completed 2092
approved training programs for correction officers in full- 2093
service jails, five-day facilities, or eight-hour holding 2094
facilities or approved training programs for others who provide 2095
correction services in those jails or facilities and to issue 2096
appropriate certificates to those persons; 2097

(L) To maintain any records associated with the powers and 2098
duties set forth in this section. Certification examinations, 2099
either before or after completion, are not public records for 2100
purposes of section 149.43 of the Revised Code, but the results 2101
of such examinations are public records under that section; 2102

(M) To certify tactical medical professionals who have 2103
satisfactorily completed approved training programs that qualify 2104
them to carry firearms while on duty under section 109.771 of 2105
the Revised Code and to issue appropriate certificates to such 2106
professionals; 2107

(N) To certify county correctional officers who have 2108
satisfactorily completed approved basic training programs that 2109
qualify them to carry firearms while on duty under section 2110
109.772 of the Revised Code and to issue appropriate 2111
certificates to such county correctional officers. 2112

Sec. 109.772. (A) A county correctional officer may carry 2113
firearms while on duty in the same manner, to the same extent, 2114
and in the same areas as a law enforcement officer of the law 2115
enforcement agency with jurisdiction over the place at which the 2116
county jail, county workhouse, minimum security jail, joint city 2117
and county workhouse, municipal-county correctional center, 2118
multicounty-municipal correctional center, municipal-county jail 2119
or workhouse, or multicounty-municipal jail or workhouse is 2120
located, if all of the following apply: 2121

(1) The person in charge of the county jail, county 2122
workhouse, minimum security jail, joint city and county 2123
workhouse, municipal-county correctional center, multicounty- 2124
municipal correctional center, municipal-county jail or 2125
workhouse, or multicounty-municipal jail or workhouse has 2126
specifically authorized the county correctional officer to carry 2127
firearms while on duty. 2128

(2) The county correctional officer has done or received 2129
one of the following: 2130

(a) The county correctional officer has been awarded a 2131
certificate by the executive director of the Ohio peace officer 2132
training commission, which certificate attests to satisfactory 2133
completion of an approved state, county, or municipal basic 2134
training program or a program at the Ohio peace officer training 2135
academy that qualifies the county correctional officer to carry 2136
firearms while on duty and that conforms to the rules adopted 2137

under section 109.773 of the Revised Code. 2138

(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. 2139
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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. 2145
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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. 2157
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Sec. 109.79. (A) The Ohio peace officer training 2167

commission shall establish and conduct a training school for law 2168
enforcement officers of any political subdivision of the state 2169
or of the state public defender's office. The school shall be 2170
known as the Ohio peace officer training academy. No bailiff or 2171
deputy bailiff of a court of record of this state and no 2172
criminal investigator employed by the state public defender 2173
shall be permitted to attend the academy for training unless the 2174
employing court of the bailiff or deputy bailiff or the state 2175
public defender, whichever is applicable, has authorized the 2176
bailiff, deputy bailiff, or investigator to attend the academy. 2177

The Ohio peace officer training commission shall develop 2178
the training program, which shall include courses in both the 2179
civil and criminal functions of law enforcement officers, a 2180
course in crisis intervention with six or more hours of 2181
training, training in the handling of missing children and child 2182
abuse and neglect cases, and training on companion animal 2183
encounters and companion animal behavior, and shall establish 2184
rules governing qualifications for admission to the academy. The 2185
commission may require competitive examinations to determine 2186
fitness of prospective trainees, so long as the examinations or 2187
other criteria for admission to the academy are consistent with 2188
the provisions of Chapter 124. of the Revised Code. 2189

The Ohio peace officer training commission shall determine 2190
tuition costs sufficient in the aggregate to pay the costs of 2191
operating the academy. Tuition paid by a political subdivision 2192
of the state or by the state public defender's office shall be 2193
deposited into the state treasury to the credit of the peace 2194
officer training academy fee fund, which is hereby established. 2195
The attorney general shall use money in the fund to pay costs 2196
associated with operation of the academy. The costs of acquiring 2197
and equipping the academy shall be paid from appropriations made 2198

by the general assembly to the Ohio peace officer training 2199
commission for that purpose, from gifts or grants received for 2200
that purpose, or from fees for goods related to the academy. 2201

The Ohio peace officer training commission shall create a 2202
gaming-related curriculum for gaming agents. The Ohio peace 2203
officer training commission shall use money distributed to the 2204
Ohio peace officer training academy from the Ohio law 2205
enforcement training fund to first support the academy's 2206
training programs for gaming agents and gaming-related 2207
curriculum. The Ohio peace officer training commission may 2208
utilize existing training programs in other states that 2209
specialize in training gaming agents. 2210

The law enforcement officers, during the period of their 2211
training, shall receive compensation as determined by the 2212
political subdivision that sponsors them or, if the officer is a 2213
criminal investigator employed by the state public defender, as 2214
determined by the state public defender. The political 2215
subdivision may pay the tuition costs of the law enforcement 2216
officers they sponsor and the state public defender may pay the 2217
tuition costs of criminal investigators of that office who 2218
attend the academy. 2219

If trainee vacancies exist, the academy may train and 2220
issue certificates of satisfactory completion to peace officers 2221
who are employed by a campus police department pursuant to 2222
section 1713.50 of the Revised Code, by a qualified nonprofit 2223
corporation police department pursuant to section 1702.80 of the 2224
Revised Code, or by a railroad company, who are amusement park 2225
police officers appointed and commissioned by a judge of the 2226
appropriate municipal court or county court pursuant to section 2227
4973.17 of the Revised Code, or who are bank, savings and loan 2228

association, savings bank, credit union, or association of 2229
banks, savings and loan associations, savings banks, or credit 2230
unions, or hospital police officers appointed and commissioned 2231
by the secretary of state pursuant to sections 4973.17 to 2232
4973.22 of the Revised Code, provided that no such officer shall 2233
be trained at the academy unless the officer meets the 2234
qualifications established for admission to the academy and the 2235
qualified nonprofit corporation police department; bank, savings 2236
and loan association, savings bank, credit union, or association 2237
of banks, savings and loan associations, savings banks, or 2238
credit unions; railroad company; hospital; or amusement park or 2239
the private college or university that established the campus 2240
police department prepays the entire cost of the training. A 2241
qualified nonprofit corporation police department; bank, savings 2242
and loan association, savings bank, credit union, or association 2243
of banks, savings and loan associations, savings banks, or 2244
credit unions; railroad company; hospital; or amusement park or 2245
a private college or university that has established a campus 2246
police department is not entitled to reimbursement from the 2247
state for any amount paid for the cost of training the bank, 2248
savings and loan association, savings bank, credit union, or 2249
association of banks, savings and loan associations, savings 2250
banks, or credit unions peace officers; the railroad company's 2251
peace officers; or the peace officers of the qualified nonprofit 2252
corporation police department, campus police department, 2253
hospital, or amusement park. 2254

The academy shall permit investigators employed by the 2255
state medical board to take selected courses that the board 2256
determines are consistent with its responsibilities for initial 2257
and continuing training of investigators as required under 2258
sections 4730.26 and 4731.05 of the Revised Code. The board 2259

shall pay the entire cost of training that investigators receive 2260
at the academy. 2261

The academy shall permit tactical medical professionals to 2262
attend training courses at the academy that are designed to 2263
qualify the professionals to carry firearms while on duty under 2264
section 109.771 of the Revised Code and that provide training 2265
comparable to training mandated under the rules required by 2266
division (A) of section 109.748 of the Revised Code. The 2267
executive director of the Ohio peace officer training commission 2268
may certify tactical medical professionals who satisfactorily 2269
complete the training courses. The law enforcement agency served 2270
by a tactical medical professional who attends the academy may 2271
pay the tuition costs of the professional. 2272

The academy shall permit county correctional officers to 2273
attend training courses at the academy that are designed to 2274
qualify the county correctional officers to carry firearms while 2275
on duty under section 109.772 of the Revised Code and that 2276
provide training mandated under the rules required by section 2277
109.773 of the Revised Code. The executive director of the Ohio 2278
peace officer training commission may certify county 2279
correctional officers who satisfactorily complete the training 2280
courses. The county jail, county workhouse, minimum security 2281
jail, joint city and county workhouse, municipal-county 2282
correctional center, multicounty-municipal correctional center, 2283
municipal-county jail or workhouse, or multicounty-municipal 2284
jail or workhouse served by the county correctional officer who 2285
attends the academy may pay the tuition costs of the county 2286
correctional officer. 2287

(B) As used in this section: 2288

(1) "Law enforcement officers" include any undercover drug 2289

agent, any bailiff or deputy bailiff of a court of record, and 2290
any criminal investigator who is employed by the state public 2291
defender. 2292

(2) "Undercover drug agent" means any person who: 2293

(a) Is employed by a county, township, or municipal 2294
corporation for the purposes set forth in division (B) (2) (b) of 2295
this section but who is not an employee of a county sheriff's 2296
department, of a township constable, or of the police department 2297
of a municipal corporation or township; 2298

(b) In the course of the person's employment by a county, 2299
township, or municipal corporation, investigates and gathers 2300
information pertaining to persons who are suspected of violating 2301
Chapter 2925. or 3719. of the Revised Code, and generally does 2302
not wear a uniform in the performance of the person's duties. 2303

(3) "Crisis intervention training" has the same meaning as 2304
in section 109.71 of the Revised Code. 2305

(4) "Missing children" has the same meaning as in section 2306
2901.30 of the Revised Code. 2307

(5) "Companion animal" has the same meaning as in section 2308
959.131 of the Revised Code. 2309

Sec. 109.801. (A) (1) Each year, any of the following 2310
persons who are authorized to carry firearms in the course of 2311
their official duties shall complete successfully a firearms 2312
requalification program approved by the executive director of 2313
the Ohio peace officer training commission in accordance with 2314
rules adopted by the attorney general pursuant to section 2315
109.743 of the Revised Code: any peace officer, sheriff, chief 2316
of police of an organized police department of a municipal 2317
corporation or township, chief of police of a township police 2318

district or joint police district police force, superintendent 2319
of the state highway patrol, state highway patrol trooper, or 2320
chief of police of a university or college police department; 2321
any parole or probation officer who carries a firearm in the 2322
course of official duties; any ~~corrections~~ county correctional 2323
~~officer of a multicounty correctional center, or of a municipal-~~ 2324
~~county or multicounty municipal correctional center, established~~ 2325
~~under section 307.93 of the Revised Code who carries a firearm~~ 2326
~~in the course of official duties;~~ the house of representatives 2327
sergeant at arms if the house of representatives sergeant at 2328
arms has arrest authority pursuant to division (E) (1) of section 2329
101.311 of the Revised Code; any assistant house of 2330
representatives sergeant at arms; the senate sergeant at arms; 2331
any assistant senate sergeant at arms; any tactical medical 2332
professional; or any employee of the department of youth 2333
services who is designated pursuant to division (A) (2) of 2334
section 5139.53 of the Revised Code as being authorized to carry 2335
a firearm while on duty as described in that division. 2336

(2) No person listed in division (A) (1) of this section 2337
shall carry a firearm during the course of official duties if 2338
the person does not comply with division (A) (1) of this section. 2339

(B) The hours that a sheriff spends attending a firearms 2340
requalification program required by division (A) of this section 2341
are in addition to the sixteen hours of continuing education 2342
that are required by division (E) of section 311.01 of the 2343
Revised Code. 2344

(C) As used in this section, "firearm" has the same 2345
meaning as in section 2923.11 of the Revised Code. 2346

Sec. 149.43. (A) As used in this section: 2347

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;	2377
(h) Confidential law enforcement investigatory records;	2378
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	2379 2380
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	2381 2382
(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;	2383 2384 2385 2386
(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;	2387 2388 2389 2390
(m) Intellectual property records;	2391
(n) Donor profile records;	2392
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	2393 2394
(p) Designated public service worker residential and familial information;	2395 2396
(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;	2397 2398 2399 2400 2401
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	2402 2403

(s) In the case of a child fatality review board acting 2404
under sections 307.621 to 307.629 of the Revised Code or a 2405
review conducted pursuant to guidelines established by the 2406
director of health under section 3701.70 of the Revised Code, 2407
records provided to the board or director, statements made by 2408
board members during meetings of the board or by persons 2409
participating in the director's review, and all work products of 2410
the board or director, and in the case of a child fatality 2411
review board, child fatality review data submitted by the board 2412
to the department of health or a national child death review 2413
database, other than the report prepared pursuant to division 2414
(A) of section 307.626 of the Revised Code; 2415

(t) Records provided to and statements made by the 2416
executive director of a public children services agency or a 2417
prosecuting attorney acting pursuant to section 5153.171 of the 2418
Revised Code other than the information released under that 2419
section; 2420

(u) Test materials, examinations, or evaluation tools used 2421
in an examination for licensure as a nursing home administrator 2422
that the board of executives of long-term services and supports 2423
administers under section 4751.15 of the Revised Code or 2424
contracts under that section with a private or government entity 2425
to administer; 2426

(v) Records the release of which is prohibited by state or 2427
federal law; 2428

(w) Proprietary information of or relating to any person 2429
that is submitted to or compiled by the Ohio venture capital 2430
authority created under section 150.01 of the Revised Code; 2431

(x) Financial statements and data any person submits for 2432

any purpose to the Ohio housing finance agency or the 2433
controlling board in connection with applying for, receiving, or 2434
accounting for financial assistance from the agency, and 2435
information that identifies any individual who benefits directly 2436
or indirectly from financial assistance from the agency; 2437

(y) Records listed in section 5101.29 of the Revised Code; 2438

(z) Discharges recorded with a county recorder under 2439
section 317.24 of the Revised Code, as specified in division (B) 2440
(2) of that section; 2441

(aa) Usage information including names and addresses of 2442
specific residential and commercial customers of a municipally 2443
owned or operated public utility; 2444

(bb) Records described in division (C) of section 187.04 2445
of the Revised Code that are not designated to be made available 2446
to the public as provided in that division; 2447

(cc) Information and records that are made confidential, 2448
privileged, and not subject to disclosure under divisions (B) 2449
and (C) of section 2949.221 of the Revised Code; 2450

(dd) Personal information, as defined in section 149.45 of 2451
the Revised Code; 2452

(ee) The confidential name, address, and other personally 2453
identifiable information of a program participant in the address 2454
confidentiality program established under sections 111.41 to 2455
111.47 of the Revised Code, including the contents of any 2456
application for absent voter's ballots, absent voter's ballot 2457
identification envelope statement of voter, or provisional 2458
ballot affirmation completed by a program participant who has a 2459
confidential voter registration record; records or portions of 2460
records pertaining to that program that identify the number of 2461

program participants that reside within a precinct, ward, 2462
township, municipal corporation, county, or any other geographic 2463
area smaller than the state; and any real property 2464
confidentiality notice filed under section 111.431 of the 2465
Revised Code and the information described in division (C) of 2466
that section. As used in this division, "confidential address" 2467
and "program participant" have the meaning defined in section 2468
111.41 of the Revised Code. 2469

(ff) Orders for active military service of an individual 2470
serving or with previous service in the armed forces of the 2471
United States, including a reserve component, or the Ohio 2472
organized militia, except that, such order becomes a public 2473
record on the day that is fifteen years after the published date 2474
or effective date of the call to order; 2475

(gg) The name, address, contact information, or other 2476
personal information of an individual who is less than eighteen 2477
years of age that is included in any record related to a traffic 2478
accident involving a school vehicle in which the individual was 2479
an occupant at the time of the accident; 2480

(hh) Protected health information, as defined in 45 C.F.R. 2481
160.103, that is in a claim for payment for a health care 2482
product, service, or procedure, as well as any other health 2483
claims data in another document that reveals the identity of an 2484
individual who is the subject of the data or could be used to 2485
reveal that individual's identity; 2486

(ii) Any depiction by photograph, film, videotape, or 2487
printed or digital image under either of the following 2488
circumstances: 2489

(i) The depiction is that of a victim of an offense the 2490

release of which would be, to a reasonable person of ordinary 2491
sensibilities, an offensive and objectionable intrusion into the 2492
victim's expectation of bodily privacy and integrity. 2493

(ii) The depiction captures or depicts the victim of a 2494
sexually oriented offense, as defined in section 2950.01 of the 2495
Revised Code, at the actual occurrence of that offense. 2496

(jj) Restricted portions of a body-worn camera or 2497
dashboard camera recording; 2498

(kk) In the case of a fetal-infant mortality review board 2499
acting under sections 3707.70 to 3707.77 of the Revised Code, 2500
records, documents, reports, or other information presented to 2501
the board or a person abstracting such materials on the board's 2502
behalf, statements made by review board members during board 2503
meetings, all work products of the board, and data submitted by 2504
the board to the department of health or a national infant death 2505
review database, other than the report prepared pursuant to 2506
section 3707.77 of the Revised Code. 2507

(ll) Records, documents, reports, or other information 2508
presented to the pregnancy-associated mortality review board 2509
established under section 3738.01 of the Revised Code, 2510
statements made by board members during board meetings, all work 2511
products of the board, and data submitted by the board to the 2512
department of health, other than the biennial reports prepared 2513
under section 3738.08 of the Revised Code; 2514

(mm) Except as otherwise provided in division (A) (1) (oo) 2515
of this section, telephone numbers for a victim, as defined in 2516
section 2930.01 of the Revised Code or a witness to a crime that 2517
are listed on any law enforcement record or report. 2518

(nn) A preneed funeral contract, as defined in section 2519

4717.01 of the Revised Code, and contract terms and personally 2520
identifying information of a preneed funeral contract, that is 2521
contained in a report submitted by or for a funeral home to the 2522
board of embalmers and funeral directors under division (C) of 2523
section 4717.13, division (J) of section 4717.31, or section 2524
4717.41 of the Revised Code. 2525

(oo) Telephone numbers for a party to a motor vehicle 2526
accident subject to the requirements of section 5502.11 of the 2527
Revised Code that are listed on any law enforcement record or 2528
report, except that the telephone numbers described in this 2529
division are not excluded from the definition of "public record" 2530
under this division on and after the thirtieth day after the 2531
occurrence of the motor vehicle accident. 2532

(pp) Records pertaining to individuals who complete 2533
training under section 5502.703 of the Revised Code to be 2534
permitted by a school district board of education or governing 2535
body of a community school established under Chapter 3314. of 2536
the Revised Code, a STEM school established under Chapter 3326. 2537
of the Revised Code, or a chartered nonpublic school to convey 2538
deadly weapons or dangerous ordnance into a school safety zone. 2539

A record that is not a public record under division (A) (1) 2540
of this section and that, under law, is permanently retained 2541
becomes a public record on the day that is seventy-five years 2542
after the day on which the record was created, except for any 2543
record protected by the attorney-client privilege, a trial 2544
preparation record as defined in this section, a statement 2545
prohibiting the release of identifying information signed under 2546
section 3107.083 of the Revised Code, a denial of release form 2547
filed pursuant to section 3107.46 of the Revised Code, or any 2548
record that is exempt from release or disclosure under section 2549

149.433 of the Revised Code. If the record is a birth 2550
certificate and a biological parent's name redaction request 2551
form has been accepted under section 3107.391 of the Revised 2552
Code, the name of that parent shall be redacted from the birth 2553
certificate before it is released under this paragraph. If any 2554
other section of the Revised Code establishes a time period for 2555
disclosure of a record that conflicts with the time period 2556
specified in this section, the time period in the other section 2557
prevails. 2558

(2) "Confidential law enforcement investigatory record" 2559
means any record that pertains to a law enforcement matter of a 2560
criminal, quasi-criminal, civil, or administrative nature, but 2561
only to the extent that the release of the record would create a 2562
high probability of disclosure of any of the following: 2563

(a) The identity of a suspect who has not been charged 2564
with the offense to which the record pertains, or of an 2565
information source or witness to whom confidentiality has been 2566
reasonably promised; 2567

(b) Information provided by an information source or 2568
witness to whom confidentiality has been reasonably promised, 2569
which information would reasonably tend to disclose the source's 2570
or witness's identity; 2571

(c) Specific confidential investigatory techniques or 2572
procedures or specific investigatory work product; 2573

(d) Information that would endanger the life or physical 2574
safety of law enforcement personnel, a crime victim, a witness, 2575
or a confidential information source. 2576

(3) "Medical record" means any document or combination of 2577
documents, except births, deaths, and the fact of admission to 2578

or discharge from a hospital, that pertains to the medical 2579
history, diagnosis, prognosis, or medical condition of a patient 2580
and that is generated and maintained in the process of medical 2581
treatment. 2582

(4) "Trial preparation record" means any record that 2583
contains information that is specifically compiled in reasonable 2584
anticipation of, or in defense of, a civil or criminal action or 2585
proceeding, including the independent thought processes and 2586
personal trial preparation of an attorney. 2587

(5) "Intellectual property record" means a record, other 2588
than a financial or administrative record, that is produced or 2589
collected by or for faculty or staff of a state institution of 2590
higher learning in the conduct of or as a result of study or 2591
research on an educational, commercial, scientific, artistic, 2592
technical, or scholarly issue, regardless of whether the study 2593
or research was sponsored by the institution alone or in 2594
conjunction with a governmental body or private concern, and 2595
that has not been publicly released, published, or patented. 2596

(6) "Donor profile record" means all records about donors 2597
or potential donors to a public institution of higher education 2598
except the names and reported addresses of the actual donors and 2599
the date, amount, and conditions of the actual donation. 2600

(7) "Designated public service worker" means a peace 2601
officer, parole officer, probation officer, bailiff, prosecuting 2602
attorney, assistant prosecuting attorney, correctional employee, 2603
county or multicounty corrections officer, community-based 2604
correctional facility employee, designated Ohio national guard 2605
member, protective services worker, youth services employee, 2606
firefighter, EMT, medical director or member of a cooperating 2607
physician advisory board of an emergency medical service 2608

organization, state board of pharmacy employee, investigator of 2609
the bureau of criminal identification and investigation, 2610
emergency service telecommunicator, forensic mental health 2611
provider, mental health evaluation provider, regional 2612
psychiatric hospital employee, judge, magistrate, or federal law 2613
enforcement officer. 2614

(8) "Designated public service worker residential and 2615
familial information" means any information that discloses any 2616
of the following about a designated public service worker: 2617

(a) The address of the actual personal residence of a 2618
designated public service worker, except for the following 2619
information: 2620

(i) The address of the actual personal residence of a 2621
prosecuting attorney or judge; and 2622

(ii) The state or political subdivision in which a 2623
designated public service worker resides. 2624

(b) Information compiled from referral to or participation 2625
in an employee assistance program; 2626

(c) The social security number, the residential telephone 2627
number, any bank account, debit card, charge card, or credit 2628
card number, or the emergency telephone number of, or any 2629
medical information pertaining to, a designated public service 2630
worker; 2631

(d) The name of any beneficiary of employment benefits, 2632
including, but not limited to, life insurance benefits, provided 2633
to a designated public service worker by the designated public 2634
service worker's employer; 2635

(e) The identity and amount of any charitable or 2636

employment benefit deduction made by the designated public 2637
service worker's employer from the designated public service 2638
worker's compensation, unless the amount of the deduction is 2639
required by state or federal law; 2640

(f) The name, the residential address, the name of the 2641
employer, the address of the employer, the social security 2642
number, the residential telephone number, any bank account, 2643
debit card, charge card, or credit card number, or the emergency 2644
telephone number of the spouse, a former spouse, or any child of 2645
a designated public service worker; 2646

(g) A photograph of a peace officer who holds a position 2647
or has an assignment that may include undercover or plain 2648
clothes positions or assignments as determined by the peace 2649
officer's appointing authority. 2650

(9) As used in divisions (A) (7) and (15) to (17) of this 2651
section: 2652

"Peace officer" has the meaning defined in section 109.71 2653
of the Revised Code and also includes the superintendent and 2654
troopers of the state highway patrol; it does not include the 2655
sheriff of a county or a supervisory employee who, in the 2656
absence of the sheriff, is authorized to stand in for, exercise 2657
the authority of, and perform the duties of the sheriff. 2658

"Correctional employee" means any employee of the 2659
department of rehabilitation and correction who in the course of 2660
performing the employee's job duties has or has had contact with 2661
inmates and persons under supervision. 2662

"County or multicounty corrections officer" means any 2663
corrections officer employed by any county or multicounty 2664
correctional facility. 2665

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

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

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

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

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

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

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

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

addiction, and mental health services board who, in the course 2695
of the employee's duties, has contact with persons committed to 2696
a local alcohol, drug addiction, and mental health services 2697
board by a court order pursuant to section 2945.38, 2945.39, 2698
2945.40, or 2945.402 of the Revised Code. 2699

"Mental health evaluation provider" means an individual 2700
who, under Chapter 5122. of the Revised Code, examines a 2701
respondent who is alleged to be a mentally ill person subject to 2702
court order, as defined in section 5122.01 of the Revised Code, 2703
and reports to the probate court the respondent's mental 2704
condition. 2705

"Regional psychiatric hospital employee" means any 2706
employee of the department of mental health and addiction 2707
services who, in the course of performing the employee's duties, 2708
has contact with patients committed to the department of mental 2709
health and addiction services by a court order pursuant to 2710
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2711
Code. 2712

"Federal law enforcement officer" has the meaning defined 2713
in section 9.88 of the Revised Code. 2714

(10) "Information pertaining to the recreational 2715
activities of a person under the age of eighteen" means 2716
information that is kept in the ordinary course of business by a 2717
public office, that pertains to the recreational activities of a 2718
person under the age of eighteen years, and that discloses any 2719
of the following: 2720

(a) The address or telephone number of a person under the 2721
age of eighteen or the address or telephone number of that 2722
person's parent, guardian, custodian, or emergency contact 2723

person; 2724

(b) The social security number, birth date, or 2725
photographic image of a person under the age of eighteen; 2726

(c) Any medical record, history, or information pertaining 2727
to a person under the age of eighteen; 2728

(d) Any additional information sought or required about a 2729
person under the age of eighteen for the purpose of allowing 2730
that person to participate in any recreational activity 2731
conducted or sponsored by a public office or to use or obtain 2732
admission privileges to any recreational facility owned or 2733
operated by a public office. 2734

(11) "Community control sanction" has the meaning defined 2735
in section 2929.01 of the Revised Code. 2736

(12) "Post-release control sanction" has the meaning 2737
defined in section 2967.01 of the Revised Code. 2738

(13) "Redaction" means obscuring or deleting any 2739
information that is exempt from the duty to permit public 2740
inspection or copying from an item that otherwise meets the 2741
definition of a "record" in section 149.011 of the Revised Code. 2742

(14) "Designee," "elected official," and "future official" 2743
have the meanings defined in section 109.43 of the Revised Code. 2744

(15) "Body-worn camera" means a visual and audio recording 2745
device worn on the person of a correctional employee or peace 2746
officer while the correctional employee or peace officer is 2747
engaged in the performance of ~~the peace officer's~~ official 2748
duties. 2749

(16) "Dashboard camera" means a visual and audio recording 2750
device mounted on a peace officer's vehicle or vessel that is 2751

used while the peace officer is engaged in the performance of 2752
the peace officer's duties. 2753

(17) "Restricted portions of a body-worn camera or 2754
dashboard camera recording" means any visual or audio portion of 2755
a body-worn camera or dashboard camera recording that shows, 2756
communicates, or discloses any of the following: 2757

(a) The image or identity of a child or information that 2758
could lead to the identification of a child who is a primary 2759
subject of the recording when the department of rehabilitation 2760
and correction or the law enforcement agency knows or has reason 2761
to know the person is a child based on the department's or law 2762
enforcement agency's records or the content of the recording; 2763

(b) The death of a person or a deceased person's body, 2764
unless the death was caused by a correctional employee or peace 2765
officer or, subject to division (H)(1) of this section, the 2766
consent of the decedent's executor or administrator has been 2767
obtained; 2768

(c) The death of a correctional employee, peace officer, 2769
firefighter, paramedic, or other first responder, occurring 2770
while the decedent was engaged in the performance of official 2771
duties, unless, subject to division (H)(1) of this section, the 2772
consent of the decedent's executor or administrator has been 2773
obtained; 2774

(d) Grievous bodily harm, unless the injury was effected 2775
by a correctional employee or peace officer or, subject to 2776
division (H)(1) of this section, the consent of the injured 2777
person or the injured person's guardian has been obtained; 2778

(e) An act of severe violence against a person that 2779
results in serious physical harm to the person, unless the act 2780

and injury was effected by a correctional employee or peace 2781
officer or, subject to division (H) (1) of this section, the 2782
consent of the injured person or the injured person's guardian 2783
has been obtained; 2784

(f) Grievous bodily harm to a correctional employee, peace 2785
officer, firefighter, paramedic, or other first responder, 2786
occurring while the injured person was engaged in the 2787
performance of official duties, unless, subject to division (H) 2788
(1) of this section, the consent of the injured person or the 2789
injured person's guardian has been obtained; 2790

(g) An act of severe violence resulting in serious 2791
physical harm against a correctional employee, peace officer, 2792
firefighter, paramedic, or other first responder, occurring 2793
while the injured person was engaged in the performance of 2794
official duties, unless, subject to division (H) (1) of this 2795
section, the consent of the injured person or the injured 2796
person's guardian has been obtained; 2797

(h) A person's nude body, unless, subject to division (H) 2798
(1) of this section, the person's consent has been obtained; 2799

(i) Protected health information, the identity of a person 2800
in a health care facility who is not the subject of a law 2801
enforcement encounter, or any other information in a health care 2802
facility that could identify a person who is not the subject of 2803
a law enforcement encounter; 2804

(j) Information that could identify the alleged victim of 2805
a sex offense, menacing by stalking, or domestic violence; 2806

(k) Information, that does not constitute a confidential 2807
law enforcement investigatory record, that could identify a 2808
person who provides sensitive or confidential information to a 2809

correctional employee or a law enforcement agency when the 2810
disclosure of the person's identity or the information provided 2811
could reasonably be expected to threaten or endanger the safety 2812
or property of the person or another person; 2813

(l) Personal information of a person who is not arrested, 2814
cited, charged, or issued a written warning by a peace officer; 2815

(m) Proprietary police contingency plans or tactics that 2816
are intended to prevent crime and maintain public order and 2817
safety; 2818

(n) A personal conversation unrelated to work between 2819
peace officers or between a peace officer and an employee of a 2820
law enforcement agency; 2821

(o) A conversation between a peace officer and a member of 2822
the public that does not concern law enforcement activities; 2823

(p) The interior of a residence, unless the interior of a 2824
residence is the location of an adversarial encounter with, or a 2825
use of force by, a peace officer; 2826

(q) Any portion of the interior of a private business that 2827
is not open to the public, unless an adversarial encounter with, 2828
or a use of force by, a peace officer occurs in that location. 2829

As used in division (A) (17) of this section: 2830

"Grievous bodily harm" has the same meaning as in section 2831
5924.120 of the Revised Code. 2832

"Health care facility" has the same meaning as in section 2833
1337.11 of the Revised Code. 2834

"Protected health information" has the same meaning as in 2835
45 C.F.R. 160.103. 2836

"Law enforcement agency" has the same meaning as in 2837
section 2925.61 of the Revised Code. 2838

"Personal information" means any government-issued 2839
identification number, date of birth, address, financial 2840
information, or criminal justice information from the law 2841
enforcement automated data system or similar databases. 2842

"Sex offense" has the same meaning as in section 2907.10 2843
of the Revised Code. 2844

"Firefighter," "paramedic," and "first responder" have the 2845
same meanings as in section 4765.01 of the Revised Code. 2846

(B) (1) Upon request by any person and subject to division 2847
(B) (8) of this section, all public records responsive to the 2848
request shall be promptly prepared and made available for 2849
inspection to the requester at all reasonable times during 2850
regular business hours. Subject to division (B) (8) of this 2851
section, upon request by any person, a public office or person 2852
responsible for public records shall make copies of the 2853
requested public record available to the requester at cost and 2854
within a reasonable period of time. If a public record contains 2855
information that is exempt from the duty to permit public 2856
inspection or to copy the public record, the public office or 2857
the person responsible for the public record shall make 2858
available all of the information within the public record that 2859
is not exempt. When making that public record available for 2860
public inspection or copying that public record, the public 2861
office or the person responsible for the public record shall 2862
notify the requester of any redaction or make the redaction 2863
plainly visible. A redaction shall be deemed a denial of a 2864
request to inspect or copy the redacted information, except if 2865
federal or state law authorizes or requires a public office to 2866

make the redaction. 2867

(2) To facilitate broader access to public records, a 2868
public office or the person responsible for public records shall 2869
organize and maintain public records in a manner that they can 2870
be made available for inspection or copying in accordance with 2871
division (B) of this section. A public office also shall have 2872
available a copy of its current records retention schedule at a 2873
location readily available to the public. If a requester makes 2874
an ambiguous or overly broad request or has difficulty in making 2875
a request for copies or inspection of public records under this 2876
section such that the public office or the person responsible 2877
for the requested public record cannot reasonably identify what 2878
public records are being requested, the public office or the 2879
person responsible for the requested public record may deny the 2880
request but shall provide the requester with an opportunity to 2881
revise the request by informing the requester of the manner in 2882
which records are maintained by the public office and accessed 2883
in the ordinary course of the public office's or person's 2884
duties. 2885

(3) If a request is ultimately denied, in part or in 2886
whole, the public office or the person responsible for the 2887
requested public record shall provide the requester with an 2888
explanation, including legal authority, setting forth why the 2889
request was denied. If the initial request was provided in 2890
writing, the explanation also shall be provided to the requester 2891
in writing. The explanation shall not preclude the public office 2892
or the person responsible for the requested public record from 2893
relying upon additional reasons or legal authority in defending 2894
an action commenced under division (C) of this section. 2895

(4) Unless specifically required or authorized by state or 2896

federal law or in accordance with division (B) of this section, 2897
no public office or person responsible for public records may 2898
limit or condition the availability of public records by 2899
requiring disclosure of the requester's identity or the intended 2900
use of the requested public record. Any requirement that the 2901
requester disclose the requester's identity or the intended use 2902
of the requested public record constitutes a denial of the 2903
request. 2904

(5) A public office or person responsible for public 2905
records may ask a requester to make the request in writing, may 2906
ask for the requester's identity, and may inquire about the 2907
intended use of the information requested, but may do so only 2908
after disclosing to the requester that a written request is not 2909
mandatory, that the requester may decline to reveal the 2910
requester's identity or the intended use, and when a written 2911
request or disclosure of the identity or intended use would 2912
benefit the requester by enhancing the ability of the public 2913
office or person responsible for public records to identify, 2914
locate, or deliver the public records sought by the requester. 2915

(6) If any person requests a copy of a public record in 2916
accordance with division (B) of this section, the public office 2917
or person responsible for the public record may require the 2918
requester to pay in advance the cost involved in providing the 2919
copy of the public record in accordance with the choice made by 2920
the requester under this division. The public office or the 2921
person responsible for the public record shall permit the 2922
requester to choose to have the public record duplicated upon 2923
paper, upon the same medium upon which the public office or 2924
person responsible for the public record keeps it, or upon any 2925
other medium upon which the public office or person responsible 2926
for the public record determines that it reasonably can be 2927

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

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

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

(c) In any policy and procedures adopted under division 2958
(B) (7) of this section: 2959

(i) A public office may limit the number of records 2960
requested by a person that the office will physically deliver by 2961
United States mail or by another delivery service to ten per 2962
month, unless the person certifies to the office in writing that 2963
the person does not intend to use or forward the requested 2964
records, or the information contained in them, for commercial 2965
purposes; 2966

(ii) A public office that chooses to provide some or all 2967
of its public records on a web site that is fully accessible to 2968
and searchable by members of the public at all times, other than 2969
during acts of God outside the public office's control or 2970
maintenance, and that charges no fee to search, access, 2971
download, or otherwise receive records provided on the web site, 2972
may limit to ten per month the number of records requested by a 2973
person that the office will deliver in a digital format, unless 2974
the requested records are not provided on the web site and 2975
unless the person certifies to the office in writing that the 2976
person does not intend to use or forward the requested records, 2977
or the information contained in them, for commercial purposes. 2978

(iii) For purposes of division (B) (7) of this section, 2979
"commercial" shall be narrowly construed and does not include 2980
reporting or gathering news, reporting or gathering information 2981
to assist citizen oversight or understanding of the operation or 2982
activities of government, or nonprofit educational research. 2983

(8) A public office or person responsible for public 2984
records is not required to permit a person who is incarcerated 2985
pursuant to a criminal conviction or a juvenile adjudication to 2986
inspect or to obtain a copy of any public record concerning a 2987

criminal investigation or prosecution or concerning what would 2988
be a criminal investigation or prosecution if the subject of the 2989
investigation or prosecution were an adult, unless the request 2990
to inspect or to obtain a copy of the record is for the purpose 2991
of acquiring information that is subject to release as a public 2992
record under this section and the judge who imposed the sentence 2993
or made the adjudication with respect to the person, or the 2994
judge's successor in office, finds that the information sought 2995
in the public record is necessary to support what appears to be 2996
a justiciable claim of the person. 2997

(9) (a) Upon written request made and signed by a 2998
journalist, a public office, or person responsible for public 2999
records, having custody of the records of the agency employing a 3000
specified designated public service worker shall disclose to the 3001
journalist the address of the actual personal residence of the 3002
designated public service worker and, if the designated public 3003
service worker's spouse, former spouse, or child is employed by 3004
a public office, the name and address of the employer of the 3005
designated public service worker's spouse, former spouse, or 3006
child. The request shall include the journalist's name and title 3007
and the name and address of the journalist's employer and shall 3008
state that disclosure of the information sought would be in the 3009
public interest. 3010

(b) Division (B) (9) (a) of this section also applies to 3011
journalist requests for: 3012

(i) Customer information maintained by a municipally owned 3013
or operated public utility, other than social security numbers 3014
and any private financial information such as credit reports, 3015
payment methods, credit card numbers, and bank account 3016
information; 3017

(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 3048
orders the public office or the person responsible for the 3049
public record to comply with division (B) of this section, that 3050
awards court costs and reasonable attorney's fees to the person 3051
that instituted the mandamus action, and, if applicable, that 3052
includes an order fixing statutory damages under division (C) (2) 3053
of this section. The mandamus action may be commenced in the 3054
court of common pleas of the county in which division (B) of 3055
this section allegedly was not complied with, in the supreme 3056
court pursuant to its original jurisdiction under Section 2 of 3057
Article IV, Ohio Constitution, or in the court of appeals for 3058
the appellate district in which division (B) of this section 3059
allegedly was not complied with pursuant to its original 3060
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3061

(2) If a requester transmits a written request by hand 3062
delivery, electronic submission, or certified mail to inspect or 3063
receive copies of any public record in a manner that fairly 3064
describes the public record or class of public records to the 3065
public office or person responsible for the requested public 3066
records, except as otherwise provided in this section, the 3067
requester shall be entitled to recover the amount of statutory 3068
damages set forth in this division if a court determines that 3069
the public office or the person responsible for public records 3070
failed to comply with an obligation in accordance with division 3071
(B) of this section. 3072

The amount of statutory damages shall be fixed at one 3073
hundred dollars for each business day during which the public 3074
office or person responsible for the requested public records 3075
failed to comply with an obligation in accordance with division 3076
(B) of this section, beginning with the day on which the 3077
requester files a mandamus action to recover statutory damages, 3078

up to a maximum of one thousand dollars. The award of statutory 3079
damages shall not be construed as a penalty, but as compensation 3080
for injury arising from lost use of the requested information. 3081
The existence of this injury shall be conclusively presumed. The 3082
award of statutory damages shall be in addition to all other 3083
remedies authorized by this section. 3084

The court may reduce an award of statutory damages or not 3085
award statutory damages if the court determines both of the 3086
following: 3087

(a) That, based on the ordinary application of statutory 3088
law and case law as it existed at the time of the conduct or 3089
threatened conduct of the public office or person responsible 3090
for the requested public records that allegedly constitutes a 3091
failure to comply with an obligation in accordance with division 3092
(B) of this section and that was the basis of the mandamus 3093
action, a well-informed public office or person responsible for 3094
the requested public records reasonably would believe that the 3095
conduct or threatened conduct of the public office or person 3096
responsible for the requested public records did not constitute 3097
a failure to comply with an obligation in accordance with 3098
division (B) of this section; 3099

(b) That a well-informed public office or person 3100
responsible for the requested public records reasonably would 3101
believe that the conduct or threatened conduct of the public 3102
office or person responsible for the requested public records 3103
would serve the public policy that underlies the authority that 3104
is asserted as permitting that conduct or threatened conduct. 3105

(3) In a mandamus action filed under division (C) (1) of 3106
this section, the following apply: 3107

(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.

(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.

(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:

(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.

(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.

(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

(B) of this section. No discovery may be conducted on the issue 3137
of the alleged bad faith of the public office or person 3138
responsible for the public records. This division shall not be 3139
construed as creating a presumption that the public office or 3140
the person responsible for the public records acted in bad faith 3141
when the office or person voluntarily made the public records 3142
available to the relator for the first time after the relator 3143
commenced the mandamus action, but before the court issued any 3144
order described in this division. 3145

(c) The court shall not award attorney's fees to the 3146
relator if the court determines both of the following: 3147

(i) That, based on the ordinary application of statutory 3148
law and case law as it existed at the time of the conduct or 3149
threatened conduct of the public office or person responsible 3150
for the requested public records that allegedly constitutes a 3151
failure to comply with an obligation in accordance with division 3152
(B) of this section and that was the basis of the mandamus 3153
action, a well-informed public office or person responsible for 3154
the requested public records reasonably would believe that the 3155
conduct or threatened conduct of the public office or person 3156
responsible for the requested public records did not constitute 3157
a failure to comply with an obligation in accordance with 3158
division (B) of this section; 3159

(ii) That a well-informed public office or person 3160
responsible for the requested public records reasonably would 3161
believe that the conduct or threatened conduct of the public 3162
office or person responsible for the requested public records 3163
would serve the public policy that underlies the authority that 3164
is asserted as permitting that conduct or threatened conduct. 3165

(4) All of the following apply to any award of reasonable 3166

attorney's fees awarded under division (C) (3) (b) of this section: 3167
3168

(a) The fees shall be construed as remedial and not punitive. 3169
3170

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section. 3171
3172
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(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. 3175
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(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section. 3178
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(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. 3184
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 3191
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(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their 3193
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appropriate designees shall attend training approved by the 3196
attorney general as provided in section 109.43 of the Revised 3197
Code. A future official may satisfy the requirements of this 3198
division by attending the training before taking office, 3199
provided that the future official may not send a designee in the 3200
future official's place. 3201

(2) All public offices shall adopt a public records policy 3202
in compliance with this section for responding to public records 3203
requests. In adopting a public records policy under this 3204
division, a public office may obtain guidance from the model 3205
public records policy developed and provided to the public 3206
office by the attorney general under section 109.43 of the 3207
Revised Code. Except as otherwise provided in this section, the 3208
policy may not limit the number of public records that the 3209
public office will make available to a single person, may not 3210
limit the number of public records that it will make available 3211
during a fixed period of time, and may not establish a fixed 3212
period of time before it will respond to a request for 3213
inspection or copying of public records, unless that period is 3214
less than eight hours. 3215

The public office shall distribute the public records 3216
policy adopted by the public office under this division to the 3217
employee of the public office who is the records custodian or 3218
records manager or otherwise has custody of the records of that 3219
office. The public office shall require that employee to 3220
acknowledge receipt of the copy of the public records policy. 3221
The public office shall create a poster that describes its 3222
public records policy and shall post the poster in a conspicuous 3223
place in the public office and in all locations where the public 3224
office has branch offices. The public office may post its public 3225
records policy on the internet web site of the public office if 3226

the public office maintains an internet web site. A public 3227
office that has established a manual or handbook of its general 3228
policies and procedures for all employees of the public office 3229
shall include the public records policy of the public office in 3230
the manual or handbook. 3231

(F) (1) The bureau of motor vehicles may adopt rules 3232
pursuant to Chapter 119. of the Revised Code to reasonably limit 3233
the number of bulk commercial special extraction requests made 3234
by a person for the same records or for updated records during a 3235
calendar year. The rules may include provisions for charges to 3236
be made for bulk commercial special extraction requests for the 3237
actual cost of the bureau, plus special extraction costs, plus 3238
ten per cent. The bureau may charge for expenses for redacting 3239
information, the release of which is prohibited by law. 3240

(2) As used in division (F) (1) of this section: 3241

(a) "Actual cost" means the cost of depleted supplies, 3242
records storage media costs, actual mailing and alternative 3243
delivery costs, or other transmitting costs, and any direct 3244
equipment operating and maintenance costs, including actual 3245
costs paid to private contractors for copying services. 3246

(b) "Bulk commercial special extraction request" means a 3247
request for copies of a record for information in a format other 3248
than the format already available, or information that cannot be 3249
extracted without examination of all items in a records series, 3250
class of records, or database by a person who intends to use or 3251
forward the copies for surveys, marketing, solicitation, or 3252
resale for commercial purposes. "Bulk commercial special 3253
extraction request" does not include a request by a person who 3254
gives assurance to the bureau that the person making the request 3255
does not intend to use or forward the requested copies for 3256

surveys, marketing, solicitation, or resale for commercial 3257
purposes. 3258

(c) "Commercial" means profit-seeking production, buying, 3259
or selling of any good, service, or other product. 3260

(d) "Special extraction costs" means the cost of the time 3261
spent by the lowest paid employee competent to perform the task, 3262
the actual amount paid to outside private contractors employed 3263
by the bureau, or the actual cost incurred to create computer 3264
programs to make the special extraction. "Special extraction 3265
costs" include any charges paid to a public agency for computer 3266
or records services. 3267

(3) For purposes of divisions (F) (1) and (2) of this 3268
section, "surveys, marketing, solicitation, or resale for 3269
commercial purposes" shall be narrowly construed and does not 3270
include reporting or gathering news, reporting or gathering 3271
information to assist citizen oversight or understanding of the 3272
operation or activities of government, or nonprofit educational 3273
research. 3274

(G) A request by a defendant, counsel of a defendant, or 3275
any agent of a defendant in a criminal action that public 3276
records related to that action be made available under this 3277
section shall be considered a demand for discovery pursuant to 3278
the Criminal Rules, except to the extent that the Criminal Rules 3279
plainly indicate a contrary intent. The defendant, counsel of 3280
the defendant, or agent of the defendant making a request under 3281
this division shall serve a copy of the request on the 3282
prosecuting attorney, director of law, or other chief legal 3283
officer responsible for prosecuting the action. 3284

(H) (1) Any portion of a body-worn camera or dashboard 3285

camera recording described in divisions (A) (17) (b) to (h) of 3286
this section may be released by consent of the subject of the 3287
recording or a representative of that person, as specified in 3288
those divisions, only if either of the following applies: 3289

(a) The recording will not be used in connection with any 3290
probable or pending criminal proceedings; 3291

(b) The recording has been used in connection with a 3292
criminal proceeding that was dismissed or for which a judgment 3293
has been entered pursuant to Rule 32 of the Rules of Criminal 3294
Procedure, and will not be used again in connection with any 3295
probable or pending criminal proceedings. 3296

(2) If a public office denies a request to release a 3297
restricted portion of a body-worn camera or dashboard camera 3298
recording, as defined in division (A) (17) of this section, any 3299
person may file a mandamus action pursuant to this section or a 3300
complaint with the clerk of the court of claims pursuant to 3301
section 2743.75 of the Revised Code, requesting the court to 3302
order the release of all or portions of the recording. If the 3303
court considering the request determines that the filing 3304
articulates by clear and convincing evidence that the public 3305
interest in the recording substantially outweighs privacy 3306
interests and other interests asserted to deny release, the 3307
court shall order the public office to release the recording. 3308

Sec. 307.93. ~~(A) (1)~~ (A) The boards of county commissioners 3309
of two or more adjacent counties may contract for the joint 3310
establishment of a multicounty correctional center, and the 3311
board of county commissioners of a county or the boards of two 3312
or more counties may contract with any municipal corporation or 3313
municipal corporations located in that county or those counties 3314
for the joint establishment of a municipal-county or 3315

multicounty-municipal correctional center. The center shall 3316
augment county and, where applicable, municipal jail programs 3317
and facilities by providing custody and rehabilitative programs 3318
for those persons under the charge of the sheriff of any of the 3319
contracting counties or of the officer or officers of the 3320
contracting municipal corporation or municipal corporations 3321
having charge of persons incarcerated in the municipal jail, 3322
workhouse, or other correctional facility who, in the opinion of 3323
the sentencing court, need programs of custody and 3324
rehabilitation not available at the county or municipal jail and 3325
by providing custody and rehabilitative programs in accordance 3326
with division (C) of this section, if applicable. The contract 3327
may include, but need not be limited to, provisions regarding 3328
the acquisition, construction, maintenance, repair, termination 3329
of operations, and administration of the center. The contract 3330
shall prescribe the manner of funding of, and debt assumption 3331
for, the center and the standards and procedures to be followed 3332
in the operation of the center. Except as provided in division 3333
(G) of this section, the contracting counties and municipal 3334
corporations shall form a corrections commission to oversee the 3335
administration of the center. Members of the commission shall 3336
consist of the sheriff of each participating county, a member of 3337
the board of county commissioners of each participating county, 3338
the chief of police of each participating municipal corporation, 3339
and the mayor or city manager of each participating municipal 3340
corporation. Any of the foregoing officers may appoint a 3341
designee to serve in the officer's place on the corrections 3342
commission. 3343

The standards and procedures prescribed under this 3344
division shall be formulated and agreed to by the commission and 3345
may be amended at any time during the life of the contract by 3346

agreement of a majority of the voting members of the commission 3347
or by other means set forth in the contract between the 3348
contracting counties and municipal corporations. The standards 3349
and procedures formulated by the commission and amendments to 3350
them shall include, but need not be limited to, designation of 3351
the person in charge of the center, designation of a fiscal 3352
agent, the categories of employees to be employed at the center, 3353
the appointing authority of the center, and the standards of 3354
treatment and security to be maintained at the center. The 3355
person in charge of, and all persons employed to work at, the 3356
center shall have all the powers of police officers that are 3357
necessary for the proper performance of the duties ~~and work-~~ 3358
~~responsibilities of relating to their positions at the center,~~ 3359
~~provided that the corrections officers of the center may carry-~~ 3360
~~firearms in the performance of those duties and responsibilities-~~ 3361
~~only in accordance with division (A)(2) of this section.~~ 3362

~~(2) The person in charge of a multicounty correctional-~~ 3363
~~center, or of a municipal county or multicounty municipal-~~ 3364
~~correctional center, may grant permission to a corrections-~~ 3365
~~officer of the center to carry firearms when required in the~~ 3366
~~discharge of official duties if the corrections officer has-~~ 3367
~~successfully completed a basic firearm training program that is-~~ 3368
~~approved by the executive director of the Ohio peace officer-~~ 3369
~~training commission. A corrections officer who has been granted-~~ 3370
~~permission to carry firearms in the discharge of official duties-~~ 3371
~~annually shall successfully complete a firearms requalification-~~ 3372
~~program in accordance with section 109.801 of the Revised Code.-~~ 3373
~~A corrections officer may carry firearms under authority of this~~ 3374
~~division only while the officer is acting within the scope of-~~ 3375
~~the officer's official duties.-~~ 3376

(B) (1) Upon the establishment of a corrections commission 3377

under division (A) of this section, the judges specified in this 3378
division shall form a judicial advisory board for the purpose of 3379
making recommendations to the corrections commission on issues 3380
of bed allocation, expansion of the center that the corrections 3381
commission oversees, and other issues concerning the 3382
administration of sentences or any other matter determined to be 3383
appropriate by the board. The judges who shall form the judicial 3384
advisory board for a corrections commission are the 3385
administrative judge of the general division of the court of 3386
common pleas of each county participating in the corrections 3387
center, the presiding judge of the municipal court of each 3388
municipal corporation participating in the corrections center, 3389
and the presiding judge of each county court of each county 3390
participating in the corrections center. If the number of the 3391
foregoing members of the board is even, the county auditor or 3392
the county auditor of the most populous county if the board 3393
serves more than one county shall also be a member of the board. 3394
Any of the foregoing judges may appoint a designee to serve in 3395
the judge's place on the judicial advisory board, provided that 3396
the designee shall be a judge of the same court as the judge who 3397
makes the appointment. The judicial advisory board for a 3398
corrections commission shall meet with the corrections 3399
commission at least once each year. 3400

(2) Each board of county commissioners that enters a 3401
contract under division (A) of this section may appoint a 3402
building commission pursuant to section 153.21 of the Revised 3403
Code. If any commissions are appointed, they shall function 3404
jointly in the construction of a multicounty or multicounty- 3405
municipal correctional center with all the powers and duties 3406
authorized by law. 3407

(C) Prior to the acceptance for custody and rehabilitation 3408

into a center established under this section of any persons who 3409
are designated by the department of rehabilitation and 3410
correction, who plead guilty to or are convicted of a felony of 3411
the fourth or fifth degree, and who satisfy the other 3412
requirements listed in section 5120.161 of the Revised Code, the 3413
corrections commission of a center established under this 3414
section shall enter into an agreement with the department of 3415
rehabilitation and correction under section 5120.161 of the 3416
Revised Code for the custody and rehabilitation in the center of 3417
persons who are designated by the department, who plead guilty 3418
to or are convicted of a felony of the fourth or fifth degree, 3419
and who satisfy the other requirements listed in that section, 3420
in exchange for a per diem fee per person. Persons incarcerated 3421
in the center pursuant to an agreement entered into under this 3422
division shall be subject to supervision and control in the 3423
manner described in section 5120.161 of the Revised Code. This 3424
division does not affect the authority of a court to directly 3425
sentence a person who is convicted of or pleads guilty to a 3426
felony to the center in accordance with section 2929.16 of the 3427
Revised Code. 3428

(D) Pursuant to section 2929.37 of the Revised Code, each 3429
board of county commissioners and the legislative authority of 3430
each municipal corporation that enters into a contract under 3431
division (A) of this section may require a person who was 3432
convicted of an offense, who is under the charge of the sheriff 3433
of their county or of the officer or officers of the contracting 3434
municipal corporation or municipal corporations having charge of 3435
persons incarcerated in the municipal jail, workhouse, or other 3436
correctional facility, and who is confined in the multicounty, 3437
municipal-county, or multicounty-municipal correctional center 3438
as provided in that division, to reimburse the applicable county 3439

or municipal corporation for its expenses incurred by reason of 3440
the person's confinement in the center. 3441

(E) Notwithstanding any contrary provision in this section 3442
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 3443
corrections commission of a center may establish a policy that 3444
complies with section 2929.38 of the Revised Code and that 3445
requires any person who is not indigent and who is confined in 3446
the multicounty, municipal-county, or multicounty-municipal 3447
correctional center to pay a reception fee, a fee for medical 3448
treatment or service requested by and provided to that person, 3449
or the fee for a random drug test assessed under division (E) of 3450
section 341.26 of the Revised Code. 3451

(F) (1) The corrections commission of a center established 3452
under this section may establish a commissary for the center. 3453
The commissary may be established either in-house or by another 3454
arrangement. If a commissary is established, all persons 3455
incarcerated in the center shall receive commissary privileges. 3456
A person's purchases from the commissary shall be deducted from 3457
the person's account record in the center's business office. The 3458
commissary shall provide for the distribution to indigent 3459
persons incarcerated in the center of necessary hygiene articles 3460
and writing materials. 3461

(2) If a commissary is established, the corrections 3462
commission of a center established under this section shall 3463
establish a commissary fund for the center. The management of 3464
funds in the commissary fund shall be strictly controlled in 3465
accordance with procedures adopted by the auditor of state. 3466
Commissary fund revenue over and above operating costs and 3467
reserve shall be considered profits. All profits from the 3468
commissary fund shall be used to purchase supplies and equipment 3469

for the benefit of persons incarcerated in the center and to pay 3470
salary and benefits for employees of the center, or for any 3471
other persons, who work in or are employed for the sole purpose 3472
of providing service to the commissary. The corrections 3473
commission shall adopt rules and regulations for the operation 3474
of any commissary fund it establishes. 3475

(G) In lieu of forming a corrections commission to 3476
administer a multicounty correctional center or a municipal- 3477
county or multicounty-municipal correctional center, the boards 3478
of county commissioners and the legislative authorities of the 3479
municipal corporations contracting to establish the center may 3480
also agree to contract for the private operation and management 3481
of the center as provided in section 9.06 of the Revised Code, 3482
but only if the center houses only misdemeanor inmates. In 3483
order to enter into a contract under section 9.06 of the Revised 3484
Code, all the boards and legislative authorities establishing 3485
the center shall approve and be parties to the contract. 3486

(H) If a person who is convicted of or pleads guilty to an 3487
offense is sentenced to a term in a multicounty correctional 3488
center or a municipal-county or multicounty-municipal 3489
correctional center or is incarcerated in the center in the 3490
manner described in division (C) of this section, or if a person 3491
who is arrested for an offense, and who has been denied bail or 3492
has had bail set and has not been released on bail is confined 3493
in a multicounty correctional center or a municipal-county or 3494
multicounty-municipal correctional center pending trial, at the 3495
time of reception and at other times the officer, officers, or 3496
other person in charge of the operation of the center determines 3497
to be appropriate, the officer, officers, or other person in 3498
charge of the operation of the center may cause the convicted or 3499
accused offender to be examined and tested for tuberculosis, HIV 3500

infection, hepatitis, including but not limited to hepatitis A, 3501
B, and C, and other contagious diseases. The officer, officers, 3502
or other person in charge of the operation of the center may 3503
cause a convicted or accused offender in the center who refuses 3504
to be tested or treated for tuberculosis, HIV infection, 3505
hepatitis, including but not limited to hepatitis A, B, and C, 3506
or another contagious disease to be tested and treated 3507
involuntarily. 3508

(I) As used in this section, "multicounty-municipal" means 3509
more than one county and a municipal corporation, or more than 3510
one municipal corporation and a county, or more than one 3511
municipal corporation and more than one county. 3512

Sec. 307.932. (A) As used in this section: 3513

(1) "Division of parole and community services" means the 3514
division of parole and community services of the department of 3515
rehabilitation and correction. 3516

(2) "Eligible offender" means, in relation to a particular 3517
community alternative sentencing center or district community 3518
alternative sentencing center established and operated under 3519
this section, an offender who has been convicted of or pleaded 3520
guilty to a qualifying felony offense or a qualifying 3521
misdemeanor offense, for whom no provision of the Revised Code 3522
or ordinance of a municipal corporation other than section 3523
4511.19 of the Revised Code, both sections 4510.14 and 4511.19 3524
of the Revised Code, or an ordinance or ordinances of a 3525
municipal corporation that provide the penalties for a municipal 3526
OVI offense or for both a municipal OVI ordinance and a 3527
municipal DUS ordinance of the municipal corporation requires 3528
the imposition of a mandatory jail term for that qualifying 3529
misdemeanor offense, and who is eligible to be sentenced 3530

directly to that center and admitted to it under rules adopted 3531
under division (G) of this section by the board of county 3532
commissioners, affiliated group of boards of county 3533
commissioners, or municipal corporation that established and 3534
operates that center. "Eligible offender" also means a person 3535
who has been convicted of or pleaded guilty to a qualifying 3536
felony offense. 3537

(3) "Municipal OVI offense" has the same meaning as in 3538
section 4511.181 of the Revised Code. 3539

(4) "OVI term of confinement" means a term of confinement 3540
imposed for a violation of section 4511.19 of the Revised Code 3541
or for a municipal OVI offense, including any mandatory jail 3542
term or mandatory term of local incarceration imposed for that 3543
violation or offense. "OVI term of confinement" does not include 3544
any prison term imposed on an offender for a qualifying felony 3545
offense. 3546

(5) "Community residential sanction" means a community 3547
residential sanction imposed under section 2929.26 of the 3548
Revised Code for a misdemeanor violation of a section of the 3549
Revised Code or a term of confinement imposed for a misdemeanor 3550
violation of a municipal ordinance that is not a jail term. 3551

(6) "Qualifying misdemeanor offense" means a violation of 3552
any section of the Revised Code that is a misdemeanor or a 3553
violation of any ordinance of a municipal corporation located in 3554
the county that is a misdemeanor. 3555

(7) "Municipal DUS offense" means a violation of a 3556
municipal ordinance that is substantially equivalent to section 3557
4510.14 of the Revised Code. 3558

(8) "Qualifying felony offense" means a violation of 3559

section 4511.19 of the Revised Code that is a felony of the 3560
fourth degree or a municipal OVI offense that is substantially 3561
equivalent to a fourth degree felony violation of section 3562
4511.19 of the Revised Code. 3563

(B) (1) The board of county commissioners of any county, in 3564
consultation with the sheriff of the county, may establish a 3565
community alternative sentencing center that, upon 3566
implementation by the county or being subcontracted to or 3567
operated by a nonprofit organization, shall be used for the 3568
confinement of eligible offenders sentenced directly to the 3569
center by a court located in any county pursuant to a community 3570
residential sanction of not more than ninety days or pursuant to 3571
an OVI term of confinement of not more than ~~ninety-one hundred~~ 3572
twenty days, and for the purpose of closely monitoring those 3573
eligible offenders' adjustment to community supervision. A board 3574
that establishes a center pursuant to this division shall do so 3575
by resolution. 3576

(2) The boards of county commissioners of two or more 3577
adjoining or neighboring counties, in consultation with the 3578
sheriffs of each of those counties, may affiliate and establish 3579
by resolution adopted by each of them a district community 3580
alternative sentencing center that, upon implementation by the 3581
counties or being subcontracted to or operated by a nonprofit 3582
organization, shall be used for the confinement of eligible 3583
offenders sentenced directly to the center by a court located in 3584
any county pursuant to a community residential sanction of not 3585
more than ninety days or pursuant to an OVI term of confinement 3586
of not more than ~~ninety-one hundred twenty~~ days, and for the 3587
purpose of closely monitoring those eligible offenders' 3588
adjustment to community supervision. Each board that affiliates 3589
with one or more other boards to establish a center pursuant to 3590

this division shall do so by resolution. 3591

(3) A municipal corporation may establish a community 3592
alternative sentencing center that, upon implementation by the 3593
municipal corporation or being subcontracted to or operated by a 3594
nonprofit organization, shall be used for the confinement of 3595
eligible offenders sentenced directly to the center by a court 3596
located in any county pursuant to a community residential 3597
sanction of not more than ninety days or pursuant to an OVI term 3598
of confinement of not more than ~~ninety-one hundred twenty~~ days, 3599
and for the purpose of closely monitoring those eligible 3600
offenders' adjustment to community supervision. A municipal 3601
corporation that establishes a center pursuant to this division 3602
shall do so by resolution. 3603

(C) Each resolution establishing a community alternative 3604
sentencing center or a district community alternative sentencing 3605
center under division (B) of this section shall include 3606
provisions for operation of the center and for criteria to 3607
define which offenders are eligible to be sentenced directly to 3608
the center and admitted to it. At a minimum, the criteria that 3609
define which offenders are eligible to be sentenced directly to 3610
the center and admitted to it shall provide that an offender is 3611
eligible to be sentenced directly to the center and admitted to 3612
it if the offender has been convicted of or pleaded guilty to 3613
either a qualifying felony offense or a qualifying misdemeanor 3614
offense and is sentenced directly to the center for the 3615
~~qualifying misdemeanor~~ offense pursuant to a community 3616
residential sanction of not more than ninety days or pursuant to 3617
an OVI term of confinement of not more than ~~ninety-one hundred~~ 3618
twenty days by a court that is located in any county. 3619

(D) If a community alternative sentencing center or a 3620

district community alternative sentencing center that is 3621
established under division (B) of this section contemplates the 3622
use of an existing facility, or a part of an existing facility, 3623
as the center, nothing in this section limits, restricts, or 3624
precludes the use of the facility, the part of the facility, or 3625
any other part of the facility for any purpose other than as a 3626
community alternative sentencing center or district community 3627
alternative sentencing center. 3628

(E) If a board of county commissioners, an affiliated 3629
group of boards of county commissioners, or municipal 3630
corporation establishes and operates or subcontracts with a 3631
nonprofit organization for the operation of a community 3632
alternative sentencing center or district community alternative 3633
sentencing center under this division, except as otherwise 3634
provided in this division, the center is not a minimum security 3635
jail under section 341.14, section 753.21, or any other 3636
provision of the Revised Code, is not a jail or alternative 3637
residential facility as defined in section 2929.01 of the 3638
Revised Code, is not required to satisfy or comply with minimum 3639
standards for minimum security jails or other jails that are 3640
promulgated under division (A) of section 5120.10 of the Revised 3641
Code, is not a local detention facility as defined in section 3642
2929.36 of the Revised Code, and is not a residential unit as 3643
defined in section 2950.01 of the Revised Code. The center is a 3644
detention facility as defined in sections 2921.01 and 2923.124 3645
of the Revised Code, and an eligible offender confined in the 3646
center is under detention as defined in section 2921.01 of the 3647
Revised Code. Regarding persons sentenced directly to the center 3648
under an OVI term of confinement or under both an OVI term of 3649
confinement and confinement for a violation of section 4510.14 3650
of the Revised Code or a municipal DUS offense, the center shall 3651

be considered a ~~"jail" or "jail,"~~ "local correctional facility," 3652
or "alternative residential facility" for purposes of division 3653
(G) of section 2929.13 of the Revised Code or of any provision 3654
in section 4510.14 or 4511.19 of the Revised Code or in an 3655
ordinance of a municipal corporation that requires a mandatory 3656
jail term or mandatory term of local incarceration for the 3657
violation of section 4511.19 of the Revised Code, the violation 3658
of both sections 4510.14 and 4511.19 of the Revised Code, the 3659
municipal OVI offense, or the municipal OVI offense and the 3660
municipal DUS offense, and a direct sentence of a person to the 3661
center under an OVI term of confinement or under both an OVI 3662
term of confinement and confinement for a violation of section 3663
4510.14 of the Revised Code or a municipal DUS offense shall be 3664
considered to be a sentence to a ~~"jail" or "jail,"~~ "local 3665
correctional facility," or "alternative residential facility" 3666
for purposes of any such provision in section 2929.13, 4510.14, 3667
or 4511.19 of the Revised Code or in an ordinance of a municipal 3668
corporation. 3669

(F) (1) If the board of county commissioners of a county 3670
that is being served by a community alternative sentencing 3671
center established pursuant to this section determines that it 3672
no longer wants to be served by the center, the board may 3673
dissolve the center by adopting a resolution evidencing the 3674
determination to dissolve the center. 3675

(2) If the boards of county commissioners of all of the 3676
counties served by any district community alternative sentencing 3677
center established pursuant to this section determine that they 3678
no longer want to be served by the center, the boards may 3679
dissolve the center by adopting in each county a resolution 3680
evidencing the determination to dissolve the center. 3681

(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 3712
a nonprofit organization for the operation of a district 3713
community alternative sentencing center, or a municipal 3714
corporation operates or subcontracts with a nonprofit 3715
organization for the operation of a community alternative 3716
sentencing center under this section, all of the following 3717
apply: 3718

(1) With the approval of the operator of the center, a 3719
court located within any county may directly sentence eligible 3720
offenders to a community alternative sentencing center or 3721
district community alternative sentencing center pursuant to a 3722
community residential sanction of not more than ninety days or 3723
pursuant to an OVI term of confinement, a combination of an OVI 3724
term of confinement and confinement for a violation of section 3725
4510.14 of the Revised Code, or confinement for a municipal DUS 3726
offense of not more than ~~ninety~~ one hundred twenty days. 3727

(2) Each eligible offender who is sentenced to the center 3728
as described in division (H) (1) of this section and admitted to 3729
it shall be offered during the eligible offender's confinement 3730
at the center educational and vocational services and reentry 3731
planning and may be offered any other treatment and 3732
rehabilitative services that are available and that the court 3733
that sentenced the particular eligible offender to the center 3734
and the administrator of the center determine are appropriate 3735
based upon the offense for which the eligible offender was 3736
sentenced to the community residential sanction and the length 3737
of the sanction. 3738

(3) Before accepting an eligible offender sentenced to the 3739
center by a court, the board, the affiliated group of boards, or 3740
the municipal corporation shall enter into an agreement with a 3741

political subdivision that operates that court that addresses 3742
the cost and payment of medical treatment or services received 3743
by eligible offenders sentenced by that court while they are 3744
confined in the center. The agreement may provide for the 3745
payment of the costs by the particular eligible offender who 3746
receives the treatment or services, as described in division (I) 3747
of this section. 3748

(4) If an eligible offender a court sentences to the 3749
center is admitted to the center, all of the following apply: 3750

(a) The admission shall be under the terms and conditions 3751
established by the court and the administrator of the center, 3752
and the court and the administrator of the center shall provide 3753
for the confinement of the eligible offender and supervise the 3754
eligible offender as provided in divisions (H) (4) (b) to (f) of 3755
this section. 3756

(b) The eligible offender shall be confined in the center 3757
during any period of time that the eligible offender is not 3758
actually working at the eligible offender's approved work 3759
release described in division (H) (4) (c) of this section, engaged 3760
in community service activities described in division (H) (4) (d) 3761
of this section, engaged in authorized vocational training or 3762
another authorized educational program, engaged in another 3763
program designated by the administrator of the center, or 3764
engaged in other activities approved by the court and the 3765
administrator of the center. 3766

(c) If the court and the administrator of the center 3767
determine that work release is appropriate based upon the 3768
offense for which the eligible offender was sentenced to the 3769
community residential sanction or OVI term of confinement and 3770
the length of the sanction or term, the eligible offender may be 3771

offered work release from confinement at the center and be 3772
released from confinement while engaged in the work release. 3773

(d) An eligible offender may not participate in community 3774
service without the court's approval. If the administrator of 3775
the center determines that community service is appropriate and 3776
if the eligible offender will be confined for more than ten days 3777
at the center, the eligible offender may be required to 3778
participate in community service activities approved by the 3779
court and by the political subdivision served by the court. 3780
Community service activities that may be required under this 3781
division may take place in facilities of the political 3782
subdivision that operates the court, in the community, or in 3783
both such locales. The eligible offender shall be released from 3784
confinement while engaged in the community service activities. 3785
Community service activities required under this division shall 3786
be supervised by the court or an official designated by the 3787
board of county commissioners or affiliated group of boards of 3788
county commissioners that established and is operating the 3789
center. Community service activities required under this 3790
division shall not exceed in duration the period for which the 3791
eligible offender will be confined at the center under the 3792
community residential sanction or the OVI term of confinement. 3793

(e) The confinement of the eligible offender in the center 3794
shall be considered for purposes of this division and division 3795
(H) (4) (f) of this section as including any period of time 3796
described in division (H) (4) (b) of this section when the 3797
eligible offender may be outside of the center and shall 3798
continue until the expiration of the community residential 3799
sanction, the OVI term of confinement, or the combination of the 3800
OVI term of confinement and the confinement for the violation of 3801
section 4510.14 of the Revised Code or the municipal DUS 3802

ordinance that the eligible offender is serving upon admission 3803
to the center. 3804

(f) After the admission and until the expiration of the 3805
community residential sanction or OVI term of confinement that 3806
the eligible offender is serving upon admission to the center, 3807
the eligible offender shall be considered for purposes of any 3808
provision in Title XXIX of the Revised Code to be serving the 3809
community residential sanction or OVI term of confinement. 3810

(5) The administrator of the center, or the 3811
administrator's designee, shall post a sign as described in 3812
section 2923.1212 of the Revised Code in a conspicuous location 3813
at the center. 3814

(I) The board of county commissioners that establishes a 3815
community alternative sentencing center under this section, the 3816
affiliated group of boards of county commissioners that 3817
establishes a district community alternative sentencing center 3818
under this section, or the municipal corporation that 3819
establishes a community alternative sentencing center under this 3820
section, may require an eligible offender who is sentenced 3821
directly to the center and admitted to it to pay to the county 3822
served by the board, the counties served by the affiliated group 3823
of boards, the municipal corporation, or the entity operating 3824
the center the reasonable expenses incurred by the county, 3825
counties, municipal corporation, or entity, whichever is 3826
applicable, in supervising or confining the eligible offender 3827
after being sentenced to the center and admitted. Inability to 3828
pay those reasonable expenses shall not be grounds for refusing 3829
to admit an otherwise eligible offender to the center. 3830

(J) (1) If an eligible offender who is directly sentenced 3831
to a community alternative sentencing center or district 3832

community alternative sentencing center and admitted to the 3833
center successfully completes the service of the community 3834
residential sanction in the center, the administrator of the 3835
center shall notify the court that imposed the sentence, and the 3836
court shall enter into the journal that the eligible offender 3837
successfully completed the service of the sanction. 3838

(2) If an eligible offender who is directly sentenced to a 3839
community alternative sentencing center or district community 3840
alternative sentencing center and admitted to the center 3841
violates any rule established under this section by the board of 3842
county commissioners or the affiliated group of boards of county 3843
commissioners that establishes the center, violates any 3844
condition of the community residential sanction, the OVI term of 3845
confinement, or the combination of the OVI term of confinement 3846
and the confinement for the violation of section 4510.14 of the 3847
Revised Code or the municipal OVI ordinance imposed by the 3848
sentencing court, or otherwise does not successfully complete 3849
the service of the community residential sanction or OVI term of 3850
confinement in the center, the administrator of the center shall 3851
report the violation or failure to successfully complete the 3852
sanction or term directly to the court or to the probation 3853
department or probation officer with general control and 3854
supervision over the eligible offender. A failure to 3855
successfully complete the service of the community residential 3856
sanction, the OVI term of confinement, or the combination of the 3857
OVI term of confinement and the confinement for the violation of 3858
section 4510.14 of the Revised Code or the municipal OVI 3859
ordinance in the center shall be considered a violation of a 3860
condition of the community residential sanction or the OVI term 3861
of confinement. If the administrator reports the violation to 3862
the probation department or probation officer, the department or 3863

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 3895
not public records: 3896

(a) Preliminary autopsy and investigative notes and 3897
findings made by the coroner or by anyone acting under the 3898
coroner's direction or supervision; 3899

(b) Photographs of a decedent made by the coroner or by 3900
anyone acting under the coroner's direction or supervision; 3901

(c) Suicide notes; 3902

(d) Medical and psychiatric records provided to the 3903
coroner, a deputy coroner, or a representative of the coroner or 3904
a deputy coroner under section 313.091 of the Revised Code; 3905

(e) Records of a deceased individual that are confidential 3906
law enforcement investigatory records as defined in section 3907
149.43 of the Revised Code; 3908

(f) Laboratory reports generated from the analysis of 3909
physical evidence by the coroner's laboratory that is 3910
discoverable under Criminal Rule 16. 3911

(3) In the coroner's discretion, photographs of a decedent 3912
may be used for medical, legal, or educational purposes. 3913

(B) All records in the coroner's office that are public 3914
records are open to inspection by the public, and any person may 3915
receive a copy of any such record or part of it upon demand in 3916
writing, accompanied by payment of a record retrieval and 3917
copying fee, at the rate of twenty-five cents per page or a 3918
minimum fee of one dollar. 3919

(C) (1) The coroner shall provide a copy of the full and 3920
complete records of the coroner with respect to a decedent to a 3921
person who makes a written request as the next of kin of the 3922

decedent. The following persons may make a request pursuant to 3923
this division as the next of kin of a decedent: 3924

(a) The surviving spouse of the decedent; 3925

(b) If there is no surviving spouse, or if the surviving 3926
spouse has died without having made a request pursuant to this 3927
division, any child of the decedent over eighteen years of age, 3928
with each child over eighteen years of age having an independent 3929
right to make a request pursuant to this division; 3930

(c) If there is no surviving spouse or child over eighteen 3931
years of age, or if the surviving spouse and all children over 3932
eighteen years of age have died without having made a request 3933
pursuant to this division, the parents of the decedent, with 3934
each parent having an independent right to make a request 3935
pursuant to this division; 3936

(d) If there is no surviving spouse, child over eighteen 3937
years of age, or parents of the decedent, or if all have died 3938
without having made a request pursuant to this division, the 3939
brothers and sisters of the decedent, whether of the whole or 3940
the half blood, with each having an independent right to make a 3941
request pursuant to this division. 3942

(2) If there is no surviving person who may make a written 3943
request as next of kin for a copy of the full and complete 3944
records of the coroner pursuant to division (C) (1) of this 3945
section, or if all next of kin of the decedent have died without 3946
having made a request pursuant to that division, the coroner 3947
shall provide a copy of the full and complete records of the 3948
coroner with respect to a decedent to the representative of the 3949
estate of the decedent who is the subject of the records upon 3950
written request made by the representative. 3951

(D) A journalist may submit to the coroner a written 3952
request to view ~~preliminary autopsy and investigative notes and~~ 3953
~~findings~~, suicide notes, ~~or~~ photographs of the decedent made by 3954
the coroner or by anyone acting under the coroner's discretion 3955
or supervision, or preliminary autopsy and investigative notes 3956
and findings but not records of a deceased individual that are 3957
confidential law enforcement investigatory records as defined in 3958
section 149.43 of the Revised Code. The request shall include 3959
the journalist's name and title and the name and address of the 3960
journalist's employer and state that the granting of the request 3961
would be in the best interest of the public. If a journalist 3962
submits a written request to the coroner to view the records 3963
described in this division, the coroner shall grant the 3964
journalist's request. The journalist shall not copy the 3965
preliminary autopsy and investigative notes and findings, 3966
suicide notes, or photographs of the decedent. 3967

(E) (1) An insurer may submit to the coroner a written 3968
request to obtain a copy of the full and complete records of the 3969
coroner with respect to a deceased person. The request shall 3970
include the name of the deceased person, the type of policy to 3971
which the written request relates, and the name and address of 3972
the insurer. 3973

(2) If an insurer submits a written request to the coroner 3974
to obtain a copy of records pursuant to division (E) (1) of this 3975
section, the coroner shall grant that request. 3976

(3) Upon the granting of a written request to obtain a 3977
copy of records by the coroner, the insurer may utilize the 3978
records for the following purposes: 3979

(a) To investigate any first party claim or third party 3980
claim asserted under a policy of insurance issued by the insurer 3981

that arises from the death of the deceased person; 3982

(b) To determine coverage for any first party claim or 3983
third party claim asserted under a policy of insurance issued by 3984
the insurer that arises from the death of the deceased person; 3985

(c) To determine the insurer's liability for any first 3986
party claim or third party claim asserted under a policy of 3987
insurance issued by the insurer that arises from the death of 3988
the deceased person. 3989

(4) Prior to the delivery of records that are the subject 3990
of a request made pursuant to division (E) (1) of this section, 3991
the coroner may require the insurer who submitted the written 3992
request for the records to provide a payment to the coroner of a 3993
record retrieval and copying fee at the rate of twenty-five 3994
cents per page or a minimum fee of one dollar. 3995

(5) Any records produced by the coroner in response to a 3996
written request under division (E) (1) of this section shall 3997
remain in the care, custody, and control of the insurer and its 3998
employees or representatives at all times. The insurer may not 3999
release or disclose the records to any other person unless any 4000
of the following apply: 4001

(a) The release of the records is reasonably necessary to 4002
further a purpose described in division (E) (3) of this section. 4003

(b) A court of competent jurisdiction orders the insurer 4004
to produce the records. 4005

(c) The insurer is required to produce the records in 4006
response to a civil or criminal subpoena. 4007

(d) The insurer is responding to a request for the records 4008
from a law enforcement agency, the department of insurance or a 4009

department of insurance from another state, or another 4010
governmental authority. 4011

(F) The coroner may contact the decedent's next of kin to 4012
inform the next of kin that a journalist or an insurer has 4013
submitted a written request pursuant to division (D) or (E) of 4014
this section and whether the coroner has granted the 4015
journalist's or the insurer's request. 4016

(G) As used in this section: 4017

(1) "Full and complete records of the coroner" includes, 4018
but is not limited to, the following: 4019

(a) The detailed descriptions of the observations written 4020
by the coroner or by anyone acting under the coroner's direction 4021
or supervision during the progress of an autopsy and the 4022
conclusions drawn from those observations that are filed in the 4023
office of the coroner under division (A) of section 313.13 of 4024
the Revised Code; 4025

(b) Preliminary autopsy and investigative notes and 4026
findings made by the coroner or by anyone acting under the 4027
coroner's direction or supervision; 4028

(c) Photographs of a decedent made by the coroner or by 4029
anyone acting under the coroner's direction or supervision; 4030

(d) Suicide notes; 4031

(e) Medical and psychiatric records provided to the 4032
coroner, a deputy coroner, or a representative of the coroner or 4033
a deputy coroner under section 313.091 of the Revised Code; 4034

(f) Records of a deceased individual that are confidential 4035
law enforcement investigatory records as defined in section 4036
149.43 of the Revised Code; 4037

(g) Laboratory reports generated from the analysis of 4038
physical evidence by the coroner's laboratory that is 4039
discoverable under Criminal Rule 16. 4040

(2) "Insurer" has the same meaning as in section 3901.07 4041
of the Revised Code. 4042

(3) "Journalist" has the same meaning as in section 149.43 4043
of the Revised Code. 4044

Sec. 341.42. (A) As used in this section: 4045

(1) "County correctional officer" has the same meaning as 4046
in section 341.41 of the Revised Code. 4047

(2) "Computer," "computer network," "computer system," 4048
"computer services," "telecommunications service," and 4049
"information service" have the same meanings as in section 4050
2913.01 of the Revised Code. 4051

(3) "County correctional facility" means a county jail, 4052
county workhouse, minimum security jail, joint city and county 4053
workhouse, municipal-county correctional center, multicounty- 4054
municipal correctional center, municipal-county jail or 4055
workhouse, or multicounty-municipal jail or workhouse. 4056

(B) No county correctional officer shall provide a 4057
prisoner access to or permit a prisoner to have access to the 4058
internet through the use of a computer, computer network, 4059
computer system, computer services, telecommunications service, 4060
or information service unless both of the following apply: 4061

(1) The prisoner is ~~participating in an approved~~ 4062
~~educational program with direct supervision that requires the~~ 4063
~~use of the internet for training or research purposes~~accessing 4064
the internet solely for a use or purpose approved by the 4065

managing officer of that prisoner's county correctional facility 4066
or by the managing officer's designee. 4067

(2) The provision of and access to the internet is in 4068
accordance with rules promulgated by the department of 4069
rehabilitation and correction pursuant to section 5120.62 of the 4070
Revised Code. 4071

(C) (1) No prisoner in a county correctional facility under 4072
the control of a county shall access the internet through the 4073
use of a computer, computer network, computer system, computer 4074
services, telecommunications service, or information service 4075
unless both of the following apply: 4076

(a) The prisoner is ~~participating in an approved~~ 4077
~~educational program with direct supervision that requires the~~ 4078
~~use of the internet for training or research purposes~~accessing 4079
the internet solely for a use or purpose approved by the 4080
managing officer of that prisoner's county correctional facility 4081
or by the managing officer's designee. 4082

(b) The provision of and access to the internet is in 4083
accordance with rules promulgated by the department of 4084
rehabilitation and correction pursuant to section 5120.62 of the 4085
Revised Code. 4086

(2) Whoever violates division (C) (1) of this section is 4087
guilty of improper internet access, a misdemeanor of the first 4088
degree. 4089

Sec. 753.32. (A) As used in this section: 4090

(1) "Municipal correctional officer" has the same meaning 4091
as in section 753.31 of the Revised Code. 4092

(2) "Computer," "computer network," "computer system," 4093

"computer services," "telecommunications service," and 4094
"information service" have the same meanings as in section 4095
2913.01 of the Revised Code. 4096

(3) "Municipal correctional facility" means a municipal 4097
jail, municipal workhouse, minimum security jail, joint city and 4098
county workhouse, municipal-county correctional center, 4099
multicounty-municipal correctional center, municipal-county jail 4100
or workhouse, or multicounty-municipal jail or workhouse. 4101

(B) No municipal correctional officer shall provide a 4102
prisoner access to or permit a prisoner to have access to the 4103
internet through the use of a computer, computer network, 4104
computer system, computer services, telecommunications service, 4105
or information service unless both of the following apply: 4106

(1) The prisoner is ~~participating in an approved~~ 4107
~~educational program with direct supervision that requires the~~ 4108
~~use of the internet for training or research purposes~~accessing 4109
the internet solely for a use or purpose approved by the 4110
managing officer of that prisoner's municipal correctional 4111
facility or by the managing officer's designee. 4112

(2) The provision of and access to the internet is in 4113
accordance with rules promulgated by the department of 4114
rehabilitation and correction pursuant to section 5120.62 of the 4115
Revised Code. 4116

(C) (1) No prisoner in a municipal correctional facility 4117
under the control of a municipal corporation shall access the 4118
internet through the use of a computer, computer network, 4119
computer system, computer services, telecommunications service, 4120
or information service unless both of the following apply: 4121

(a) The prisoner is ~~participating in an approved~~ 4122

~~educational program with direct supervision that requires the~~ 4123
~~use of the internet for training or research purposes~~ 4124
accessing
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. 4127

(b) The provision of and access to the internet is in 4128
accordance with rules promulgated by the department of 4129
rehabilitation and correction pursuant to section 5120.62 of the 4130
Revised Code. 4131

(2) Whoever violates division (C) (1) of this section is 4132
guilty of improper internet access, a misdemeanor of the first 4133
degree. 4134

Sec. 1547.11. (A) No person shall operate or be in 4135
physical control of any vessel underway or shall manipulate any 4136
water skis, aquaplane, or similar device on the waters in this 4137
state if, at the time of the operation, control, or 4138
manipulation, any of the following applies: 4139

(1) The person is under the influence of alcohol, a drug 4140
of abuse, or a combination of them. 4141

(2) The person has a concentration of eight-hundredths of 4142
one per cent or more by weight of alcohol per unit volume in the 4143
person's whole blood. 4144

(3) The person has a concentration of ninety-six- 4145
thousandths of one per cent or more by weight per unit volume of 4146
alcohol in the person's blood serum or plasma. 4147

(4) The person has a concentration of eleven-hundredths of 4148
one gram or more by weight of alcohol per one hundred 4149
milliliters of the person's urine. 4150

(5) The person has a concentration of eight-hundredths of 4151
one gram or more by weight of alcohol per two hundred ten liters 4152
of the person's breath. 4153

(6) Except as provided in division (H) of this section, 4154
the person has a concentration of any of the following 4155
controlled substances or metabolites of a controlled substance 4156
in the person's whole blood, blood serum or plasma, or urine 4157
that equals or exceeds any of the following: 4158

(a) The person has a concentration of amphetamine in the 4159
person's urine of at least five hundred nanograms of amphetamine 4160
per milliliter of the person's urine or has a concentration of 4161
amphetamine in the person's whole blood or blood serum or plasma 4162
of at least one hundred nanograms of amphetamine per milliliter 4163
of the person's whole blood or blood serum or plasma. 4164

(b) The person has a concentration of cocaine in the 4165
person's urine of at least one hundred fifty nanograms of 4166
cocaine per milliliter of the person's urine or has a 4167
concentration of cocaine in the person's whole blood or blood 4168
serum or plasma of at least fifty nanograms of cocaine per 4169
milliliter of the person's whole blood or blood serum or plasma. 4170

(c) The person has a concentration of cocaine metabolite 4171
in the person's urine of at least one hundred fifty nanograms of 4172
cocaine metabolite per milliliter of the person's urine or has a 4173
concentration of cocaine metabolite in the person's whole blood 4174
or blood serum or plasma of at least fifty nanograms of cocaine 4175
metabolite per milliliter of the person's whole blood or blood 4176
serum or plasma. 4177

(d) The person has a concentration of heroin in the 4178
person's urine of at least two thousand nanograms of heroin per 4179

milliliter of the person's urine or has a concentration of 4180
heroin in the person's whole blood or blood serum or plasma of 4181
at least fifty nanograms of heroin per milliliter of the 4182
person's whole blood or blood serum or plasma. 4183

(e) The person has a concentration of heroin metabolite 4184
(6-monoacetyl morphine) in the person's urine of at least ten 4185
nanograms of heroin metabolite (6-monoacetyl morphine) per 4186
milliliter of the person's urine or has a concentration of 4187
heroin metabolite (6-monoacetyl morphine) in the person's whole 4188
blood or blood serum or plasma of at least ten nanograms of 4189
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4190
person's whole blood or blood serum or plasma. 4191

(f) The person has a concentration of L.S.D. in the 4192
person's urine of at least twenty-five nanograms of L.S.D. per 4193
milliliter of the person's urine or has a concentration of 4194
L.S.D. in the person's whole blood or blood serum or plasma of 4195
at least ten nanograms of L.S.D. per milliliter of the person's 4196
whole blood or blood serum or plasma. 4197

(g) The person has a concentration of marihuana in the 4198
person's urine of at least ten nanograms of marihuana per 4199
milliliter of the person's urine or has a concentration of 4200
marihuana in the person's whole blood or blood serum or plasma 4201
of at least two nanograms of marihuana per milliliter of the 4202
person's whole blood or blood serum or plasma. 4203

(h) The state board of pharmacy has adopted a rule 4204
pursuant to section 4729.041 of the Revised Code that specifies 4205
the amount of salvia divinorum and the amount of salvinorin A 4206
that constitute concentrations of salvia divinorum and 4207
salvinorin A in a person's urine, in a person's whole blood, or 4208
in a person's blood serum or plasma at or above which the person 4209

is impaired for purposes of operating or being in physical 4210
control of any vessel underway or manipulating any water skis, 4211
aquaplane, or similar device on the waters of this state, the 4212
rule is in effect, and the person has a concentration of salvia 4213
divinorum or salvinorin A of at least that amount so specified 4214
by rule in the person's urine, in the person's whole blood, or 4215
in the person's blood serum or plasma. 4216

(i) Either of the following applies: 4217

(i) The person is under the influence of alcohol, a drug 4218
of abuse, or a combination of them, and, as measured by gas 4219
chromatography mass spectrometry, the person has a concentration 4220
of marihuana metabolite in the person's urine of at least 4221
fifteen nanograms of marihuana metabolite per milliliter of the 4222
person's urine or has a concentration of marihuana metabolite in 4223
the person's whole blood or blood serum or plasma of at least 4224
five nanograms of marihuana metabolite per milliliter of the 4225
person's whole blood or blood serum or plasma. 4226

(ii) As measured by gas chromatography mass spectrometry, 4227
the person has a concentration of marihuana metabolite in the 4228
person's urine of at least thirty-five nanograms of marihuana 4229
metabolite per milliliter of the person's urine or has a 4230
concentration of marihuana metabolite in the person's whole 4231
blood or blood serum or plasma of at least fifty nanograms of 4232
marihuana metabolite per milliliter of the person's whole blood 4233
or blood serum or plasma. 4234

(j) The person has a concentration of methamphetamine in 4235
the person's urine of at least five hundred nanograms of 4236
methamphetamine per milliliter of the person's urine or has a 4237
concentration of methamphetamine in the person's whole blood or 4238
blood serum or plasma of at least one hundred nanograms of 4239

methamphetamine per milliliter of the person's whole blood or 4240
blood serum or plasma. 4241

(k) The person has a concentration of phencyclidine in the 4242
person's urine of at least twenty-five nanograms of 4243
phencyclidine per milliliter of the person's urine or has a 4244
concentration of phencyclidine in the person's whole blood or 4245
blood serum or plasma of at least ten nanograms of phencyclidine 4246
per milliliter of the person's whole blood or blood serum or 4247
plasma. 4248

(B) No person under twenty-one years of age shall operate 4249
or be in physical control of any vessel underway or shall 4250
manipulate any water skis, aquaplane, or similar device on the 4251
waters in this state if, at the time of the operation, control, 4252
or manipulation, any of the following applies: 4253

(1) The person has a concentration of at least two- 4254
hundredths of one per cent, but less than eight-hundredths of 4255
one per cent by weight per unit volume of alcohol in the 4256
person's whole blood. 4257

(2) The person has a concentration of at least three- 4258
hundredths of one per cent but less than ninety-six-thousandths 4259
of one per cent by weight per unit volume of alcohol in the 4260
person's blood serum or plasma. 4261

(3) The person has a concentration of at least twenty- 4262
eight one-thousandths of one gram, but less than eleven- 4263
hundredths of one gram by weight of alcohol per one hundred 4264
milliliters of the person's urine. 4265

(4) The person has a concentration of at least two- 4266
hundredths of one gram, but less than eight-hundredths of one 4267
gram by weight of alcohol per two hundred ten liters of the 4268

person's breath. 4269

(C) In any proceeding arising out of one incident, a 4270
person may be charged with a violation of division (A) (1) and a 4271
violation of division (B) (1), (2), (3), or (4) of this section, 4272
but the person shall not be convicted of more than one violation 4273
of those divisions. 4274

(D) (1) (a) In any criminal prosecution or juvenile court 4275
proceeding for a violation of division (A) or (B) of this 4276
section or for an equivalent offense that is watercraft-related, 4277
the result of any test of any blood or urine withdrawn and 4278
analyzed at any health care provider, as defined in section 4279
2317.02 of the Revised Code, may be admitted with expert 4280
testimony to be considered with any other relevant and competent 4281
evidence in determining the guilt or innocence of the defendant. 4282

(b) In any criminal prosecution or juvenile court 4283
proceeding for a violation of division (A) or (B) of this 4284
section or for an equivalent offense that is watercraft-related, 4285
the court may admit evidence on the concentration of alcohol, 4286
drugs of abuse, controlled substances, metabolites of a 4287
controlled substance, or a combination of them in the 4288
defendant's or child's whole blood, blood serum or plasma, 4289
urine, or breath at the time of the alleged violation as shown 4290
by chemical analysis of the substance withdrawn, or specimen 4291
taken within three hours of the time of the alleged violation. 4292
The three-hour time limit specified in this division regarding 4293
the admission of evidence does not extend or affect the two-hour 4294
time limit specified in division (C) of section 1547.111 of the 4295
Revised Code as the maximum period of time during which a person 4296
may consent to a chemical test or tests as described in that 4297
section. The court may admit evidence on the concentration of 4298

alcohol, drugs of abuse, or a combination of them as described 4299
in this division when a person submits to a blood, breath, 4300
urine, or other bodily substance test at the request of a law 4301
enforcement officer under section 1547.111 of the Revised Code 4302
or a blood or urine sample is obtained pursuant to a search 4303
warrant. Only a physician, a registered nurse, an emergency 4304
medical technician-intermediate, an emergency medical 4305
technician-paramedic, or a qualified technician, chemist, or 4306
phlebotomist shall withdraw blood for the purpose of determining 4307
the alcohol, drug, controlled substance, metabolite of a 4308
controlled substance, or combination content of the whole blood, 4309
blood serum, or blood plasma. This limitation does not apply to 4310
the taking of breath or urine specimens. A person authorized to 4311
withdraw blood under this division may refuse to withdraw blood 4312
under this division if, in that person's opinion, the physical 4313
welfare of the defendant or child would be endangered by 4314
withdrawing blood. 4315

The whole blood, blood serum or plasma, urine, or breath 4316
withdrawn under division (D) (1) (b) of this section shall be 4317
analyzed in accordance with methods approved by the director of 4318
health by an individual possessing a valid permit issued by the 4319
director pursuant to section 3701.143 of the Revised Code. 4320

(2) In a criminal prosecution or juvenile court proceeding 4321
for a violation of division (A) of this section or for an 4322
equivalent offense that is watercraft-related, if there was at 4323
the time the bodily substance was taken a concentration of less 4324
than the applicable concentration of alcohol specified for a 4325
violation of division (A) (2), (3), (4), or (5) of this section 4326
or less than the applicable concentration of a listed controlled 4327
substance or a listed metabolite of a controlled substance 4328
specified for a violation of division (A) (6) of this section, 4329

that fact may be considered with other competent evidence in 4330
determining the guilt or innocence of the defendant or in making 4331
an adjudication for the child. This division does not limit or 4332
affect a criminal prosecution or juvenile court proceeding for a 4333
violation of division (B) of this section or for a violation of 4334
a prohibition that is substantially equivalent to that division. 4335

(3) Upon the request of the person who was tested, the 4336
results of the chemical test shall be made available to the 4337
person or the person's attorney immediately upon completion of 4338
the test analysis. 4339

If the chemical test was administered pursuant to division 4340
(D) (1) (b) of this section, the person tested may have a 4341
physician, a registered nurse, or a qualified technician, 4342
chemist, or phlebotomist of the person's own choosing administer 4343
a chemical test or tests in addition to any administered at the 4344
direction of a law enforcement officer, and shall be so advised. 4345
The failure or inability to obtain an additional test by a 4346
person shall not preclude the admission of evidence relating to 4347
the test or tests taken at the direction of a law enforcement 4348
officer. 4349

(E) (1) In any criminal prosecution or juvenile court 4350
proceeding for a violation of division (A) or (B) of this 4351
section, of a municipal ordinance relating to operating or being 4352
in physical control of any vessel underway or to manipulating 4353
any water skis, aquaplane, or similar device on the waters of 4354
this state while under the influence of alcohol, a drug of 4355
abuse, or a combination of them, or of a municipal ordinance 4356
relating to operating or being in physical control of any vessel 4357
underway or to manipulating any water skis, aquaplane, or 4358
similar device on the waters of this state with a prohibited 4359

concentration of alcohol, a controlled substance, or a 4360
metabolite of a controlled substance in the whole blood, blood 4361
serum or plasma, breath, or urine, if a law enforcement officer 4362
has administered a field sobriety test to the operator or person 4363
found to be in physical control of the vessel underway involved 4364
in the violation or the person manipulating the water skis, 4365
aquaplane, or similar device involved in the violation and if it 4366
is shown by clear and convincing evidence that the officer 4367
administered the test in substantial compliance with the testing 4368
standards for reliable, credible, and generally accepted field 4369
sobriety tests for vehicles that were in effect at the time the 4370
tests were administered, including, but not limited to, any 4371
testing standards then in effect that have been set by the 4372
national highway traffic safety administration, that by their 4373
nature are not clearly inapplicable regarding the operation or 4374
physical control of vessels underway or the manipulation of 4375
water skis, aquaplanes, or similar devices, all of the following 4376
apply: 4377

(a) The officer may testify concerning the results of the 4378
field sobriety test so administered. 4379

(b) The prosecution may introduce the results of the field 4380
sobriety test so administered as evidence in any proceedings in 4381
the criminal prosecution or juvenile court proceeding. 4382

(c) If testimony is presented or evidence is introduced 4383
under division (E) (1) (a) or (b) of this section and if the 4384
testimony or evidence is admissible under the Rules of Evidence, 4385
the court shall admit the testimony or evidence, and the trier 4386
of fact shall give it whatever weight the trier of fact 4387
considers to be appropriate. 4388

(2) Division (E) (1) of this section does not limit or 4389

preclude a court, in its determination of whether the arrest of 4390
a person was supported by probable cause or its determination of 4391
any other matter in a criminal prosecution or juvenile court 4392
proceeding of a type described in that division, from 4393
considering evidence or testimony that is not otherwise 4394
disallowed by division (E) (1) of this section. 4395

(F) (1) Subject to division (F) (3) of this section, in any 4396
criminal prosecution or juvenile court proceeding for a 4397
violation of division (A) or (B) of this section or for an 4398
equivalent offense that is substantially equivalent to either of 4399
those divisions, the court shall admit as prima-facie evidence a 4400
laboratory report from any laboratory personnel issued a permit 4401
by the department of health authorizing an analysis as described 4402
in this division that contains an analysis of the whole blood, 4403
blood serum or plasma, breath, urine, or other bodily substance 4404
tested and that contains all of the information specified in 4405
this division. The laboratory report shall contain all of the 4406
following: 4407

(a) The signature, under oath, of any person who performed 4408
the analysis; 4409

(b) Any findings as to the identity and quantity of 4410
alcohol, a drug of abuse, a controlled substance, a metabolite 4411
of a controlled substance, or a combination of them that was 4412
found; 4413

(c) A copy of a notarized statement by the laboratory 4414
director or a designee of the director that contains the name of 4415
each certified analyst or test performer involved with the 4416
report, the analyst's or test performer's employment 4417
relationship with the laboratory that issued the report, and a 4418
notation that performing an analysis of the type involved is 4419

part of the analyst's or test performer's regular duties; 4420

(d) An outline of the analyst's or test performer's 4421
education, training, and experience in performing the type of 4422
analysis involved and a certification that the laboratory 4423
satisfies appropriate quality control standards in general and, 4424
in this particular analysis, under rules of the department of 4425
health. 4426

(2) Notwithstanding any other provision of law regarding 4427
the admission of evidence, a report of the type described in 4428
division (F)(1) of this section is not admissible against the 4429
defendant or child to whom it pertains in any proceeding, other 4430
than a preliminary hearing or a grand jury proceeding, unless 4431
the prosecutor has served a copy of the report on the 4432
defendant's or child's attorney or, if the defendant or child 4433
has no attorney, on the defendant or child. 4434

(3) A report of the type described in division (F)(1) of 4435
this section shall not be prima-facie evidence of the contents, 4436
identity, or amount of any substance if, within seven days after 4437
the defendant or child to whom the report pertains or the 4438
defendant's or child's attorney receives a copy of the report, 4439
the defendant or child or the defendant's or child's attorney 4440
demands the testimony of the person who signed the report. The 4441
judge in the case may extend the seven-day time limit in the 4442
interest of justice. 4443

(G) Except as otherwise provided in this division, any 4444
physician, registered nurse, emergency medical technician- 4445
intermediate, emergency medical technician-paramedic, or 4446
qualified technician, chemist, or phlebotomist who withdraws 4447
blood from a person pursuant to this section or section 1547.111 4448
of the Revised Code, and a hospital, first-aid station, or 4449

clinic at which blood is withdrawn from a person pursuant to 4450
this section or section 1547.111 of the Revised Code, is immune 4451
from criminal and civil liability based upon a claim of assault 4452
and battery or any other claim that is not a claim of 4453
malpractice, for any act performed in withdrawing blood from the 4454
person. The immunity provided in this division also extends to 4455
an emergency medical service organization that employs an 4456
emergency medical technician-intermediate~~7~~or an emergency 4457
medical technician-paramedic who withdraws blood under this 4458
section. The immunity provided in this division is not available 4459
to a person who withdraws blood if the person engages in willful 4460
or wanton misconduct. 4461

(H) Division (A)(6) of this section does not apply to a 4462
person who operates or is in physical control of a vessel 4463
underway or manipulates any water skis, aquaplane, or similar 4464
device while the person has a concentration of a listed 4465
controlled substance or a listed metabolite of a controlled 4466
substance in the person's whole blood, blood serum or plasma, or 4467
urine that equals or exceeds the amount specified in that 4468
division, if both of the following apply: 4469

(1) The person obtained the controlled substance pursuant 4470
to a prescription issued by a licensed health professional 4471
authorized to prescribe drugs. 4472

(2) The person injected, ingested, or inhaled the 4473
controlled substance in accordance with the health 4474
professional's directions. 4475

(I) As used in this section and section 1547.111 of the 4476
Revised Code: 4477

(1) "Equivalent offense" has the same meaning as in 4478

section 4511.181 of the Revised Code. 4479

(2) "National highway traffic safety administration" has 4480
the same meaning as in section 4511.19 of the Revised Code. 4481

(3) "Operate" means that a vessel is being used on the 4482
waters in this state when the vessel is not securely affixed to 4483
a dock or to shore or to any permanent structure to which the 4484
vessel has the right to affix or that a vessel is not anchored 4485
in a designated anchorage area or boat camping area that is 4486
established by the United States coast guard, this state, or a 4487
political subdivision and in which the vessel has the right to 4488
anchor. 4489

(4) "Controlled substance" and "marihuana" have the same 4490
meanings as in section 3719.01 of the Revised Code. 4491

(5) "Cocaine" and "L.S.D." have the same meanings as in 4492
section 2925.01 of the Revised Code. 4493

(6) "Equivalent offense that is watercraft-related" means 4494
an equivalent offense that is one of the following: 4495

(a) A violation of division (A) ~~or (B)~~ of this section; 4496

(b) A violation of a municipal ordinance prohibiting a 4497
person from operating or being in physical control of any vessel 4498
underway or from manipulating any water skis, aquaplane, or 4499
similar device on the waters of this state while under the 4500
influence of alcohol, a drug of abuse, or a combination of them 4501
or prohibiting a person from operating or being in physical 4502
control of any vessel underway or from manipulating any water 4503
skis, aquaplane, or similar device on the waters of this state 4504
with a prohibited concentration of alcohol, a controlled 4505
substance, or a metabolite of a controlled substance in the 4506
whole blood, blood serum or plasma, breath, or urine; 4507

(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 4537
is in a condition rendering the person incapable of refusal 4538
shall be deemed to have consented as provided in division (A) (1) 4539
of this section, and the test or tests may be administered, 4540
subject to sections 313.12 to 313.16 of the Revised Code. 4541

(B) (1) If a law enforcement officer arrests a person for 4542
operating or being in physical control of a vessel or 4543
manipulating any water skis, aquaplane, or similar device in 4544
violation of section 1547.11 of the Revised Code or a 4545
substantially equivalent municipal ordinance and if the person 4546
previously has been convicted of or pleaded guilty to two or 4547
more violations of division (A) of section 1547.11 of the 4548
Revised Code or other equivalent offenses, the law enforcement 4549
officer shall request the person to submit, and the person shall 4550
submit, to a chemical test or tests of the person's whole blood, 4551
blood serum or plasma, breath, or urine for the purpose of 4552
determining the alcohol, drug of abuse, controlled substance, 4553
metabolite of a controlled substance, or combination content of 4554
the person's whole blood, blood serum or plasma, breath, or 4555
urine. A law enforcement officer who makes a request pursuant to 4556
this division that a person submit to a chemical test or tests 4557
is not required to advise the person of the consequences of 4558
refusing to submit to the test or tests and is not required to 4559
give the person the form described in division (C) of this 4560
section, but the officer shall advise the person at the time of 4561
the arrest that if the person refuses to take a chemical test 4562
the officer may employ whatever reasonable means are necessary 4563
to ensure that the person submits to a chemical test of the 4564
person's whole blood or blood serum or plasma. The officer shall 4565
also advise the person at the time of the arrest that the person 4566
may have an independent chemical test taken at the person's own 4567

expense. The advice shall be in written form prescribed by the 4568
chief of the division of parks and watercraft and shall be read 4569
to the person. The form shall contain a statement that the form 4570
was shown to the person under arrest and read to the person by 4571
the arresting officer. The reading of the form shall be 4572
witnessed by one or more persons, and the witnesses shall 4573
certify to this fact by signing the form. Divisions (A) (1) (b) 4574
and (A) (2) of this section apply to the administration of a 4575
chemical test or tests pursuant to this division. 4576

(2) If a person refuses to submit to a chemical test upon 4577
a request made pursuant to division (B) (1) of this section, the 4578
law enforcement officer who made the request may employ whatever 4579
reasonable means are necessary to ensure that the person submits 4580
to a chemical test of the person's whole blood or blood serum or 4581
plasma. A law enforcement officer who acts pursuant to this 4582
division to ensure that a person submits to a chemical test of 4583
the person's whole blood or blood serum or plasma is immune from 4584
criminal and civil liability based upon a claim for assault and 4585
battery or any other claim for the acts, unless the officer so 4586
acted with malicious purpose, in bad faith, or in a wanton or 4587
reckless manner. 4588

(C) Except as provided in division (B) of this section, 4589
any person under arrest for violating section 1547.11 of the 4590
Revised Code or a substantially equivalent municipal ordinance 4591
shall be advised of the consequences of refusing to submit to a 4592
chemical test or tests designated as provided in division (A) of 4593
this section. The advice shall be in a written form prescribed 4594
by the chief of the division of parks and watercraft and shall 4595
be read to the person. The form shall contain a statement that 4596
the form was shown to the person under arrest and read to the 4597
person by the arresting officer. The reading of the form shall 4598

be witnessed by one or more persons, and the witnesses shall 4599
certify to this fact by signing the form. The person must submit 4600
to the chemical test or tests, subsequent to the request of the 4601
arresting officer, within two hours of the time of the alleged 4602
violation, and if the person does not submit to the test or 4603
tests within that two-hour time limit, the failure to submit 4604
automatically constitutes a refusal to submit to the test or 4605
tests. 4606

(D) Except as provided in division (B) of this section, if 4607
a law enforcement officer asks a person under arrest for 4608
violating section 1547.11 of the Revised Code or a substantially 4609
equivalent municipal ordinance to submit to a chemical test or 4610
tests as provided in division (A) of this section, if the 4611
arresting officer advises the person of the consequences of the 4612
person's refusal as provided in division (C) of this section, 4613
and if the person refuses to submit, no chemical test shall be 4614
given. Upon receipt of a sworn statement of the officer that the 4615
arresting law enforcement officer had reasonable grounds to 4616
believe the arrested person violated section 1547.11 of the 4617
Revised Code or a substantially equivalent municipal ordinance 4618
and that the person refused to submit to the chemical test upon 4619
the request of the officer, and upon receipt of the form as 4620
provided in division (C) of this section certifying that the 4621
arrested person was advised of the consequences of the refusal, 4622
the chief of the division of parks and watercraft shall inform 4623
the person by written notice that the person is prohibited from 4624
operating or being in physical control of a vessel, from 4625
manipulating any water skis, aquaplane, or similar device, and 4626
from registering any watercraft in accordance with section 4627
1547.54 of the Revised Code, for one year following the date of 4628
the alleged violation. The suspension of these operation, 4629

physical control, manipulation, and registration privileges 4630
shall continue for the entire one-year period, subject to review 4631
as provided in this section. 4632

If the person under arrest is the owner of the vessel 4633
involved in the alleged violation, the law enforcement officer 4634
who arrested the person shall seize the watercraft registration 4635
certificate and tags from the vessel involved in the violation 4636
and forward them to the chief. The chief shall retain the 4637
impounded registration certificate and tags and shall impound 4638
all other registration certificates and tags issued to the 4639
person in accordance with sections 1547.54 and 1547.57 of the 4640
Revised Code, for a period of one year following the date of the 4641
alleged violation, subject to review as provided in this 4642
section. 4643

If the arrested person fails to surrender the registration 4644
certificate because it is not on the person of the arrested 4645
person or in the watercraft, the law enforcement officer who 4646
made the arrest shall order the person to surrender it within 4647
twenty-four hours to the law enforcement officer or the law 4648
enforcement agency that employs the law enforcement officer. If 4649
the person fails to do so, the law enforcement officer shall 4650
notify the chief of that fact in the statement the officer 4651
submits to the chief under this division. 4652

(E) Upon suspending a person's operation, physical 4653
control, manipulation, and registration privileges in accordance 4654
with division (D) of this section, the chief shall notify the 4655
person in writing, at the person's last known address, and 4656
inform the person that the person may petition for a hearing in 4657
accordance with division (F) of this section. If a person whose 4658
operation, physical control, manipulation, and registration 4659

privileges have been suspended petitions for a hearing or 4660
appeals any adverse decision, the suspension shall begin at the 4661
termination of any hearing or appeal unless the hearing or 4662
appeal results in a decision favorable to the person. 4663

(F) Any person who has been notified by the chief that the 4664
person is prohibited from operating or being in physical control 4665
of a vessel or manipulating any water skis, aquaplane, or 4666
similar device and from registering any watercraft in accordance 4667
with section 1547.54 of the Revised Code, or who has had the 4668
registration certificate and tags of the person's watercraft 4669
impounded pursuant to division (D) of this section, within 4670
twenty days of the notification or impoundment, may file a 4671
petition in the municipal court or the county court, or if the 4672
person is a minor in juvenile court, with jurisdiction over the 4673
place at which the arrest occurred, agreeing to pay the cost of 4674
the proceedings and alleging error in the action taken by the 4675
chief under division (D) of this section or alleging one or more 4676
of the matters within the scope of the hearing as provided in 4677
this section, or both. The petitioner shall notify the chief of 4678
the filing of the petition and send the chief a copy of the 4679
petition. 4680

The scope of the hearing is limited to the issues of 4681
whether the law enforcement officer had reasonable grounds to 4682
believe the petitioner was operating or in physical control of a 4683
vessel or manipulating any water skis, aquaplane, or similar 4684
device in violation of section 1547.11 of the Revised Code or a 4685
substantially equivalent municipal ordinance, whether the 4686
petitioner was placed under arrest, whether the petitioner 4687
refused to submit to the chemical test upon request of the 4688
officer, and whether the petitioner was advised of the 4689
consequences of the petitioner's refusal. 4690

(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 4721
of the proceedings shall be paid out of the county treasury of 4722
the county in which the proceedings were held, the chief shall 4723
reinstate the operation, physical control, manipulation, and 4724
registration privileges of the person without charge, and the 4725
chief shall return the registration certificate and tags, if 4726
impounded, without charge. 4727

(4) The court shall give information in writing of any 4728
action taken under this section to the chief. 4729

(H) At the end of any period of suspension or impoundment 4730
imposed under this section, and upon request of the person whose 4731
operation, physical control, use, and registration privileges 4732
were suspended or whose registration certificate and tags were 4733
impounded, the chief shall reinstate the person's operation, 4734
physical control, manipulation, and registration privileges by 4735
written notice and return the certificate and tags. 4736

(I) No person who has received written notice from the 4737
chief that the person is prohibited from operating or being in 4738
physical control of a vessel, from manipulating any water skis, 4739
aquaplane, or similar device, and from registering a watercraft, 4740
or who has had the registration certificate and tags of the 4741
person's watercraft impounded, in accordance with division (D) 4742
of this section, shall operate or be in physical control of a 4743
vessel or manipulate any water skis, aquaplane, or similar 4744
device for a period of one year following the date of the 4745
person's alleged violation of section 1547.11 of the Revised 4746
Code or the substantially equivalent municipal ordinance. 4747

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 4748
Revised Code is guilty of a felony of the fourth degree. 4749

(B) Whoever violates division (F) of section 1547.08, 4750
section 1547.10, division (I) of section 1547.111, section 4751
1547.13, or section 1547.66 of the Revised Code is guilty of a 4752
misdemeanor of the first degree. 4753

(C) Whoever violates a provision of this chapter or a 4754
rule, for which no penalty is otherwise provided, is guilty of a 4755
minor misdemeanor. 4756

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 4757
of the Revised Code without causing injury to persons or damage 4758
to property is guilty of a misdemeanor of the fourth degree. 4759

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 4760
of the Revised Code causing injury to persons or damage to 4761
property is guilty of a misdemeanor of the third degree. 4762

(F) Whoever violates division (N) of section 1547.54, 4763
division (G) of section 1547.30, or section 1547.131, 1547.25, 4764
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 4765
of the Revised Code or a rule is guilty of a misdemeanor of the 4766
fourth degree. 4767

(G) Whoever violates section 1547.11 of the Revised Code 4768
is guilty of a misdemeanor of the first degree and shall be 4769
punished as provided in division (G) (1), (2), or (3) of this 4770
section. 4771

(1) Except as otherwise provided in division (G) (2) or (3) 4772
of this section, the court shall sentence the offender to a jail 4773
term of three consecutive days and may sentence the offender 4774
pursuant to section 2929.24 of the Revised Code to a longer jail 4775
term. In addition, the court shall impose upon the offender a 4776
fine of not less than one hundred fifty nor more than one 4777
thousand dollars. 4778

The court may suspend the execution of the mandatory jail 4779
term of three consecutive days that it is required to impose by 4780
division (G) (1) of this section if the court, in lieu of the 4781
suspended jail term, places the offender under a community 4782
control sanction pursuant to section 2929.25 of the Revised Code 4783
and requires the offender to attend, for three consecutive days, 4784
a drivers' intervention program that is certified pursuant to 4785
section 5119.38 of the Revised Code. The court also may suspend 4786
the execution of any part of the mandatory jail term of three 4787
consecutive days that it is required to impose by division (G) 4788
(1) of this section if the court places the offender under a 4789
community control sanction pursuant to section 2929.25 of the 4790
Revised Code for part of the three consecutive days; requires 4791
the offender to attend, for that part of the three consecutive 4792
days, a drivers' intervention program that is certified pursuant 4793
to section 5119.38 of the Revised Code; and sentences the 4794
offender to a jail term equal to the remainder of the three 4795
consecutive days that the offender does not spend attending the 4796
drivers' intervention program. The court may require the 4797
offender, as a condition of community control, to attend and 4798
satisfactorily complete any treatment or education programs, in 4799
addition to the required attendance at a drivers' intervention 4800
program, that the operators of the drivers' intervention program 4801
determine that the offender should attend and to report 4802
periodically to the court on the offender's progress in the 4803
programs. The court also may impose any other conditions of 4804
community control on the offender that it considers necessary. 4805

(2) If, within ten years of the offense, the offender has 4806
been convicted of or pleaded guilty to one violation of division 4807
(A) of section 1547.11 of the Revised Code or one other 4808
equivalent offense, the court shall sentence the offender to a 4809

jail term of ten consecutive days and may sentence the offender 4810
pursuant to section 2929.24 of the Revised Code to a longer jail 4811
term. In addition, the court shall impose upon the offender a 4812
fine of not less than one hundred fifty nor more than one 4813
thousand dollars. 4814

In addition to any other sentence that it imposes upon the 4815
offender, the court may require the offender to attend a 4816
drivers' intervention program that is certified pursuant to 4817
section 5119.38 of the Revised Code. 4818

(3) If, within ten years of the offense, the offender has 4819
been convicted of or pleaded guilty to more than one violation 4820
or offense identified in division (G)(2) of this section, the 4821
court shall sentence the offender to a jail term of thirty 4822
consecutive days and may sentence the offender to a longer jail 4823
term of not more than one year. In addition, the court shall 4824
impose upon the offender a fine of not less than one hundred 4825
fifty nor more than one thousand dollars. 4826

In addition to any other sentence that it imposes upon the 4827
offender, the court may require the offender to attend a 4828
drivers' intervention program that is certified pursuant to 4829
section 5119.38 of the Revised Code. 4830

(4) Upon a showing that serving a jail term would 4831
seriously affect the ability of an offender sentenced pursuant 4832
to division (G)(1), (2), or (3) of this section to continue the 4833
offender's employment, the court may authorize that the offender 4834
be granted work release after the offender has served the 4835
mandatory jail term of three, ten, or thirty consecutive days 4836
that the court is required by division (G)(1), (2), or (3) of 4837
this section to impose. No court shall authorize work release 4838
during the mandatory jail term of three, ten, or thirty 4839

consecutive days that the court is required by division (G) (1), 4840
(2), or (3) of this section to impose. The duration of the work 4841
release shall not exceed the time necessary each day for the 4842
offender to commute to and from the place of employment and the 4843
place in which the jail term is served and the time actually 4844
spent under employment. 4845

(5) Notwithstanding any section of the Revised Code that 4846
authorizes the suspension of the imposition or execution of a 4847
sentence or the placement of an offender in any treatment 4848
program in lieu of being imprisoned or serving a jail term, no 4849
court shall suspend the mandatory jail term of ten or thirty 4850
consecutive days required to be imposed by division (G) (2) or 4851
(3) of this section or place an offender who is sentenced 4852
pursuant to division (G) (2) or (3) of this section in any 4853
treatment program in lieu of being imprisoned or serving a jail 4854
term until after the offender has served the mandatory jail term 4855
of ten or thirty consecutive days required to be imposed 4856
pursuant to division (G) (2) or (3) of this section. 4857
Notwithstanding any section of the Revised Code that authorizes 4858
the suspension of the imposition or execution of a sentence or 4859
the placement of an offender in any treatment program in lieu of 4860
being imprisoned or serving a jail term, no court, except as 4861
specifically authorized by division (G) (1) of this section, 4862
shall suspend the mandatory jail term of three consecutive days 4863
required to be imposed by division (G) (1) of this section or 4864
place an offender who is sentenced pursuant to division (G) (1) 4865
of this section in any treatment program in lieu of imprisonment 4866
until after the offender has served the mandatory jail term of 4867
three consecutive days required to be imposed pursuant to 4868
division (G) (1) of this section. 4869

(6) As used in division (G) of this section: 4870

(a) "Equivalent offense" has the same meaning as in 4871
section 4511.181 of the Revised Code. 4872

(b) "Jail term" and "mandatory jail term" have the same 4873
meanings as in section 2929.01 of the Revised Code. 4874

(H) Whoever violates section 1547.304 of the Revised Code 4875
is guilty of a misdemeanor of the fourth degree and also shall 4876
be assessed any costs incurred by the state or a county, 4877
township, municipal corporation, or other political subdivision 4878
in disposing of an abandoned junk vessel or outboard motor, less 4879
any money accruing to the state, county, township, municipal 4880
corporation, or other political subdivision from that disposal. 4881

(I) Whoever violates division (B) or (C) of section 4882
1547.49 of the Revised Code is guilty of a minor misdemeanor. 4883

(J) Whoever violates section 1547.31 of the Revised Code 4884
is guilty of a misdemeanor of the fourth degree on a first 4885
offense. On each subsequent offense, the person is guilty of a 4886
misdemeanor of the third degree. 4887

(K) Whoever violates section 1547.05 or 1547.051 of the 4888
Revised Code is guilty of a misdemeanor of the fourth degree if 4889
the violation is not related to a collision, injury to a person, 4890
or damage to property and a misdemeanor of the third degree if 4891
the violation is related to a collision, injury to a person, or 4892
damage to property. 4893

(L) The sentencing court, in addition to the penalty 4894
provided under this section for a violation of this chapter or a 4895
rule that involves a powercraft powered by more than ten 4896
horsepower and that, in the opinion of the court, involves a 4897
threat to the safety of persons or property, shall order the 4898
offender to complete successfully a boating course approved by 4899

the national association of state boating law administrators 4900
before the offender is allowed to operate a powercraft powered 4901
by more than ten horsepower on the waters in this state. 4902
Violation of a court order entered under this division is 4903
punishable as contempt under Chapter 2705. of the Revised Code. 4904

Sec. 2151.23. (A) The juvenile court has exclusive 4905
original jurisdiction under the Revised Code as follows: 4906

(1) Concerning any child who on or about the date 4907
specified in the complaint, indictment, or information is 4908
alleged to have violated section 2151.87 of the Revised Code or 4909
an order issued under that section or to be a juvenile traffic 4910
offender or a delinquent, unruly, abused, neglected, or 4911
dependent child and, based on and in relation to the allegation 4912
pertaining to the child, concerning the parent, guardian, or 4913
other person having care of a child who is alleged to be an 4914
unruly child for being an habitual truant or who is alleged to 4915
be a delinquent child for violating a court order regarding the 4916
child's prior adjudication as an unruly child for being an 4917
habitual truant; 4918

(2) Subject to divisions (G), (I), (K), and (V) of section 4919
2301.03 of the Revised Code, to determine the custody of any 4920
child not a ward of another court of this state; 4921

(3) To hear and determine any application for a writ of 4922
habeas corpus involving the custody of a child; 4923

(4) To exercise the powers and jurisdiction given the 4924
probate division of the court of common pleas in Chapter 5122. 4925
of the Revised Code, if the court has probable cause to believe 4926
that a child otherwise within the jurisdiction of the court is a 4927
mentally ill person subject to court order, as defined in 4928

section 5122.01 of the Revised Code;	4929
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	4930 4931
(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;	4932 4933 4934 4935 4936 4937 4938 4939 4940 4941 4942
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	4943 4944
(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;	4945 4946 4947 4948
(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;	4949 4950 4951 4952
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	4953 4954
(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	4955 4956 4957

is not ancillary to an action for divorce, dissolution of 4958
marriage, annulment, or legal separation, a criminal or civil 4959
action involving an allegation of domestic violence, or an 4960
action for support brought under Chapter 3115. of the Revised 4961
Code; 4962

(12) Concerning an action commenced under section 121.38 4963
of the Revised Code; 4964

(13) To hear and determine violations of section 3321.38 4965
of the Revised Code; 4966

(14) To exercise jurisdiction and authority over the 4967
parent, guardian, or other person having care of a child alleged 4968
to be a delinquent child, unruly child, or juvenile traffic 4969
offender, based on and in relation to the allegation pertaining 4970
to the child; 4971

(15) To conduct the hearings, and to make the 4972
determinations, adjudications, and orders authorized or required 4973
under sections 2152.82 to 2152.86 and Chapter 2950. of the 4974
Revised Code regarding a child who has been adjudicated a 4975
delinquent child and to refer the duties conferred upon the 4976
juvenile court judge under sections 2152.82 to 2152.86 and 4977
Chapter 2950. of the Revised Code to magistrates appointed by 4978
the juvenile court judge in accordance with Juvenile Rule 40; 4979

(16) To hear and determine a petition for a protection 4980
order against a child under section 2151.34 or 3113.31 of the 4981
Revised Code and to enforce a protection order issued or a 4982
consent agreement approved under either section against a child 4983
until a date certain but not later than the date the child 4984
attains nineteen years of age; 4985

(17) Concerning emancipated young adults under sections 4986

2151.45 to 2151.455 of the Revised Code;	4987
(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.	4988 4989 4990
(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:	4991 4992 4993
(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;	4994 4995 4996 4997
(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;	4998 4999 5000
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	5001 5002
(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;	5003 5004 5005
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	5006 5007
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	5008 5009
(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.	5010 5011 5012
(8) To enforce an order for the return of a child made	5013

under the Hague Convention on the Civil Aspects of International 5014
Child Abduction pursuant to section 3127.32 of the Revised Code; 5015

(9) To grant any relief normally available under the laws 5016
of this state to enforce a child custody determination made by a 5017
court of another state and registered in accordance with section 5018
3127.35 of the Revised Code. 5019

(C) The juvenile court, except as to juvenile courts that 5020
are a separate division of the court of common pleas or a 5021
separate and independent juvenile court, has jurisdiction to 5022
hear, determine, and make a record of any action for divorce or 5023
legal separation that involves the custody or care of children 5024
and that is filed in the court of common pleas and certified by 5025
the court of common pleas with all the papers filed in the 5026
action to the juvenile court for trial, provided that no 5027
certification of that nature shall be made to any juvenile court 5028
unless the consent of the juvenile judge first is obtained. 5029
After a certification of that nature is made and consent is 5030
obtained, the juvenile court shall proceed as if the action 5031
originally had been begun in that court, except as to awards for 5032
spousal support or support due and unpaid at the time of 5033
certification, over which the juvenile court has no 5034
jurisdiction. 5035

(D) The juvenile court, except as provided in division (I) 5036
of section 2301.03 of the Revised Code, has jurisdiction to hear 5037
and determine all matters as to custody and support of children 5038
duly certified by the court of common pleas to the juvenile 5039
court after a divorce decree has been granted, including 5040
jurisdiction to modify the judgment and decree of the court of 5041
common pleas as the same relate to the custody and support of 5042
children. 5043

(E) The juvenile court, except as provided in division (I) 5044
of section 2301.03 of the Revised Code, has jurisdiction to hear 5045
and determine the case of any child certified to the court by 5046
any court of competent jurisdiction if the child comes within 5047
the jurisdiction of the juvenile court as defined by this 5048
section. 5049

(F) (1) The juvenile court shall exercise its jurisdiction 5050
in child custody matters in accordance with sections 3109.04 and 5051
3127.01 to 3127.53 of the Revised Code and, as applicable, 5052
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 5053
Revised Code. 5054

(2) The juvenile court shall exercise its jurisdiction in 5055
child support matters in accordance with section 3109.05 of the 5056
Revised Code. 5057

(G) Any juvenile court that makes or modifies an order for 5058
child support shall comply with Chapters 3119., 3121., 3123., 5059
and 3125. of the Revised Code. If any person required to pay 5060
child support under an order made by a juvenile court on or 5061
after April 15, 1985, or modified on or after December 1, 1986, 5062
is found in contempt of court for failure to make support 5063
payments under the order, the court that makes the finding, in 5064
addition to any other penalty or remedy imposed, shall assess 5065
all court costs arising out of the contempt proceeding against 5066
the person and require the person to pay any reasonable 5067
attorney's fees of any adverse party, as determined by the 5068
court, that arose in relation to the act of contempt. 5069

(H) If a child who is charged with an act that would be an 5070
offense if committed by an adult was fourteen years of age or 5071
older and under eighteen years of age at the time of the alleged 5072
act and if the case is transferred for criminal prosecution 5073

pursuant to section 2152.12 of the Revised Code, except as 5074
provided in section 2152.121 of the Revised Code, the juvenile 5075
court does not have jurisdiction to hear or determine the case 5076
subsequent to the transfer. The court to which the case is 5077
transferred for criminal prosecution pursuant to that section 5078
has jurisdiction subsequent to the transfer to hear and 5079
determine the case in the same manner as if the case originally 5080
had been commenced in that court, subject to section 2152.121 of 5081
the Revised Code, including, but not limited to, jurisdiction to 5082
accept a plea of guilty or another plea authorized by Criminal 5083
Rule 11 or another section of the Revised Code and jurisdiction 5084
to accept a verdict and to enter a judgment of conviction 5085
pursuant to the Rules of Criminal Procedure against the child 5086
for the commission of the offense that was the basis of the 5087
transfer of the case for criminal prosecution, whether the 5088
conviction is for the same degree or a lesser degree of the 5089
offense charged, for the commission of a lesser-included 5090
offense, or for the commission of another offense that is 5091
different from the offense charged. Section 2152.022 of the 5092
Revised Code applies with respect to the transfer of a case for 5093
criminal prosecution as described in this division and the 5094
determination of jurisdiction after the transfer and, as 5095
described in division (B) of that section, the juvenile court 5096
retains jurisdiction over charges included in the complaint 5097
containing the allegation that is the basis of the transfer that 5098
are not transferred. 5099

(I) If a person under eighteen years of age allegedly 5100
commits an act that would be a felony if committed by an adult 5101
and if the person is not taken into custody or apprehended for 5102
that act until after the person attains twenty-one years of age, 5103
the juvenile court does not have jurisdiction to hear or 5104

determine any portion of the case charging the person with 5105
committing that act. In those circumstances, divisions (A) and 5106
(B) of section 2152.12 of the Revised Code do not apply 5107
regarding the act, and the case charging the person with 5108
committing the act shall be a criminal prosecution commenced and 5109
heard in the appropriate court having jurisdiction of the 5110
offense as if the person had been eighteen years of age or older 5111
when the person committed the act. All proceedings pertaining to 5112
the act shall be within the jurisdiction of the court having 5113
jurisdiction of the offense, and that court has all the 5114
authority and duties in the case that it has in other criminal 5115
cases in that court. 5116

(J) In exercising its exclusive original jurisdiction 5117
under division (A) (16) of this section with respect to any 5118
proceedings brought under section 2151.34 or 3113.31 of the 5119
Revised Code in which the respondent is a child, the juvenile 5120
court retains all dispositional powers consistent with existing 5121
rules of juvenile procedure and may also exercise its discretion 5122
to adjudicate proceedings as provided in sections 2151.34 and 5123
3113.31 of the Revised Code, including the issuance of 5124
protection orders or the approval of consent agreements under 5125
those sections. 5126

Sec. 2151.358. (A) The juvenile court shall expunge all 5127
records sealed under section 2151.356 of the Revised Code five 5128
years after the court issues a sealing order or upon the twenty- 5129
third birthday of the person who is the subject of the sealing 5130
order, whichever date is earlier. 5131

(B) Notwithstanding division (A) of this section, upon 5132
application by the person who has had a record sealed under 5133
section 2151.356 of the Revised Code, the juvenile court may 5134

expunge a record sealed under section 2151.356 of the Revised 5135
Code. In making the determination whether to expunge records, 5136
all of the following apply: 5137

(1) The court may require a person filing an application 5138
for expungement to submit any relevant documentation to support 5139
the application. 5140

(2) The court may cause an investigation to be made to 5141
determine if the person who is the subject of the proceedings 5142
has been rehabilitated to a satisfactory degree. 5143

(3) The court shall promptly notify the prosecuting 5144
attorney of any proceedings to expunge records. 5145

(4) (a) The prosecuting attorney may file a response with 5146
the court within thirty days of receiving notice of the 5147
expungement proceedings. 5148

(b) If the prosecuting attorney does not file a response 5149
with the court or if the prosecuting attorney files a response 5150
but indicates that the prosecuting attorney does not object to 5151
the expungement of the records, the court may order the records 5152
of the person that are under consideration to be expunged 5153
without conducting a hearing on the application. If the court 5154
decides in its discretion to conduct a hearing on the 5155
application, the court shall conduct the hearing within thirty 5156
days after making that decision and shall give notice, by 5157
regular mail, of the date, time, and location of the hearing to 5158
the prosecuting attorney and to the person who is the subject of 5159
the records under consideration. 5160

(c) If the prosecuting attorney files a response with the 5161
court that indicates that the prosecuting attorney objects to 5162
the expungement of the records, the court shall conduct a 5163

hearing on the application within thirty days after the court 5164
receives the response. The court shall give notice, by regular 5165
mail, of the date, time, and location of the hearing to the 5166
prosecuting attorney and to the person who is the subject of the 5167
records under consideration. 5168

(5) After conducting a hearing in accordance with division 5169
(B) (4) of this section or after due consideration when a hearing 5170
is not conducted, the court may order the records of the person 5171
that are the subject of the application to be expunged if it 5172
finds that the person has been rehabilitated to a satisfactory 5173
degree. In determining whether the person has been rehabilitated 5174
to a satisfactory degree, the court may consider all of the 5175
following: 5176

(a) The age of the person; 5177

(b) The nature of the case; 5178

(c) The cessation or continuation of delinquent, unruly, 5179
or criminal behavior; 5180

(d) The education and employment history of the person; 5181

(e) Any other circumstances that may relate to the 5182
rehabilitation of the person who is the subject of the records 5183
under consideration. 5184

(C) If the juvenile court is notified by any party in a 5185
civil action that a civil action has been filed based on a case 5186
the records for which are the subject of a sealing order, the 5187
juvenile court shall not expunge a record sealed under section 5188
2151.356 of the Revised Code until the civil action has been 5189
resolved and is not subject to further appellate review, at 5190
which time the records shall be expunged pursuant to division 5191
(A) of this section. 5192

(D) (1) A juvenile court that issues a protection order or 5193
approves a consent agreement under section 2151.34 or 3113.31 of 5194
the Revised Code shall automatically seal all of the records of 5195
the proceeding in which the order was issued or agreement 5196
approved on the date the person against whom the protection 5197
order was issued or the consent agreement approved attains the 5198
age of nineteen years if the court determines that the person 5199
has complied with all of the terms of the protection order or 5200
consent agreement. 5201

(2) In a proceeding under section 2151.34 of the Revised 5202
Code, if the juvenile court does not issue any protection order 5203
under division (E) of that section, the court shall 5204
automatically seal all of the records in that proceeding. In a 5205
proceeding under section 3113.31 of the Revised Code, if the 5206
juvenile court does not issue any protection order or approve 5207
any consent agreement under division (E) of that section, the 5208
court shall automatically seal all of the records in that 5209
proceeding. 5210

(3) (a) If a juvenile court that issues a protection order 5211
or approves a consent agreement under section 2151.34 or 3113.31 5212
of the Revised Code determines that the person against whom the 5213
protection order was issued or the consent agreement approved 5214
has not complied with all of the terms of the protection order 5215
or consent agreement, the court shall consider sealing all of 5216
the records of the proceeding in which the order was issued or 5217
agreement approved upon the court's own motion or upon the 5218
application of a person. The court may make the motion or the 5219
person who is the subject of the records under consideration may 5220
apply for an order sealing the records of the proceeding at any 5221
time after two years after the expiration of the protection 5222
order or consent agreement. 5223

(b) In making a determination whether to seal records 5224
pursuant to division (D) (3) of this section, all of the 5225
following apply: 5226

(i) The court may require a person filing an application 5227
under division (D) (3) of this section to submit any relevant 5228
documentation to support the application. 5229

(ii) The court shall promptly notify the victim or the 5230
victim's attorney of any proceedings to seal records initiated 5231
pursuant to division (D) (3) of this section. 5232

(iii) The victim or the victim's attorney may file a 5233
response with the court within thirty days of receiving notice 5234
of the sealing proceedings. 5235

If the victim or the victim's attorney does not file a 5236
response with the court or if the victim or the victim's 5237
attorney files a response but indicates that the victim or the 5238
victim's attorney does not object to the sealing of the records, 5239
the court may order the records of the person that are under 5240
consideration to be sealed without conducting a hearing on the 5241
motion or application. If the court decides in its discretion to 5242
conduct a hearing on the motion or application, the court shall 5243
conduct the hearing within thirty days after making that 5244
decision and shall give notice, by regular mail, of the date, 5245
time, and location of the hearing to the victim or the victim's 5246
attorney and to the person who is the subject of the records 5247
under consideration. 5248

If the victim or the victim's attorney files a response 5249
with the court that indicates that the victim or the victim's 5250
attorney objects to the sealing of the records, the court shall 5251
conduct a hearing on the motion or application within thirty 5252

days after the court receives the response. The court shall give 5253
notice, by regular mail, of the date, time, and location of the 5254
hearing to the victim or the victim's attorney and to the person 5255
who is the subject of the records under consideration. 5256

(iv) After conducting a hearing in accordance with 5257
division (D) (3) (b) (iii) of this section or after due 5258
consideration when a hearing is not conducted, the court may 5259
order the records of the person that are the subject of the 5260
motion or application to be sealed. 5261

(4) Inspection of the records sealed pursuant to division 5262
(D) (1), (2), or (3) of this section may be made only by the 5263
following persons or for the following purposes: 5264

(a) By a law enforcement officer or prosecutor, or the 5265
assistants of either, to determine whether the nature and 5266
character of the offense with which a person is to be charged 5267
would be affected by virtue of the person's previously having 5268
been convicted of a crime; 5269

(b) By the parole or probation officer of the person who 5270
is the subject of the records, for the exclusive use of the 5271
officer in supervising the person while on parole or under a 5272
community control sanction or a post-release control sanction, 5273
and in making inquiries and written reports as requested by the 5274
court or adult parole authority; 5275

(c) Upon application by the person who is the subject of 5276
the records, by the persons named in the application; 5277

(d) By a law enforcement officer who was involved in the 5278
case, for use in the officer's defense of a civil action arising 5279
out of the officer's involvement in that case; 5280

(e) By a prosecuting attorney or the prosecuting 5281

attorney's assistants, to determine a defendant's eligibility to 5282
enter a pre-trial diversion program established pursuant to 5283
section 2935.36 of the Revised Code; 5284

(f) By any law enforcement agency or any authorized 5285
employee of a law enforcement agency or by the department of 5286
rehabilitation and correction as part of a background 5287
investigation of a person who applies for employment with the 5288
agency as a law enforcement officer or with the department as a 5289
corrections officer; 5290

(g) By any law enforcement agency or any authorized 5291
employee of a law enforcement agency, for the purposes set forth 5292
in, and in the manner provided in, division (I) of section 5293
~~2953.321~~2953.34 of the Revised Code; 5294

(h) By the bureau of criminal identification and 5295
investigation or any authorized employee of the bureau for the 5296
purpose of providing information to a board or person pursuant 5297
to division (F) or (G) of section 109.57 of the Revised Code; 5298

(i) By the bureau of criminal identification and 5299
investigation or any authorized employee of the bureau for the 5300
purpose of performing a criminal history records check on a 5301
person to whom a certificate as prescribed in section 109.77 of 5302
the Revised Code is to be awarded; 5303

(j) By the bureau of criminal identification and 5304
investigation or any authorized employee of the bureau for the 5305
purpose of conducting a criminal records check of an individual 5306
pursuant to division (B) of section 109.572 of the Revised Code 5307
that was requested pursuant to any of the sections identified in 5308
division (B) (1) of that section; 5309

(k) By the bureau of criminal identification and 5310

investigation, an authorized employee of the bureau, a sheriff, 5311
or an authorized employee of a sheriff in connection with a 5312
criminal records check described in section 311.41 of the 5313
Revised Code; 5314

(l) By the attorney general or an authorized employee of 5315
the attorney general or a court for purposes of determining a 5316
person's classification pursuant to Chapter 2950. of the Revised 5317
Code. 5318

When the nature and character of the offense with which a 5319
person is to be charged would be affected by the information, it 5320
may be used for the purpose of charging the person with an 5321
offense. 5322

(E) In addition to the methods of expungement provided for 5323
in divisions (A) and (B) of this section, a person who has been 5324
adjudicated a delinquent child for having committed an act that 5325
would be a violation of section 2907.24, 2907.241, or 2907.25 of 5326
the Revised Code if the child were an adult may apply to the 5327
adjudicating court for the expungement of the record of 5328
adjudication if the person's participation in the act was a 5329
result of the person having been a victim of human trafficking. 5330
The application shall be made in the same manner as an 5331
application for expungement under section ~~2953.38~~ 2953.36 of the 5332
Revised Code, and all of the provisions of that section shall 5333
apply to the expungement procedure. 5334

(F) After the records have been expunged under this 5335
section, the person who is the subject of the expunged records 5336
properly may, and the court shall, reply that no record exists 5337
with respect to the person upon any inquiry in the matter. 5338

Sec. 2152.02. As used in this chapter: 5339

(A) "Act charged" means the act that is identified in a 5340
complaint, indictment, or information alleging that a child is a 5341
delinquent child. 5342

(B) "Admitted to a department of youth services facility" 5343
includes admission to a facility operated, or contracted for, by 5344
the department and admission to a comparable facility outside 5345
this state by another state or the United States. 5346

(C) (1) "Child" means a person who is under eighteen years 5347
of age, except as otherwise provided in divisions (C) (2) to (8) 5348
of this section. 5349

(2) Subject to division (C) (3) of this section, any person 5350
who violates a federal or state law or a municipal ordinance 5351
prior to attaining eighteen years of age shall be deemed a 5352
"child" irrespective of that person's age at the time the 5353
complaint with respect to that violation is filed or the hearing 5354
on the complaint is held. 5355

(3) Any person who, while under eighteen years of age, 5356
commits an act that would be a felony if committed by an adult 5357
and who is not taken into custody or apprehended for that act 5358
until after the person attains twenty-one years of age is not a 5359
child in relation to that act. 5360

(4) Except as otherwise provided in divisions (C) (5) and 5361
(7) of this section, any person whose case is transferred for 5362
criminal prosecution pursuant to section 2152.12 of the Revised 5363
Code shall be deemed after the transfer not to be a child in the 5364
transferred case. 5365

(5) Any person whose case is transferred for criminal 5366
prosecution pursuant to section 2152.12 of the Revised Code and 5367
who subsequently is convicted of or pleads guilty to a felony in 5368

that case, unless a serious youthful offender dispositional 5369
sentence is imposed on the child for that offense under division 5370
(B) (2) or (3) of section 2152.121 of the Revised Code and the 5371
adult portion of that sentence is not invoked pursuant to 5372
section 2152.14 of the Revised Code, and any person who is 5373
adjudicated a delinquent child for the commission of an act, who 5374
has a serious youthful offender dispositional sentence imposed 5375
for the act pursuant to section 2152.13 of the Revised Code, and 5376
whose adult portion of the dispositional sentence is invoked 5377
pursuant to section 2152.14 of the Revised Code, shall be deemed 5378
after the conviction, plea, or invocation not to be a child in 5379
any case in which a complaint is filed against the person. 5380

(6) The juvenile court has jurisdiction over a person who 5381
is adjudicated a delinquent child or juvenile traffic offender 5382
prior to attaining eighteen years of age until the person 5383
attains twenty-one years of age, and, for purposes of that 5384
jurisdiction related to that adjudication, except as otherwise 5385
provided in this division, a person who is so adjudicated a 5386
delinquent child or juvenile traffic offender shall be deemed a 5387
"child" until the person attains twenty-one years of age. If a 5388
person is so adjudicated a delinquent child or juvenile traffic 5389
offender and the court makes a disposition of the person under 5390
this chapter, at any time after the person attains twenty-one 5391
years of age, the places at which the person may be held under 5392
that disposition are not limited to places authorized under this 5393
chapter solely for confinement of children, and the person may 5394
be confined under that disposition, in accordance with division 5395
(F) (2) of section 2152.26 of the Revised Code, in places other 5396
than those authorized under this chapter solely for confinement 5397
of children. 5398

(7) The juvenile court has jurisdiction over any person 5399

whose case is transferred for criminal prosecution solely for 5400
the purpose of detaining the person as authorized in division 5401
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 5402
person is convicted of or pleads guilty to a felony in the adult 5403
court. 5404

(8) Any person who, while eighteen years of age, violates 5405
division (A) (1) or (2) of section 2919.27 of the Revised Code by 5406
violating a protection order issued or consent agreement 5407
approved under section 2151.34 or 3113.31 of the Revised Code 5408
shall be considered a child for the purposes of that violation 5409
of section 2919.27 of the Revised Code. 5410

(D) "Community corrections facility," "public safety 5411
beds," "release authority," and "supervised release" have the 5412
same meanings as in section 5139.01 of the Revised Code. 5413

(E) "Delinquent child" includes any of the following: 5414

(1) Any child, except a juvenile traffic offender, who 5415
violates any law of this state or the United States, or any 5416
ordinance of a political subdivision of the state, that would be 5417
an offense if committed by an adult; 5418

(2) Any child who violates any lawful order of the court 5419
made under this chapter, including a child who violates a court 5420
order regarding the child's prior adjudication as an unruly 5421
child for being an habitual truant; 5422

(3) Any child who violates any lawful order of the court 5423
made under Chapter 2151. of the Revised Code other than an order 5424
issued under section 2151.87 of the Revised Code; 5425

(4) Any child who violates division (C) of section 5426
2907.39, division (A) of section 2923.211, or division (C) (1) or 5427
(D) of section 2925.55 of the Revised Code. 5428

(F) "Discretionary serious youthful offender" means a 5429
person who is eligible for a discretionary SYO and who is not 5430
transferred to adult court under a mandatory or discretionary 5431
transfer. 5432

(G) "Discretionary SYO" means a case in which the juvenile 5433
court, in the juvenile court's discretion, may impose a serious 5434
youthful offender disposition under section 2152.13 of the 5435
Revised Code. 5436

(H) "Discretionary transfer" means that the juvenile court 5437
has discretion to transfer a case for criminal prosecution under 5438
division (B) of section 2152.12 of the Revised Code. 5439

(I) "Drug abuse offense," "felony drug abuse offense," and 5440
"minor drug possession offense" have the same meanings as in 5441
section 2925.01 of the Revised Code. 5442

(J) "Electronic monitoring" and "electronic monitoring 5443
device" have the same meanings as in section 2929.01 of the 5444
Revised Code. 5445

(K) "Economic loss" means any economic detriment suffered 5446
by a victim of a delinquent act or juvenile traffic offense as a 5447
direct and proximate result of the delinquent act or juvenile 5448
traffic offense and includes any loss of income due to lost time 5449
at work because of any injury caused to the victim and any 5450
property loss, medical cost, or funeral expense incurred as a 5451
result of the delinquent act or juvenile traffic offense. 5452
"Economic loss" does not include non-economic loss or any 5453
punitive or exemplary damages. 5454

(L) "Firearm" has the same meaning as in section 2923.11 5455
of the Revised Code. 5456

(M) "Intellectual disability" has the same meaning as in 5457

section 5123.01 of the Revised Code. 5458

(N) "Juvenile traffic offender" means any child who 5459
violates any traffic law, traffic ordinance, or traffic 5460
regulation of this state, the United States, or any political 5461
subdivision of this state, other than a resolution, ordinance, 5462
or regulation of a political subdivision of this state the 5463
violation of which is required to be handled by a parking 5464
violations bureau or a joint parking violations bureau pursuant 5465
to Chapter 4521. of the Revised Code. 5466

(O) A "legitimate excuse for absence from the public 5467
school the child is supposed to attend" has the same meaning as 5468
in section 2151.011 of the Revised Code. 5469

(P) "Mandatory serious youthful offender" means a person 5470
who is eligible for a mandatory SYO and who is not transferred 5471
to adult court under a mandatory or discretionary transfer and 5472
also includes, for purposes of imposition of a mandatory serious 5473
youthful dispositional sentence under section 2152.13 of the 5474
Revised Code, a person upon whom a juvenile court is required to 5475
impose such a sentence under division (B) (3) of section 2152.121 5476
of the Revised Code. 5477

(Q) "Mandatory SYO" means a case in which the juvenile 5478
court is required to impose a mandatory serious youthful 5479
offender disposition under section 2152.13 of the Revised Code. 5480

(R) "Mandatory transfer" means that a case is required to 5481
be transferred for criminal prosecution under division (A) of 5482
section 2152.12 of the Revised Code. 5483

(S) "Mental illness" has the same meaning as in section 5484
5122.01 of the Revised Code. 5485

(T) "Monitored time" and "repeat violent offender" have 5486

the same meanings as in section 2929.01 of the Revised Code. 5487

(U) "Of compulsory school age" has the same meaning as in 5488
section 3321.01 of the Revised Code. 5489

(V) "Public record" has the same meaning as in section 5490
149.43 of the Revised Code. 5491

(W) "Serious youthful offender" means a person who is 5492
eligible for a mandatory SYO or discretionary SYO but who is not 5493
transferred to adult court under a mandatory or discretionary 5494
transfer and also includes, for purposes of imposition of a 5495
mandatory serious youthful dispositional sentence under section 5496
2152.13 of the Revised Code, a person upon whom a juvenile court 5497
is required to impose such a sentence under division (B) (3) of 5498
section 2152.121 of the Revised Code. 5499

(X) "Sexually oriented offense," "juvenile offender 5500
registrant," "child-victim oriented offense," "tier I sex 5501
offender/child-victim offender," "tier II sex offender/child- 5502
victim offender," "tier III sex offender/child-victim offender," 5503
and "public registry-qualified juvenile offender registrant" 5504
have the same meanings as in section 2950.01 of the Revised 5505
Code. 5506

(Y) "Traditional juvenile" means a case that is not 5507
transferred to adult court under a mandatory or discretionary 5508
transfer, that is eligible for a disposition under sections 5509
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 5510
that is not eligible for a disposition under section 2152.13 of 5511
the Revised Code. 5512

(Z) "Transfer" means, except with respect to a transfer 5513
from a criminal court to a juvenile court under section 2152.03 5514
or 2152.121 of the Revised Code, the transfer for criminal 5515

prosecution of a case ~~involving the alleged commission by that~~ 5516
includes a charge alleging that a child ~~of~~ is a delinquent child 5517
for committing an act that would be an offense if committed by 5518
an adult from the juvenile court to the appropriate court that 5519
has jurisdiction of the offense. 5520

(AA) "Category one offense" means any of the following: 5521

(1) A violation of section 2903.01 or 2903.02 of the 5522
Revised Code; 5523

(2) A violation of section 2923.02 of the Revised Code 5524
involving an attempt to commit aggravated murder or murder. 5525

(BB) "Category two offense" means any of the following: 5526

(1) A violation of section 2903.03, 2905.01, 2907.02, 5527
2909.02, 2911.01, or 2911.11 of the Revised Code; 5528

(2) A violation of section 2903.04 of the Revised Code 5529
that is a felony of the first degree; 5530

(3) A violation of section 2907.12 of the Revised Code as 5531
it existed prior to September 3, 1996. 5532

(CC) "Non-economic loss" means nonpecuniary harm suffered 5533
by a victim of a delinquent act or juvenile traffic offense as a 5534
result of or related to the delinquent act or juvenile traffic 5535
offense, including, but not limited to, pain and suffering; loss 5536
of society, consortium, companionship, care, assistance, 5537
attention, protection, advice, guidance, counsel, instruction, 5538
training, or education; mental anguish; and any other intangible 5539
loss. 5540

Sec. 2152.022. (A) If a complaint has been filed in 5541
juvenile court alleging that a child is a delinquent child for 5542
committing an act that would be a felony if committed by an 5543

adult and if the juvenile court under section 2152.10 and 5544
division (A) (1) or (B) of section 2152.12 of the Revised Code is 5545
required to transfer the "case" or is authorized to transfer the 5546
"case" and decides to do so, as used in all provisions of the 5547
Revised Code that apply with respect to the transfer, "case" 5548
means all charges that are included in the complaint containing 5549
the allegation that is the basis of the transfer under division 5550
(A) (1) or (B) of section 2152.12 of the Revised Code and for 5551
which the court found probable cause to believe that the child 5552
committed the act charged. 5553

(B) If a complaint has been filed in juvenile court 5554
alleging that a child is a delinquent child for committing an 5555
act that would be a felony if committed by an adult, if the 5556
juvenile court, as described in division (A) of this section, is 5557
required to transfer the case or is authorized to transfer the 5558
case and decides to do so, and if the complaint containing the 5559
allegation that is the basis of the transfer under division (A) 5560
(1) or (B) of section 2152.12 of the Revised Code includes one 5561
or more other counts alleging that the child committed an act 5562
that would be an offense if committed by an adult, both of the 5563
following apply: 5564

(1) Each count included in the complaint with respect to 5565
which the court found probable cause to believe that the child 5566
committed the act charged shall be transferred and the court to 5567
which the case is transferred has jurisdiction over all of the 5568
counts so transferred as provided in division (H) of section 5569
2151.23 of the Revised Code. 5570

(2) Each count included in the complaint that is not 5571
transferred as described in division (B) (1) of this section 5572
shall remain within the jurisdiction of the juvenile court, to 5573

be handled by that court in an appropriate manner. 5574

Sec. 2152.10. (A) A child who is alleged to be a 5575
delinquent child is eligible for mandatory transfer and the 5576
child's case shall be transferred as provided in section 2152.12 5577
of the Revised Code in any of the following circumstances: 5578

(1) The child is charged with a category one offense and 5579
either of the following apply: 5580

(a) The child was sixteen years of age or older at the 5581
time of the act charged. 5582

(b) The child was fourteen or fifteen years of age at the 5583
time of the act charged and previously was adjudicated a 5584
delinquent child for committing an act that is a category one or 5585
category two offense and was committed to the legal custody of 5586
the department of youth services upon the basis of that 5587
adjudication. 5588

(2) The child is charged with a category two offense, 5589
other than a violation of section 2905.01 of the Revised Code, 5590
the child was sixteen years of age or older at the time of the 5591
commission of the act charged, and either or both of the 5592
following apply: 5593

(a) The child previously was adjudicated a delinquent 5594
child for committing an act that is a category one or a category 5595
two offense and was committed to the legal custody of the 5596
department of youth services on the basis of that adjudication. 5597

(b) The child is alleged to have had a firearm on or about 5598
the child's person or under the child's control while committing 5599
the act charged and to have displayed the firearm, brandished 5600
the firearm, indicated possession of the firearm, or used the 5601
firearm to facilitate the commission of the act charged. 5602

(3) Division (A) (2) of section 2152.12 of the Revised Code 5603
applies. 5604

(B) Unless the child is subject to mandatory transfer, if 5605
a child is fourteen years of age or older at the time of the act 5606
charged and if the child is charged with an act that would be a 5607
felony if committed by an adult, the child is eligible for 5608
discretionary transfer, and for transfer of the child's case, to 5609
the appropriate court for criminal prosecution. In determining 5610
whether to transfer the child for criminal prosecution, the 5611
juvenile court shall follow the procedures in section 2152.12 of 5612
the Revised Code. If the court does not transfer the child and 5613
if the court adjudicates the child to be a delinquent child for 5614
the act charged, the court shall issue an order of disposition 5615
in accordance with section 2152.11 of the Revised Code. 5616

Sec. 2152.11. (A) A child who is adjudicated a delinquent 5617
child for committing an act that would be a felony if committed 5618
by an adult is eligible for a particular type of disposition 5619
under this section if the ~~child~~ child's case was not transferred 5620
under section 2152.12 of the Revised Code. If the complaint, 5621
indictment, or information charging the act includes one or more 5622
of the following factors, the act is considered to be enhanced, 5623
and the child is eligible for a more restrictive disposition 5624
under this section; 5625

(1) The act charged against the child would be an offense 5626
of violence if committed by an adult. 5627

(2) During the commission of the act charged, the child 5628
used a firearm, displayed a firearm, brandished a firearm, or 5629
indicated that the child possessed a firearm and actually 5630
possessed a firearm. 5631

(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 5660
the following is appropriate: 5661

(1) Mandatory SYO, if the act allegedly was committed when 5662
the child was sixteen or seventeen years of age, and the act is 5663
enhanced by the factors described in division (A) (1) and either 5664
division (A) (2) or (3) of this section; 5665

(2) Discretionary SYO, if any of the following applies: 5666

(a) The act was committed when the child was sixteen or 5667
seventeen years of age, and division (D) (1) of this section does 5668
not apply. 5669

(b) The act was committed when the child was fourteen or 5670
fifteen years of age. 5671

(c) The act was committed when the child was twelve or 5672
thirteen years of age, and the act is enhanced by any factor 5673
described in division (A) (1), (2), or (3) of this section. 5674

(d) The act was committed when the child was ten or eleven 5675
years of age, and the act is enhanced by the factors described 5676
in division (A) (1) and either division (A) (2) or (3) of this 5677
section. 5678

(3) Traditional juvenile, if divisions (D) (1) and (2) of 5679
this section do not apply. 5680

(E) If a child is adjudicated a delinquent child for 5681
committing an act that would be a felony of the second degree if 5682
committed by an adult, the child is eligible for whichever of 5683
the following is appropriate: 5684

(1) Discretionary SYO, if the act was committed when the 5685
child was fourteen, fifteen, sixteen, or seventeen years of age; 5686

(2) Discretionary SYO, if the act was committed when the child was twelve or thirteen years of age, and the act is enhanced by any factor described in division (A) (1), (2), or (3) of this section;

(3) Traditional juvenile, if divisions (E) (1) and (2) of this section do not apply.

(F) If a child is adjudicated a delinquent child for committing an act that would be a felony of the third degree if committed by an adult, the child is eligible for whichever of the following is appropriate:

(1) Discretionary SYO, if the act was committed when the child was sixteen or seventeen years of age;

(2) Discretionary SYO, if the act was committed when the child was fourteen or fifteen years of age, and the act is enhanced by any factor described in division (A) (1), (2), or (3) of this section;

(3) Traditional juvenile, if divisions (F) (1) and (2) of this section do not apply.

(G) If a child is adjudicated a delinquent child for committing an act that would be a felony of the fourth or fifth degree if committed by an adult, the child is eligible for whichever of the following dispositions is appropriate:

(1) Discretionary SYO, if the act was committed when the child was sixteen or seventeen years of age, and the act is enhanced by any factor described in division (A) (1), (2), or (3) of this section;

(2) Traditional juvenile, if division (G) (1) of this section does not apply.

(H) The following table describes the dispositions that a juvenile court may impose on a delinquent child: 5715
5716

5717

	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.	5732
(6) "F3" refers to an act that would be a felony of the third degree if committed by an adult.	5733 5734
(7) "F4" refers to an act that would be a felony of the fourth degree if committed by an adult.	5735 5736
(8) "F5" refers to an act that would be a felony of the fifth degree if committed by an adult.	5737 5738
(9) "MSYO" refers to mandatory serious youthful offender disposition.	5739 5740
(10) The "offense of violence factor" applies when the criteria described in division (A) (1) of this section apply.	5741 5742
(11) The "previous DYS admission factor" applies when the criteria described in division (A) (3) of this section apply.	5743 5744
(12) "TJ" refers to traditional juvenile.	5745
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:	5746 5747 5748 5749 5750 5751 5752
(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.	5753 5754 5755 5756 5757
(ii) The child was fourteen or fifteen years of age at the	5758

time of the act charged that would be aggravated murder, murder, 5759
attempted aggravated murder, or attempted murder, section 5760
2152.10 of the Revised Code provides that the child is eligible 5761
for mandatory transfer, and there is probable cause to believe 5762
that the child committed the act charged. 5763

(b) After a complaint has been filed alleging that a child 5764
is a delinquent child by reason of committing one or more acts 5765
that would be an offense if committed by an adult, if any of 5766
those acts is a category two offense, the juvenile court at a 5767
hearing shall transfer the case if the child was sixteen or 5768
seventeen years of age at the time of the act charged that is a 5769
category two offense and either of the following applies: 5770

(i) Division (A) (2) (a) of section 2152.10 of the Revised 5771
Code requires the mandatory transfer of the case, and there is 5772
probable cause to believe that the child committed the act 5773
charged that is a category two offense. 5774

(ii) Division (A) (2) (b) of section 2152.10 of the Revised 5775
Code requires the mandatory transfer of the case, and there is 5776
probable cause to believe that the child committed the act 5777
charged that is a category two offense. 5778

(2) The juvenile court also shall transfer a case in the 5779
circumstances described in division (C) (5) of section 2152.02 of 5780
the Revised Code or if either of the following applies: 5781

(a) A complaint is filed against a child who is eligible 5782
for a discretionary transfer under section 2152.10 of the 5783
Revised Code and who previously was convicted of or pleaded 5784
guilty to a felony in a case that was transferred to a criminal 5785
court. 5786

(b) A complaint is filed against a child who is domiciled 5787

in another state alleging that the child is a delinquent child 5788
for committing an act that would be a felony if committed by an 5789
adult, and, if the act charged had been committed in that other 5790
state, the child would be subject to criminal prosecution as an 5791
adult under the law of that other state without the need for a 5792
transfer of jurisdiction from a juvenile, family, or similar 5793
noncriminal court to a criminal court. 5794

(3) If a complaint is filed against a child alleging that 5795
the child is a delinquent child and the case is transferred 5796
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this 5797
section and if the child subsequently is convicted of or pleads 5798
guilty to an offense in that case, the sentence to be imposed or 5799
disposition to be made of the child shall be determined in 5800
accordance with section 2152.121 of the Revised Code. 5801

(B) Except as provided in division (A) of this section, 5802
after a complaint has been filed alleging that a child is a 5803
delinquent child ~~for by reason of committing an act that one or~~ 5804
more acts that would be an offense if committed by an adult and 5805
if any of those acts would be a felony if committed by an adult, 5806
the juvenile court at a hearing may transfer the case if the 5807
court finds all of the following with respect to an act charged 5808
that would be a felony: 5809

(1) The child was fourteen years of age or older at the 5810
time of the act charged. 5811

(2) There is probable cause to believe that the child 5812
committed the act charged. 5813

(3) The child is not amenable to care or rehabilitation 5814
within the juvenile system, and the safety of the community may 5815
require that the child be subject to adult sanctions. In making 5816

its decision under this division, the court shall consider 5817
whether the applicable factors under division (D) of this 5818
section indicating that the case should be transferred outweigh 5819
the applicable factors under division (E) of this section 5820
indicating that the case should not be transferred. The record 5821
shall indicate the specific factors that were applicable and 5822
that the court weighed. 5823

(C) Before considering a transfer under division (B) of 5824
this section, the juvenile court shall order an investigation 5825
into the child's social history, education, family situation, 5826
and any other factor bearing on whether the child is amenable to 5827
juvenile rehabilitation, including a mental examination of the 5828
child by a public or private agency or a person qualified to 5829
make the examination. The investigation shall be completed and a 5830
report on the investigation shall be submitted to the court as 5831
soon as possible but not more than forty-five calendar days 5832
after the court orders the investigation. The court may grant 5833
one or more extensions for a reasonable length of time. The 5834
child may waive the examination required by this division if the 5835
court finds that the waiver is competently and intelligently 5836
made. Refusal to submit to a mental examination by the child 5837
constitutes a waiver of the examination. 5838

(D) In considering whether to transfer a child under 5839
division (B) of this section based on an act charged that would 5840
be a felony if committed by an adult, the juvenile court shall 5841
consider the following relevant factors, and any other relevant 5842
factors, in favor of a transfer under that division: 5843

(1) The victim of the act charged suffered physical or 5844
psychological harm, or serious economic harm, as a result of the 5845
alleged act. 5846

(2) The physical or psychological harm suffered by the 5847
victim due to the alleged act of the child was exacerbated 5848
because of the physical or psychological vulnerability or the 5849
age of the victim. 5850

(3) The child's relationship with the victim facilitated 5851
the act charged. 5852

(4) The child allegedly committed the act charged for hire 5853
or as a part of a gang or other organized criminal activity. 5854

(5) The child had a firearm on or about the child's person 5855
or under the child's control at the time of the act charged, the 5856
act charged is not a violation of section 2923.12 of the Revised 5857
Code, and the child, during the commission of the act charged, 5858
allegedly used or displayed the firearm, brandished the firearm, 5859
or indicated that the child possessed a firearm. 5860

(6) At the time of the act charged, the child was awaiting 5861
adjudication or disposition as a delinquent child, was under a 5862
community control sanction, or was on parole for a prior 5863
delinquent child adjudication or conviction. 5864

(7) The results of any previous juvenile sanctions and 5865
programs indicate that rehabilitation of the child will not 5866
occur in the juvenile system. 5867

(8) The child is emotionally, physically, or 5868
psychologically mature enough for the transfer. 5869

(9) There is not sufficient time to rehabilitate the child 5870
within the juvenile system. 5871

(E) In considering whether to transfer a child under 5872
division (B) of this section based on an act charged that would 5873
be a felony if committed by an adult, the juvenile court shall 5874

consider the following relevant factors, and any other relevant	5875
factors, against a transfer under that division:	5876
(1) The victim induced or facilitated the act charged.	5877
(2) The child acted under provocation in allegedly	5878
committing the act charged.	5879
(3) The child was not the principal actor in the act	5880
charged, or, at the time of the act charged, the child was under	5881
the negative influence or coercion of another person.	5882
(4) The child did not cause physical harm to any person or	5883
property, or have reasonable cause to believe that harm of that	5884
nature would occur, in allegedly committing the act charged.	5885
(5) The child previously has not been adjudicated a	5886
delinquent child.	5887
(6) The child is not emotionally, physically, or	5888
psychologically mature enough for the transfer.	5889
(7) The child has a mental illness or intellectual	5890
disability.	5891
(8) There is sufficient time to rehabilitate the child	5892
within the juvenile system and the level of security available	5893
in the juvenile system provides a reasonable assurance of public	5894
safety.	5895
(F) If one or more complaints are filed alleging that a	5896
child is a delinquent child for committing two or more acts that	5897
would be offenses if committed by an adult, if a motion is made	5898
alleging that division (A) of this section applies and requires	5899
that the case or cases involving one or more of the acts charged	5900
be transferred, and if a motion also is made requesting that the	5901
case or cases involving one or more of the acts charged be	5902

transferred pursuant to division (B) of this section, the 5903
juvenile court, in deciding the motions, shall proceed in the 5904
following manner: 5905

(1) Initially, the court shall decide the motion alleging 5906
that division (A) of this section applies and requires that the 5907
case or cases involving one or more of the acts charged be 5908
transferred. 5909

(2) If the court determines that division (A) of this 5910
section applies and requires that the case or cases involving 5911
one or more of the acts charged be transferred, the court shall 5912
transfer the case or cases in accordance with that division— 5913
~~After the transfer pursuant to division (A) of this section, the~~ 5914
~~court shall decide, in accordance with, and that transfer also~~ 5915
automatically requires the transfer of the case or cases for 5916
which the transfer request was made under division (B) of this 5917
section, ~~whether to grant the motion requesting that the case or~~ 5918
~~cases involving one or more of the acts charged be transferred~~ 5919
~~pursuant to~~ without any action taken or finding made under that 5920
division, provided that as described in section 2152.022 of the 5921
Revised Code no count shall be transferred with the case unless 5922
the court finds probable cause to believe that the child 5923
committed the act charged in the count. Notwithstanding division 5924
(B) of this section, prior to transferring a case pursuant to 5925
division (A) of this section, the court is not required to 5926
consider any factor specified in division (D) or (E) of this 5927
section or to conduct an investigation under division (C) of 5928
this section. 5929

(3) If the court determines that division (A) of this 5930
section does not require that the case or cases involving one or 5931
more of the acts charged be transferred, the court shall decide 5932

in accordance with division (B) of this section whether to grant 5933
the motion requesting that the case or cases involving one or 5934
more of the acts charged be transferred pursuant to that 5935
division. 5936

(4) No report on an investigation conducted pursuant to 5937
division (C) of this section shall include details of the 5938
alleged offense as reported by the child. 5939

(G) The court shall give notice in writing of the time, 5940
place, and purpose of any hearing held pursuant to division (A) 5941
or (B) of this section to the child's parents, guardian, or 5942
other custodian and to the child's counsel at least three days 5943
prior to the hearing. 5944

(H) No person, either before or after reaching eighteen 5945
years of age, shall be prosecuted as an adult for an offense 5946
committed prior to becoming eighteen years of age, unless the 5947
person has been transferred as provided in division (A) or (B) 5948
of this section or unless division (J) of this section applies. 5949
Any prosecution that is had in a criminal court on the mistaken 5950
belief that the person who is the subject of the case was 5951
eighteen years of age or older at the time of the commission of 5952
the offense shall be deemed a nullity, and the person shall not 5953
be considered to have been in jeopardy on the offense. 5954

~~(I)~~ (I) (1) Section 2152.022 of the Revised Code applies 5955
with respect to the transfer of a case made under division (A) 5956
(1) or (B) of this section. Section 2152.022 of the Revised Code 5957
applies with respect to the transfer of a case made under 5958
division (A) (2) of this section in the same manner as if the 5959
transfer was made under division (A) (1) of this section. 5960

(2) Upon the transfer of a case under division (A) or (B) 5961

of this section, the juvenile court shall state the reasons for 5962
the transfer on the record, and shall order the child to enter 5963
into a recognizance with good and sufficient surety for the 5964
child's appearance before the appropriate court for any 5965
disposition that the court is authorized to make for a similar 5966
act committed by an adult. ~~The~~ Except as otherwise provided in 5967
division (B) of section 2152.022 of the Revised Code, all of the 5968
following apply with respect to the transfer: 5969

(a) The transfer abates the jurisdiction of the juvenile 5970
court with respect to the delinquent acts alleged in the 5971
complaint, and, upon in the case; 5972

(b) Upon the transfer, all further proceedings pertaining 5973
to the ~~act~~ acts charged in the complaint in the case shall be 5974
discontinued in the juvenile court, and the; 5975

(c) Upon the transfer, the case then shall be within the 5976
jurisdiction of the court to which it is transferred as 5977
described in division (H) of section 2151.23 of the Revised 5978
Code. 5979

(J) If a person under eighteen years of age allegedly 5980
commits an act that would be a felony if committed by an adult 5981
and if the person is not taken into custody or apprehended for 5982
that act until after the person attains twenty-one years of age, 5983
the juvenile court does not have jurisdiction to hear or 5984
determine that act, any other charge included in the case 5985
charging the person with committing that act, or any portion of 5986
the ~~that~~ case charging the person with committing that act. In 5987
those circumstances, divisions (A) and (B) of this section do 5988
not apply regarding the act, and the case charging that includes 5989
the charge that the person with committing committed the act, 5990
and all other charges in the case, shall be a criminal 5991

prosecution commenced and heard in the appropriate court having 5992
jurisdiction of the offense as if the person had been eighteen 5993
years of age or older when the person committed the act. All 5994
proceedings pertaining to the ~~act~~ acts charged in the case shall 5995
be within the jurisdiction of the court having jurisdiction of 5996
the offense, and that court has all the authority and duties in 5997
the case as it has in other criminal cases in that court. 5998

Sec. 2152.121. (A) If a complaint is filed against a child 5999
alleging that the child is a delinquent child and the case is 6000
transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) 6001
of section 2152.12 of the Revised Code, the juvenile court that 6002
transferred the case shall retain jurisdiction for purposes of 6003
making disposition of the child when required under division (B) 6004
of this section. 6005

(B) If a complaint is filed against a child alleging that 6006
the child is a delinquent child, if the case is transferred 6007
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 6008
2152.12 of the Revised Code, and if the child subsequently is 6009
convicted of or pleads guilty to ~~an offense~~ one or more offenses 6010
in that case, the sentence to be imposed or disposition to be 6011
made of the child with respect to each of the offenses shall be 6012
determined as follows: 6013

(1) The court in which the child is convicted of or pleads 6014
guilty to the ~~offense~~ offenses shall determine whether, had a 6015
complaint been filed in juvenile court alleging that the child 6016
was a delinquent child for committing an act that would be ~~that~~ 6017
~~offense~~ any of the offenses if committed by an adult, division 6018
(A) of section 2152.12 of the Revised Code would have required 6019
mandatory transfer of the case or division (B) of that section 6020
would have allowed discretionary transfer of the case. The court 6021

shall not consider the factor specified in division (B) (3) of 6022
section 2152.12 of the Revised Code in making its determination 6023
under this division. 6024

(2) If the court in which the child is convicted of or 6025
pleads guilty to the ~~offense~~offenses determines under division 6026
(B) (1) of this section that, had a complaint been filed in 6027
juvenile court alleging that the child was a delinquent child 6028
for committing an act that would be ~~that offense~~any of the
offenses if committed by an adult, division (A) of section 6029
2152.12 of the Revised Code would not have required mandatory 6030
transfer of the case, and division (B) of that section would not 6031
have allowed discretionary transfer of the case, the court shall 6032
transfer jurisdiction of the case back to the juvenile court 6033
that initially transferred the case, the court and all other 6034
agencies that have any record of the conviction of the child or 6035
the child's guilty plea shall expunge all of the ~~conviction or~~
convictions and guilty plea pleas and all records of ~~it them~~, 6036
the ~~conviction or convictions and guilty plea pleas~~ shall be 6037
considered and treated for all purposes other than as provided 6038
in this section to have never occurred, the ~~conviction or~~
convictions and guilty plea pleas shall be considered and 6039
treated for all purposes other than as provided in this section 6040
to have been a delinquent child ~~adjudication~~adjudications of 6041
the child, and the juvenile court shall impose one or more 6042
traditional juvenile dispositions ~~upon~~on the child under 6043
sections 2152.19 and 2152.20 of the Revised Code for each of the
offenses. 6044
6045
6046
6047
6048

(3) If the court in which the child is convicted of or 6049
pleads guilty to the ~~offense~~offenses determines under division 6050
(B) (1) of this section that, had a complaint been filed in 6051
juvenile court alleging that the child was a delinquent child 6052

for committing an act that would be ~~that offense~~ any of the 6053
offenses if committed by an adult, division (A) of section 6054
2152.12 of the Revised Code would not have required mandatory 6055
transfer of the case but division (B) of that section would have 6056
allowed discretionary transfer of the case, the court shall 6057
determine the sentence it believes should be imposed ~~upon~~ on the 6058
child under Chapter 2929. of the Revised Code for each of the 6059
offenses, shall impose that sentence ~~upon~~ on the child, and 6060
shall stay that sentence pending completion of the procedures 6061
specified in this division. Upon imposition and staying of the 6062
sentence, the court shall transfer jurisdiction of the case back 6063
to the juvenile court that initially transferred the case and 6064
the juvenile court shall proceed in accordance with this 6065
division. In no case may the child waive a right to a hearing of 6066
the type described in division (B) (3) (b) of this section, 6067
regarding a motion filed as described in that division by the 6068
prosecuting attorney in the case. Upon transfer of jurisdiction 6069
of the case back to the juvenile court, both of the following 6070
apply: 6071

(a) Except as otherwise provided in division (B) (3) (b) of 6072
this section, for each of the offenses, the juvenile court shall 6073
impose a serious youthful offender dispositional sentence ~~upon~~ 6074
on the child under division (D) (1) of section 2152.13 of the 6075
Revised Code. In imposing the adult portion of ~~that the serious~~ 6076
youthful offender dispositional sentence, the juvenile court 6077
shall consider and give preference to the sentence imposed ~~upon~~ 6078
on the child by the court in which the child was convicted of or 6079
pleaded guilty to the offense. Upon imposing a serious youthful 6080
offender dispositional sentence ~~upon~~ or traditional juvenile 6081
disposition on the child as described in this division, the 6082
juvenile court shall notify the court in which the child was 6083

convicted of or pleaded guilty to the offense, the sentence 6084
imposed ~~upon~~on the child by that court shall terminate, the 6085
court and all other agencies that have any record of the 6086
conviction of the child or the child's guilty plea shall expunge 6087
the conviction or guilty plea and all records of it, the 6088
conviction or guilty plea shall be considered and treated for 6089
all purposes other than as provided in this section to have 6090
never occurred, and the conviction or guilty plea shall be 6091
considered and treated for all purposes other than as provided 6092
in this section to have been a delinquent child adjudication of 6093
the child. 6094

(b) Within fourteen days after the filing of the journal 6095
entry regarding the transfer, the prosecuting attorney in the 6096
case may file a motion in the juvenile court that objects to the 6097
imposition of ~~a~~ serious youthful offender dispositional ~~sentence~~ 6098
~~upon~~ sentences on the child for the offenses and requests that 6099
the ~~sentence~~ sentences imposed ~~upon~~on the child by the court in 6100
which the child was convicted of or pleaded guilty to the 6101
~~offense~~ offenses be invoked. Upon the filing of a motion under 6102
this division, the juvenile court shall hold a hearing to 6103
determine whether the child is not amenable to care or 6104
rehabilitation within the juvenile system and whether the safety 6105
of the community may require that the child be subject solely to 6106
adult sanctions. If the juvenile court at the hearing finds that 6107
the child is not amenable to care or rehabilitation within the 6108
juvenile system or that the safety of the community may require 6109
that the child be subject solely to adult sanctions, the court 6110
shall grant the motion. Absent such a finding, the juvenile 6111
court shall deny the motion. In making its decision under this 6112
division, the juvenile court shall consider the factors listed 6113
in division (D) of section 2152.12 of the Revised Code as 6114

factors indicating that the motion should be granted, shall 6115
consider the factors listed in division (E) of that section as 6116
factors indicating that the motion should not be granted, and 6117
shall consider whether the applicable factors listed in division 6118
(D) of that section outweigh the applicable factors listed in 6119
division (E) of that section. 6120

If the juvenile court grants the motion of the prosecuting 6121
attorney under this division, the juvenile court shall transfer 6122
jurisdiction of the case back to the court in which the child 6123
was convicted of or pleaded guilty to the ~~offense~~offenses, and 6124
the ~~sentence~~sentences imposed by that court shall be invoked. 6125
If the juvenile court denies the motion of the prosecuting 6126
attorney under this section, for each of the offenses, the 6127
juvenile court shall impose a serious youthful offender 6128
dispositional sentence ~~upon~~on the child in accordance with 6129
division (B) (3) (a) of this section. 6130

(4) If the court in which the child is convicted of or 6131
pleads guilty to the ~~offense~~offenses determines under division 6132
(B) (1) of this section that, had a complaint been filed in 6133
juvenile court alleging that the child was a delinquent child 6134
for committing an act that would be ~~that offense~~any of the 6135
offenses if committed by an adult, division (A) of section 6136
2152.12 of the Revised Code would have required mandatory 6137
transfer of the case, for each of the offenses, the court shall 6138
impose sentence ~~upon~~on the child under Chapter 2929. of the 6139
Revised Code. 6140

Sec. 2305.118. (A) As used in this section "health care 6141
professional" has the same meaning as in section 2907.13 of the 6142
Revised Code. 6143

(B) Except as provided in division (C) of this section, an 6144

action under section 4731.861 or 4731.864 of the Revised Code 6145
for an assisted reproduction procedure performed without consent 6146
shall be brought within ten years after the procedure was 6147
performed. 6148

(C) (1) An action that would otherwise be barred under 6149
division (B) of this section, may be brought not later than five 6150
years after the latest any of the following occurs: 6151

(a) The discovery of evidence based on deoxyribonucleic 6152
acid analysis sufficient to bring the action against the health 6153
care professional. 6154

(b) The discovery of a recording providing evidence 6155
sufficient to bring the action against the health care 6156
professional. 6157

(c) The health care professional confesses and the 6158
confession is known to the plaintiff. 6159

(2) If a person born as a result of an assisted 6160
reproduction procedure discovers any of the evidence listed in 6161
division (C) (1) of this section before the person reaches the 6162
age of twenty-one, the five-year period does not begin to run 6163
until the person reaches the age of twenty-one. 6164

Sec. 2746.02. A court of record of this state shall tax as 6165
costs or otherwise require the payment of fees for the following 6166
services rendered, as compensation for the following persons, or 6167
as part of the sentence imposed by the court, or any other of 6168
the following fees that are applicable in a particular case: 6169

(A) In a felony case, financial sanctions, as provided in 6170
section 2929.18 of the Revised Code; 6171

(B) In any criminal case, the costs of prosecution, as 6172

provided in section 2947.23 of the Revised Code; 6173

(C) In a misdemeanor case in which the offender is 6174
sentenced to a jail term, the local detention facility is 6175
covered by a policy adopted by the facility's governing 6176
authority requiring reimbursement for the costs of confinement, 6177
and the offender is presented with an itemized bill pursuant to 6178
section 2929.37 of the Revised Code for such costs, the costs of 6179
confinement, as provided in section 2929.24 of the Revised Code; 6180

(D) In a case in which an offender is sentenced for 6181
endangering children in violation of section 2919.22 of the 6182
Revised Code, the costs of the offender's supervised community 6183
service work, as provided in section 2919.22 of the Revised 6184
Code; 6185

(E) In a case in which a defendant is charged with any of 6186
certain sexual assault or prostitution-related offenses and is 6187
found to be suffering from a venereal disease in an infectious 6188
stage, the cost of medical treatment, as provided in section 6189
2907.27 of the Revised Code; 6190

(F) In a case in which a defendant is charged with 6191
harassment with a bodily substance, the cost of medical testing, 6192
as provided in section 2921.38 of the Revised Code; 6193

(G) In a case in which a defendant is charged with 6194
violating a protection order in violation of section 2919.27 of 6195
the Revised Code or of a municipal ordinance that is 6196
substantially similar to that section, the costs of any 6197
evaluation and preceding examination of the defendant, as 6198
provided in section 2919.271 of the Revised Code; 6199

(H) Presentence psychological or psychiatric reports, as 6200
provided in section 2947.06 of the Revised Code; 6201

(I) In a criminal proceeding, the taking of a deposition 6202
of a person who is imprisoned in a detention facility or state 6203
correctional institution within this state or who is in the 6204
custody of the department of youth services, as provided in 6205
section 2945.47 of the Revised Code; 6206

(J) In a case in which a person is convicted of or pleads 6207
guilty to any offense other than a parking violation or in which 6208
a child is found to be a delinquent child or a juvenile traffic 6209
offender for an act that, if committed by an adult, would be an 6210
offense other than a parking violation, additional costs and 6211
bail, if applicable, as provided in sections 2743.70 and 6212
2949.091 of the Revised Code, but subject to waiver as provided 6213
in section 2949.092 of the Revised Code; 6214

(K) In a case in which a person is convicted of or pleads 6215
guilty to a moving violation or in which a child is found to be 6216
a juvenile traffic offender for an act which, if committed by an 6217
adult, would be a moving violation, additional costs and bail, 6218
if applicable, as provided in sections 2949.093 and 2949.094 of 6219
the Revised Code, but subject to waiver as provided in section 6220
2949.092 of the Revised Code; 6221

(L) In a case in which a defendant is convicted of 6222
abandoning a junk vessel or outboard motor without notifying the 6223
appropriate law enforcement officer, the cost incurred by the 6224
state or a political subdivision in disposing of the vessel or 6225
motor, as provided in section 1547.99 of the Revised Code; 6226

(M) The costs of electronic monitoring in the following 6227
cases: 6228

(1) In a misdemeanor case in which the offender is 6229
convicted of any of certain prostitution-related offenses and a 6230

specification under section 2941.1421 of the Revised Code, as 6231
provided in section 2929.24 of the Revised Code; 6232

(2) In a case in which the court issues a criminal 6233
protection order against a minor upon a petition alleging that 6234
the respondent committed any of certain assault, menacing, or 6235
trespass offenses, a sexually oriented offense, or an offense 6236
under a municipal ordinance that is substantially equivalent to 6237
any of those offenses, as provided in section 2151.34 of the 6238
Revised Code; 6239

(3) In a case in which the court issues a protection order 6240
against an adult upon a petition alleging that the respondent 6241
committed menacing by stalking or a sexually oriented offense, 6242
as provided in section 2903.214 of the Revised Code; 6243

(4) In a case in which an offender is convicted of 6244
violating a protection order, as provided in section 2919.27 of 6245
the Revised Code; 6246

(5) In a case in which the offender is convicted of any 6247
sexually oriented offense and is a tier III sex offender/child- 6248
victim offender relative to that offense, as provided in section 6249
2929.13 of the Revised Code. 6250

(N) In a proceeding for post-conviction relief, a 6251
transcript, as provided in section 2953.21 of the Revised Code; 6252

(O) In a proceeding for the sealing or expungement of a 6253
conviction record, the fees provided for in section 2953.32 or 6254
2953.39 of the Revised Code. 6255

Sec. 2901.01. (A) As used in the Revised Code: 6256

(1) "Force" means any violence, compulsion, or constraint 6257
physically exerted by any means upon or against a person or 6258

thing. 6259

(2) "Deadly force" means any force that carries a 6260
substantial risk that it will proximately result in the death of 6261
any person. 6262

(3) "Physical harm to persons" means any injury, illness, 6263
or other physiological impairment, regardless of its gravity or 6264
duration. 6265

(4) "Physical harm to property" means any tangible or 6266
intangible damage to property that, in any degree, results in 6267
loss to its value or interferes with its use or enjoyment. 6268
"Physical harm to property" does not include wear and tear 6269
occasioned by normal use. 6270

(5) "Serious physical harm to persons" means any of the 6271
following: 6272

(a) Any mental illness or condition of such gravity as 6273
would normally require hospitalization or prolonged psychiatric 6274
treatment; 6275

(b) Any physical harm that carries a substantial risk of 6276
death; 6277

(c) Any physical harm that involves some permanent 6278
incapacity, whether partial or total, or that involves some 6279
temporary, substantial incapacity; 6280

(d) Any physical harm that involves some permanent 6281
disfigurement or that involves some temporary, serious 6282
disfigurement; 6283

(e) Any physical harm that involves acute pain of such 6284
duration as to result in substantial suffering or that involves 6285
any degree of prolonged or intractable pain. 6286

(6) "Serious physical harm to property" means any physical 6287
harm to property that does either of the following: 6288

(a) Results in substantial loss to the value of the 6289
property or requires a substantial amount of time, effort, or 6290
money to repair or replace; 6291

(b) Temporarily prevents the use or enjoyment of the 6292
property or substantially interferes with its use or enjoyment 6293
for an extended period of time. 6294

(7) "Risk" means a significant possibility, as contrasted 6295
with a remote possibility, that a certain result may occur or 6296
that certain circumstances may exist. 6297

(8) "Substantial risk" means a strong possibility, as 6298
contrasted with a remote or significant possibility, that a 6299
certain result may occur or that certain circumstances may 6300
exist. 6301

(9) "Offense of violence" means any of the following: 6302

(a) A violation of section 2903.01, 2903.02, 2903.03, 6303
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.18, 2903.21, 6304
2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 6305
2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 6306
2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 6307
2921.04, 2921.34, or 2923.161, of division (A) (1) of section 6308
2903.34, of division (A) (1), (2), or (3) of section 2911.12, or 6309
of division (B) (1), (2), (3), or (4) of section 2919.22 of the 6310
Revised Code or felonious sexual penetration in violation of 6311
former section 2907.12 of the Revised Code; 6312

(b) A violation of an existing or former municipal 6313
ordinance or law of this or any other state or the United 6314
States, substantially equivalent to any section, division, or 6315

offense listed in division (A) (9) (a) of this section; 6316

(c) An offense, other than a traffic offense, under an 6317
existing or former municipal ordinance or law of this or any 6318
other state or the United States, committed purposely or 6319
knowingly, and involving physical harm to persons or a risk of 6320
serious physical harm to persons; 6321

(d) A conspiracy or attempt to commit, or complicity in 6322
committing, any offense under division (A) (9) (a), (b), or (c) of 6323
this section. 6324

(10) (a) "Property" means any property, real or personal, 6325
tangible or intangible, and any interest or license in that 6326
property. "Property" includes, but is not limited to, cable 6327
television service, other telecommunications service, 6328
telecommunications devices, information service, computers, 6329
data, computer software, financial instruments associated with 6330
computers, other documents associated with computers, or copies 6331
of the documents, whether in machine or human readable form, 6332
trade secrets, trademarks, copyrights, patents, and property 6333
protected by a trademark, copyright, or patent. "Financial 6334
instruments associated with computers" include, but are not 6335
limited to, checks, drafts, warrants, money orders, notes of 6336
indebtedness, certificates of deposit, letters of credit, bills 6337
of credit or debit cards, financial transaction authorization 6338
mechanisms, marketable securities, or any computer system 6339
representations of any of them. 6340

(b) As used in division (A) (10) of this section, "trade 6341
secret" has the same meaning as in section 1333.61 of the 6342
Revised Code, and "telecommunications service" and "information 6343
service" have the same meanings as in section 2913.01 of the 6344
Revised Code. 6345

(c) As used in divisions (A) (10) and (13) of this section, 6346
"cable television service," "computer," "computer software," 6347
"computer system," "computer network," "data," and 6348
"telecommunications device" have the same meanings as in section 6349
2913.01 of the Revised Code. 6350

(11) "Law enforcement officer" means any of the following: 6351

(a) A sheriff, deputy sheriff, constable, police officer 6352
of a township or joint police district, marshal, deputy marshal, 6353
municipal police officer, member of a police force employed by a 6354
metropolitan housing authority under division (D) of section 6355
3735.31 of the Revised Code, or state highway patrol trooper; 6356

(b) An officer, agent, or employee of the state or any of 6357
its agencies, instrumentalities, or political subdivisions, upon 6358
whom, by statute, a duty to conserve the peace or to enforce all 6359
or certain laws is imposed and the authority to arrest violators 6360
is conferred, within the limits of that statutory duty and 6361
authority; 6362

(c) A mayor, in the mayor's capacity as chief conservator 6363
of the peace within the mayor's municipal corporation; 6364

(d) A member of an auxiliary police force organized by 6365
county, township, or municipal law enforcement authorities, 6366
within the scope of the member's appointment or commission; 6367

(e) A person lawfully called pursuant to section 311.07 of 6368
the Revised Code to aid a sheriff in keeping the peace, for the 6369
purposes and during the time when the person is called; 6370

(f) A person appointed by a mayor pursuant to section 6371
~~737.01~~737.10 of the Revised Code as a special patrolling 6372
officer during riot or emergency, for the purposes and during 6373
the time when the person is appointed; 6374

(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 6404
conferred by law, bestowed by express or implied grant, arising 6405
out of status, position, office, or relationship, or growing out 6406
of necessity. 6407

(13) "Contraband" means any property that is illegal for a 6408
person to acquire or possess under a statute, ordinance, or 6409
rule, or that a trier of fact lawfully determines to be illegal 6410
to possess by reason of the property's involvement in an 6411
offense. "Contraband" includes, but is not limited to, all of 6412
the following: 6413

(a) Any controlled substance, as defined in section 6414
3719.01 of the Revised Code, or any device or paraphernalia; 6415

(b) Any unlawful gambling device or paraphernalia; 6416

(c) Any dangerous ordnance or obscene material. 6417

(14) A person is "not guilty by reason of insanity" 6418
relative to a charge of an offense only if the person proves, in 6419
the manner specified in section 2901.05 of the Revised Code, 6420
that at the time of the commission of the offense, the person 6421
did not know, as a result of a severe mental disease or defect, 6422
the wrongfulness of the person's acts. 6423

(B) (1) (a) Subject to division (B) (2) of this section, as 6424
used in any section contained in Title XXIX of the Revised Code 6425
that sets forth a criminal offense, "person" includes all of the 6426
following: 6427

(i) An individual, corporation, business trust, estate, 6428
trust, partnership, and association; 6429

(ii) An unborn human who is viable. 6430

(b) As used in any section contained in Title XXIX of the 6431

Revised Code that does not set forth a criminal offense, 6432
"person" includes an individual, corporation, business trust, 6433
estate, trust, partnership, and association. 6434

(c) As used in division (B)(1)(a) of this section: 6435

(i) "Unborn human" means an individual organism of the 6436
species *Homo sapiens* from fertilization until live birth. 6437

(ii) "Viable" means the stage of development of a human 6438
fetus at which there is a realistic possibility of maintaining 6439
and nourishing of a life outside the womb with or without 6440
temporary artificial life-sustaining support. 6441

(2) Notwithstanding division (B)(1)(a) of this section, in 6442
no case shall the portion of the definition of the term "person" 6443
that is set forth in division (B)(1)(a)(ii) of this section be 6444
applied or construed in any section contained in Title XXIX of 6445
the Revised Code that sets forth a criminal offense in any of 6446
the following manners: 6447

(a) Except as otherwise provided in division (B)(2)(a) of 6448
this section, in a manner so that the offense prohibits or is 6449
construed as prohibiting any pregnant woman or her physician 6450
from performing an abortion with the consent of the pregnant 6451
woman, with the consent of the pregnant woman implied by law in 6452
a medical emergency, or with the approval of one otherwise 6453
authorized by law to consent to medical treatment on behalf of 6454
the pregnant woman. An abortion that violates the conditions 6455
described in the immediately preceding sentence may be punished 6456
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6457
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 6458
2903.21, or 2903.22 of the Revised Code, as applicable. An 6459
abortion that does not violate the conditions described in the 6460

second immediately preceding sentence, but that does violate 6461
section 2919.12, division (B) of section 2919.13, or section 6462
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 6463
be punished as a violation of section 2919.12, division (B) of 6464
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 6465
2919.18 of the Revised Code, as applicable. Consent is 6466
sufficient under this division if it is of the type otherwise 6467
adequate to permit medical treatment to the pregnant woman, even 6468
if it does not comply with section 2919.12 of the Revised Code. 6469

(b) In a manner so that the offense is applied or is 6470
construed as applying to a woman based on an act or omission of 6471
the woman that occurs while she is or was pregnant and that 6472
results in any of the following: 6473

(i) Her delivery of a stillborn baby; 6474

(ii) Her causing, in any other manner, the death in utero 6475
of a viable, unborn human that she is carrying; 6476

(iii) Her causing the death of her child who is born alive 6477
but who dies from one or more injuries that are sustained while 6478
the child is a viable, unborn human; 6479

(iv) Her causing her child who is born alive to sustain 6480
one or more injuries while the child is a viable, unborn human; 6481

(v) Her causing, threatening to cause, or attempting to 6482
cause, in any other manner, an injury, illness, or other 6483
physiological impairment, regardless of its duration or gravity, 6484
or a mental illness or condition, regardless of its duration or 6485
gravity, to a viable, unborn human that she is carrying. 6486

(C) As used in Title XXIX of the Revised Code: 6487

(1) "School safety zone" consists of a school, school 6488

building, school premises, school activity, and school bus. 6489

(2) "School," "school building," and "school premises" 6490
have the same meanings as in section 2925.01 of the Revised 6491
Code. 6492

(3) "School activity" means any activity held under the 6493
auspices of a board of education of a city, local, exempted 6494
village, joint vocational, or cooperative education school 6495
district; a governing authority of a community school 6496
established under Chapter 3314. of the Revised Code; a governing 6497
board of an educational service center, or the governing body of 6498
a school for which the state board of education prescribes 6499
minimum standards under section 3301.07 of the Revised Code. 6500

(4) "School bus" has the same meaning as in section 6501
4511.01 of the Revised Code. 6502

Sec. 2901.011. The amendments to sections 109.42, 121.22, 6503
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 6504
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 6505
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 6506
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 6507
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 6508
2967.03, 2967.13, ~~2967.19~~, 2967.191, 2967.193, 2967.26, 2967.28, 6509
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and to 6510
former section 2967.19 and the enactment of sections 2901.011, 6511
2929.144, 2967.271, and 5120.038 of the Revised Code by S.B. 201 6512
of the 132nd general assembly constitute the Reagan Tokes Law. 6513

Sec. 2901.13. (A) (1) Except as provided in division (A) 6514
(2), (3), ~~or~~ (4), or (5) of this section or as otherwise 6515
provided in this section, a prosecution shall be barred unless 6516
it is commenced within the following periods after an offense is 6517

committed:	6518
(a) For a felony, six years;	6519
(b) For a misdemeanor other than a minor misdemeanor, two years;	6520 6521
(c) For a minor misdemeanor, six months.	6522
(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>	6523 6524 6525 6526 6527
(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:	6528 6529 6530 6531
(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;	6532 6533 6534 6535 6536 6537 6538 6539
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section.	6540 6541 6542
(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,	6543 6544 6545

attempt to commit, or complicity in committing a violation of 6546
either section shall be barred unless it is commenced within 6547
twenty-five years after the offense is committed. 6548

(5) (a) Except as otherwise provided in divisions (A) (5) (b) 6549
and (E) to (I) of this section, a prosecution of a violation of 6550
section 2907.13 of the Revised Code shall be barred unless it is 6551
commenced within five years after the offense is committed. 6552

(b) Prosecution that would otherwise be barred under 6553
division (A) (5) (a) of this section may be commenced within five 6554
years after the date of the discovery of the offense by either 6555
an aggrieved person or the aggrieved person's legal 6556
representative who is not a party to the offense. 6557

(c) As used in division (B) (5) (b) of this section, 6558
"aggrieved person" includes any of the following individuals 6559
with regard to a violation of section 2907.13 of the Revised 6560
Code: 6561

(i) A patient who was the victim of the violation; 6562

(ii) The spouse or surviving spouse of a patient who was 6563
the victim of the violation; 6564

(iii) Any child born as a result of the violation. 6565

(B) (1) Except as otherwise provided in division (B) (2) of 6566
this section, if the period of limitation provided in division 6567
(A) (1) or (3) of this section has expired, prosecution shall be 6568
commenced for an offense of which an element is fraud or breach 6569
of a fiduciary duty, within one year after discovery of the 6570
offense either by an aggrieved person, or by the aggrieved 6571
person's legal representative who is not a party to the offense. 6572

(2) If the period of limitation provided in division (A) 6573

(1) or (3) of this section has expired, prosecution for a 6574
violation of section 2913.49 of the Revised Code shall be 6575
commenced within five years after discovery of the offense 6576
either by an aggrieved person or the aggrieved person's legal 6577
representative who is not a party to the offense. 6578

(C) (1) If the period of limitation provided in division 6579
(A) (1) or (3) of this section has expired, prosecution shall be 6580
commenced for the following offenses during the following 6581
specified periods of time: 6582

(a) For an offense involving misconduct in office by a 6583
public servant, at any time while the accused remains a public 6584
servant, or within two years thereafter; 6585

(b) For an offense by a person who is not a public servant 6586
but whose offense is directly related to the misconduct in 6587
office of a public servant, at any time while that public 6588
servant remains a public servant, or within two years 6589
thereafter. 6590

(2) As used in this division: 6591

(a) An "offense is directly related to the misconduct in 6592
office of a public servant" includes, but is not limited to, a 6593
violation of section 101.71, 101.91, 121.61 or 2921.13, division 6594
(F) or (H) of section 102.03, division (A) of section 2921.02, 6595
division (A) or (B) of section 2921.43, or division (F) or (G) 6596
of section 3517.13 of the Revised Code, that is directly related 6597
to an offense involving misconduct in office of a public 6598
servant. 6599

(b) "Public servant" has the same meaning as in section 6600
2921.01 of the Revised Code. 6601

(D) (1) If a DNA record made in connection with the 6602

criminal investigation of the commission of a violation of 6603
section 2907.02 or 2907.03 of the Revised Code is determined to 6604
match another DNA record that is of an identifiable person and 6605
if the time of the determination is later than twenty-five years 6606
after the offense is committed, prosecution of that person for a 6607
violation of the section may be commenced within five years 6608
after the determination is complete. 6609

(2) If a DNA record made in connection with the criminal 6610
investigation of the commission of a violation of section 6611
2907.02 or 2907.03 of the Revised Code is determined to match 6612
another DNA record that is of an identifiable person and if the 6613
time of the determination is within twenty-five years after the 6614
offense is committed, prosecution of that person for a violation 6615
of the section may be commenced within the longer of twenty-five 6616
years after the offense is committed or five years after the 6617
determination is complete. 6618

(3) As used in this division, "DNA record" has the same 6619
meaning as in section 109.573 of the Revised Code. 6620

(E) An offense is committed when every element of the 6621
offense occurs. In the case of an offense of which an element is 6622
a continuing course of conduct, the period of limitation does 6623
not begin to run until such course of conduct or the accused's 6624
accountability for it terminates, whichever occurs first. 6625

(F) A prosecution is commenced on the date an indictment 6626
is returned or an information filed, or on the date a lawful 6627
arrest without a warrant is made, or on the date a warrant, 6628
summons, citation, or other process is issued, whichever occurs 6629
first. A prosecution is not commenced by the return of an 6630
indictment or the filing of an information unless reasonable 6631
diligence is exercised to issue and execute process on the same. 6632

A prosecution is not commenced upon issuance of a warrant, 6633
summons, citation, or other process, unless reasonable diligence 6634
is exercised to execute the same. 6635

(G) The period of limitation shall not run during any time 6636
when the corpus delicti remains undiscovered. 6637

(H) The period of limitation shall not run during any time 6638
when the accused purposely avoids prosecution. Proof that the 6639
accused departed this state or concealed the accused's identity 6640
or whereabouts is prima-facie evidence of the accused's purpose 6641
to avoid prosecution. 6642

(I) The period of limitation shall not run during any time 6643
a prosecution against the accused based on the same conduct is 6644
pending in this state, even though the indictment, information, 6645
or process that commenced the prosecution is quashed or the 6646
proceedings on the indictment, information, or process are set 6647
aside or reversed on appeal. 6648

(J) The period of limitation for a violation of any 6649
provision of Title XXIX of the Revised Code that involves a 6650
physical or mental wound, injury, disability, or condition of a 6651
nature that reasonably indicates abuse or neglect of a child 6652
under eighteen years of age or of a child with a developmental 6653
disability or physical impairment under twenty-one years of age 6654
shall not begin to run until either of the following occurs: 6655

(1) The victim of the offense reaches the age of majority. 6656

(2) A public children services agency, or a municipal or 6657
county peace officer that is not the parent or guardian of the 6658
child, in the county in which the child resides or in which the 6659
abuse or neglect is occurring or has occurred has been notified 6660
that abuse or neglect is known, suspected, or believed to have 6661

occurred. 6662

(K) As used in this section, "peace officer" has the same 6663
meaning as in section 2935.01 of the Revised Code. 6664

~~(L)~~(L) (1) The amendments to divisions (A) and (D) of this 6665
section that took effect on July 16, 2015, apply to a violation 6666
of section 2907.02 or 2907.03 of the Revised Code committed on 6667
and after July 16, 2015, and apply to a violation of either of 6668
those sections committed prior to July 16, 2015, if prosecution 6669
for that violation was not barred under this section as it 6670
existed on the day prior to July 16, 2015. 6671

(2) The amendment to division (A) (2) of this section that 6672
takes effect on the effective date of this amendment applies to 6673
a conspiracy to commit, attempt to commit, or complicity in 6674
committing a violation of section 2903.01 or 2903.02 of the 6675
Revised Code if the conspiracy, attempt, or complicity is 6676
committed on or after the effective date of this amendment and 6677
applies to a conspiracy to commit, attempt to commit, or 6678
complicity in committing a violation of either of those sections 6679
if the conspiracy, attempt, or complicity was committed prior to 6680
that effective date and prosecution for that conspiracy, 6681
attempt, or complicity was not barred under this section as it 6682
existed on the day prior to that effective date. 6683

Sec. 2903.06. (A) No person, while operating or 6684
participating in the operation of a motor vehicle, motorcycle, 6685
snowmobile, locomotive, watercraft, or aircraft, shall cause the 6686
death of another or the unlawful termination of another's 6687
pregnancy in any of the following ways: 6688

(1) (a) As the proximate result of committing a violation 6689
of division (A) of section 4511.19 of the Revised Code or of a 6690

substantially equivalent municipal ordinance; 6691

(b) As the proximate result of committing a violation of 6692
division (A) of section 1547.11 of the Revised Code or of a 6693
substantially equivalent municipal ordinance; 6694

(c) As the proximate result of committing a violation of 6695
division (A) (3) of section 4561.15 of the Revised Code or of a 6696
substantially equivalent municipal ordinance. 6697

(2) In one of the following ways: 6698

(a) Recklessly; 6699

(b) As the proximate result of committing, while operating 6700
or participating in the operation of a motor vehicle or 6701
motorcycle in a construction zone, a reckless operation offense, 6702
provided that this division applies only if the person whose 6703
death is caused or whose pregnancy is unlawfully terminated is 6704
in the construction zone at the time of the offender's 6705
commission of the reckless operation offense in the construction 6706
zone and does not apply as described in division (F) of this 6707
section. 6708

(3) In one of the following ways: 6709

(a) Negligently; 6710

(b) As the proximate result of committing, while operating 6711
or participating in the operation of a motor vehicle or 6712
motorcycle in a construction zone, a speeding offense, provided 6713
that this division applies only if the person whose death is 6714
caused or whose pregnancy is unlawfully terminated is in the 6715
construction zone at the time of the offender's commission of 6716
the speeding offense in the construction zone and does not apply 6717
as described in division (F) of this section. 6718

(4) As the proximate result of committing a violation of 6719
any provision of any section contained in Title XLV of the 6720
Revised Code that is a minor misdemeanor or of a municipal 6721
ordinance that, regardless of the penalty set by ordinance for 6722
the violation, is substantially equivalent to any provision of 6723
any section contained in Title XLV of the Revised Code that is a 6724
minor misdemeanor. 6725

(B) (1) Whoever violates division (A) (1) or (2) of this 6726
section is guilty of aggravated vehicular homicide and shall be 6727
punished as provided in divisions (B) (2) and (3) of this 6728
section. 6729

(2) (a) Except as otherwise provided in division (B) (2) (b) 6730
or (c) of this section, aggravated vehicular homicide committed 6731
in violation of division (A) (1) of this section is a felony of 6732
the second degree and the court shall impose a mandatory prison 6733
term on the offender as described in division (E) of this 6734
section. 6735

(b) Except as otherwise provided in division (B) (2) (c) of 6736
this section, aggravated vehicular homicide committed in 6737
violation of division (A) (1) of this section is a felony of the 6738
first degree, and the court shall impose a mandatory prison term 6739
on the offender as described in division (E) of this section, if 6740
any of the following apply: 6741

(i) At the time of the offense, the offender was driving 6742
under a suspension or cancellation imposed under Chapter 4510. 6743
or any other provision of the Revised Code or was operating a 6744
motor vehicle or motorcycle, did not have a valid driver's 6745
license, commercial driver's license, temporary instruction 6746
permit, probationary license, or nonresident operating 6747
privilege, and was not eligible for renewal of the offender's 6748

driver's license or commercial driver's license without 6749
examination under section 4507.10 of the Revised Code. 6750

(ii) The offender previously has been convicted of or 6751
pleaded guilty to a violation of this section. 6752

(iii) The offender previously has been convicted of or 6753
pleaded guilty to any traffic-related homicide, manslaughter, or 6754
assault offense. 6755

(c) Aggravated vehicular homicide committed in violation 6756
of division (A) (1) of this section is a felony of the first 6757
degree, and the court shall sentence the offender to a mandatory 6758
prison term as provided in section 2929.142 of the Revised Code 6759
and described in division (E) of this section if any of the 6760
following apply: 6761

(i) The offender previously has been convicted of or 6762
pleaded guilty to three or more prior violations of division (A) 6763
of section 4511.19 of the Revised Code or of a substantially 6764
equivalent municipal ordinance within the previous ten years. 6765

(ii) The offender previously has been convicted of or 6766
pleaded guilty to three or more prior violations of division (A) 6767
of section 1547.11 of the Revised Code or of a substantially 6768
equivalent municipal ordinance within the previous ten years. 6769

(iii) The offender previously has been convicted of or 6770
pleaded guilty to three or more prior violations of division (A) 6771
(3) of section 4561.15 of the Revised Code or of a substantially 6772
equivalent municipal ordinance within the previous ten years. 6773

(iv) The offender previously has been convicted of or 6774
pleaded guilty to three or more prior violations of division (A) 6775
(1) of this section within the previous ten years. 6776

(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. 6806
Aggravated vehicular homicide committed in violation of division 6807
(A) (2) of this section is a felony of the second degree if, at 6808
the time of the offense, the offender was driving under a 6809
suspension or cancellation imposed under Chapter 4510. or any 6810
other provision of the Revised Code or was operating a motor 6811
vehicle or motorcycle, did not have a valid driver's license, 6812
commercial driver's license, temporary instruction permit, 6813
probationary license, or nonresident operating privilege, and 6814
was not eligible for renewal of the offender's driver's license 6815
or commercial driver's license without examination under section 6816
4507.10 of the Revised Code or if the offender previously has 6817
been convicted of or pleaded guilty to a violation of this 6818
section or any traffic-related homicide, manslaughter, or 6819
assault offense. The court shall impose a mandatory prison term 6820
on the offender when required by division (E) of this section. 6821

In addition to any other sanctions imposed pursuant to 6822
this division for a violation of division (A) (2) of this 6823
section, the court shall impose upon the offender a class two 6824
suspension of the offender's driver's license, commercial 6825
driver's license, temporary instruction permit, probationary 6826
license, or nonresident operating privilege from the range 6827
specified in division (A) (2) of section 4510.02 of the Revised 6828
Code or, if the offender previously has been convicted of or 6829
pleaded guilty to a traffic-related murder, felonious assault, 6830
or attempted murder offense, a class one suspension of the 6831
offender's driver's license, commercial driver's license, 6832
temporary instruction permit, probationary license, or 6833
nonresident operating privilege as specified in division (A) (1) 6834
of that section. 6835

(C) Whoever violates division (A) (3) of this section is 6836

guilty of vehicular homicide. Except as otherwise provided in 6837
this division, vehicular homicide is a misdemeanor of the first 6838
degree. Vehicular homicide committed in violation of division 6839
(A) (3) of this section is a felony of the fourth degree if, at 6840
the time of the offense, the offender was driving under a 6841
suspension or cancellation imposed under Chapter 4510. or any 6842
other provision of the Revised Code or was operating a motor 6843
vehicle or motorcycle, did not have a valid driver's license, 6844
commercial driver's license, temporary instruction permit, 6845
probationary license, or nonresident operating privilege, and 6846
was not eligible for renewal of the offender's driver's license 6847
or commercial driver's license without examination under section 6848
4507.10 of the Revised Code or if the offender previously has 6849
been convicted of or pleaded guilty to a violation of this 6850
section or any traffic-related homicide, manslaughter, or 6851
assault offense. The court shall impose a mandatory jail term or 6852
a mandatory prison term on the offender when required by 6853
division (E) of this section. 6854

In addition to any other sanctions imposed pursuant to 6855
this division, the court shall impose upon the offender a class 6856
four suspension of the offender's driver's license, commercial 6857
driver's license, temporary instruction permit, probationary 6858
license, or nonresident operating privilege from the range 6859
specified in division (A) (4) of section 4510.02 of the Revised 6860
Code, or, if the offender previously has been convicted of or 6861
pleaded guilty to a violation of this section or any traffic- 6862
related homicide, manslaughter, or assault offense, a class 6863
three suspension of the offender's driver's license, commercial 6864
driver's license, temporary instruction permit, probationary 6865
license, or nonresident operating privilege from the range 6866
specified in division (A) (3) of that section, or, if the 6867

offender previously has been convicted of or pleaded guilty to a 6868
traffic-related murder, felonious assault, or attempted murder 6869
offense, a class two suspension of the offender's driver's 6870
license, commercial driver's license, temporary instruction 6871
permit, probationary license, or nonresident operating privilege 6872
as specified in division (A) (2) of that section. 6873

(D) Whoever violates division (A) (4) of this section is 6874
guilty of vehicular manslaughter. Except as otherwise provided 6875
in this division, vehicular manslaughter is a misdemeanor of the 6876
second degree. Vehicular manslaughter is a misdemeanor of the 6877
first degree if, at the time of the offense, the offender was 6878
driving under a suspension or cancellation imposed under Chapter 6879
4510. or any other provision of the Revised Code or was 6880
operating a motor vehicle or motorcycle, did not have a valid 6881
driver's license, commercial driver's license, temporary 6882
instruction permit, probationary license, or nonresident 6883
operating privilege, and was not eligible for renewal of the 6884
offender's driver's license or commercial driver's license 6885
without examination under section 4507.10 of the Revised Code or 6886
if the offender previously has been convicted of or pleaded 6887
guilty to a violation of this section or any traffic-related 6888
homicide, manslaughter, or assault offense. 6889

In addition to any other sanctions imposed pursuant to 6890
this division, the court shall impose upon the offender a class 6891
six suspension of the offender's driver's license, commercial 6892
driver's license, temporary instruction permit, probationary 6893
license, or nonresident operating privilege from the range 6894
specified in division (A) (6) of section 4510.02 of the Revised 6895
Code or, if the offender previously has been convicted of or 6896
pleaded guilty to a violation of this section, any traffic- 6897
related homicide, manslaughter, or assault offense, or a 6898

traffic-related murder, felonious assault, or attempted murder 6899
offense, a class four suspension of the offender's driver's 6900
license, commercial driver's license, temporary instruction 6901
permit, probationary license, or nonresident operating privilege 6902
from the range specified in division (A) (4) of that section. 6903

(E) (1) The court shall impose a mandatory prison term on 6904
an offender who is convicted of or pleads guilty to a violation 6905
of division (A) (1) of this section. Except as otherwise provided 6906
in this division, the mandatory prison term shall be a definite 6907
term from the range of prison terms provided in division (A) (1) 6908
(b) of section 2929.14 of the Revised Code for a felony of the 6909
first degree or from division (A) (2) (b) of that section for a 6910
felony of the second degree, whichever is applicable, except 6911
that if the violation is committed on or after ~~the effective~~ 6912
~~date of this amendment~~ March 22, 2019, the court shall impose as 6913
the minimum prison term for the offense a mandatory prison term 6914
that is one of the minimum terms prescribed for a felony of the 6915
first degree in division (A) (1) (a) of section 2929.14 of the 6916
Revised Code or one of the terms prescribed for a felony of the 6917
second degree in division (A) (2) (a) of that section, whichever 6918
is applicable. If division (B) (2) (c) (i), (ii), (iii), (iv), (v), 6919
(vi), (vii), or (viii) of this section applies to an offender 6920
who is convicted of or pleads guilty to the violation of 6921
division (A) (1) of this section, the court shall impose the 6922
mandatory prison term pursuant to division (B) of section 6923
2929.142 of the Revised Code. The court shall impose a mandatory 6924
jail term of at least fifteen days on an offender who is 6925
convicted of or pleads guilty to a misdemeanor violation of 6926
division (A) (3) (b) of this section and may impose upon the 6927
offender a longer jail term as authorized pursuant to section 6928
2929.24 of the Revised Code. 6929

(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 6960
of the Revised Code in a particular construction zone in 6961
accordance with those guidelines and design specifications does 6962
not limit or affect the application of division (A) (1), (A) (2) 6963
(a), (A) (3) (a), or (A) (4) of this section in that construction 6964
zone or the prosecution of any person who violates any of those 6965
divisions in that construction zone. 6966

(G) (1) As used in this section: 6967

(a) "Mandatory prison term" and "mandatory jail term" have 6968
the same meanings as in section 2929.01 of the Revised Code. 6969

(b) "Traffic-related homicide, manslaughter, or assault 6970
offense" means a violation of section 2903.04 of the Revised 6971
Code in circumstances in which division (D) of that section 6972
applies, a violation of section 2903.06 or 2903.08 of the 6973
Revised Code, or a violation of section 2903.06, 2903.07, or 6974
2903.08 of the Revised Code as they existed prior to March 23, 6975
2000. 6976

(c) "Construction zone" has the same meaning as in section 6977
5501.27 of the Revised Code. 6978

(d) "Reckless operation offense" means a violation of 6979
section 4511.20 of the Revised Code or a municipal ordinance 6980
substantially equivalent to section 4511.20 of the Revised Code. 6981

(e) "Speeding offense" means a violation of section 6982
4511.21 of the Revised Code or a municipal ordinance pertaining 6983
to speed. 6984

(f) "Traffic-related murder, felonious assault, or 6985
attempted murder offense" means a violation of section 2903.01 6986
or 2903.02 of the Revised Code in circumstances in which the 6987
offender used a motor vehicle as the means to commit the 6988

violation, a violation of division (A) (2) of section 2903.11 of 6989
the Revised Code in circumstances in which the deadly weapon 6990
used in the commission of the violation is a motor vehicle, or 6991
an attempt to commit aggravated murder or murder in violation of 6992
section 2923.02 of the Revised Code in circumstances in which 6993
the offender used a motor vehicle as the means to attempt to 6994
commit the aggravated murder or murder. 6995

(g) "Motor vehicle" has the same meaning as in section 6996
4501.01 of the Revised Code. 6997

(2) For the purposes of this section, when a penalty or 6998
suspension is enhanced because of a prior or current violation 6999
of a specified law or a prior or current specified offense, the 7000
reference to the violation of the specified law or the specified 7001
offense includes any violation of any substantially equivalent 7002
municipal ordinance, former law of this state, or current or 7003
former law of another state or the United States. 7004

Sec. 2903.08. (A) No person, while operating or 7005
participating in the operation of a motor vehicle, motorcycle, 7006
snowmobile, locomotive, watercraft, or aircraft, shall cause 7007
serious physical harm to another person or another's unborn in 7008
any of the following ways: 7009

(1) (a) As the proximate result of committing a violation 7010
of division (A) of section 4511.19 of the Revised Code or of a 7011
substantially equivalent municipal ordinance; 7012

(b) As the proximate result of committing a violation of 7013
division (A) of section 1547.11 of the Revised Code or of a 7014
substantially equivalent municipal ordinance; 7015

(c) As the proximate result of committing a violation of 7016
division (A) (3) of section 4561.15 of the Revised Code or of a 7017

substantially equivalent municipal ordinance. 7018

(2) In one of the following ways: 7019

(a) As the proximate result of committing, while operating 7020
or participating in the operation of a motor vehicle or 7021
motorcycle in a construction zone, a reckless operation offense, 7022
provided that this division applies only if the person to whom 7023
the serious physical harm is caused or to whose unborn the 7024
serious physical harm is caused is in the construction zone at 7025
the time of the offender's commission of the reckless operation 7026
offense in the construction zone and does not apply as described 7027
in division (E) of this section; 7028

(b) Recklessly. 7029

(3) As the proximate result of committing, while operating 7030
or participating in the operation of a motor vehicle or 7031
motorcycle in a construction zone, a speeding offense, provided 7032
that this division applies only if the person to whom the 7033
serious physical harm is caused or to whose unborn the serious 7034
physical harm is caused is in the construction zone at the time 7035
of the offender's commission of the speeding offense in the 7036
construction zone and does not apply as described in division 7037
(E) of this section. 7038

(B) (1) Whoever violates division (A) (1) of this section is 7039
guilty of aggravated vehicular assault. Except as otherwise 7040
provided in this division, aggravated vehicular assault is a 7041
felony of the third degree. Aggravated vehicular assault is a 7042
felony of the second degree if any of the following apply: 7043

(a) At the time of the offense, the offender was driving 7044
under a suspension imposed under Chapter 4510. or any other 7045
provision of the Revised Code. 7046

(b) The offender previously has been convicted of or 7047
pleaded guilty to a violation of this section. 7048

(c) The offender previously has been convicted of or 7049
pleaded guilty to any traffic-related homicide, manslaughter, or 7050
assault offense. 7051

(d) The offender previously has been convicted of or 7052
pleaded guilty to three or more prior violations of division (A) 7053
of section 4511.19 of the Revised Code or a substantially 7054
equivalent municipal ordinance within the previous ten years. 7055

(e) The offender previously has been convicted of or 7056
pleaded guilty to three or more prior violations of division (A) 7057
of section 1547.11 of the Revised Code or of a substantially 7058
equivalent municipal ordinance within the previous ten years. 7059

(f) The offender previously has been convicted of or 7060
pleaded guilty to three or more prior violations of division (A) 7061
(3) of section 4561.15 of the Revised Code or of a substantially 7062
equivalent municipal ordinance within the previous ten years. 7063

(g) The offender previously has been convicted of or 7064
pleaded guilty to three or more prior violations of any 7065
combination of the offenses listed in division (B) (1) (d), (e), 7066
or (f) of this section. 7067

(h) The offender previously has been convicted of or 7068
pleaded guilty to a second or subsequent felony violation of 7069
division (A) of section 4511.19 of the Revised Code. 7070

(2) In addition to any other sanctions imposed pursuant to 7071
division (B) (1) of this section, except as otherwise provided in 7072
this division, the court shall impose upon the offender a class 7073
three suspension of the offender's driver's license, commercial 7074
driver's license, temporary instruction permit, probationary 7075

license, or nonresident operating privilege from the range 7076
specified in division (A) (3) of section 4510.02 of the Revised 7077
Code. If the offender previously has been convicted of or 7078
pleaded guilty to a violation of this section, any traffic- 7079
related homicide, manslaughter, or assault offense, or any 7080
traffic-related murder, felonious assault, or attempted murder 7081
offense, the court shall impose either a class two suspension of 7082
the offender's driver's license, commercial driver's license, 7083
temporary instruction permit, probationary license, or 7084
nonresident operating privilege from the range specified in 7085
division (A) (2) of that section or a class one suspension as 7086
specified in division (A) (1) of that section. 7087

(C) (1) Whoever violates division (A) (2) or (3) of this 7088
section is guilty of vehicular assault and shall be punished as 7089
provided in divisions (C) (2) and (3) of this section. 7090

(2) Except as otherwise provided in this division, 7091
vehicular assault committed in violation of division (A) (2) of 7092
this section is a felony of the fourth degree. Vehicular assault 7093
committed in violation of division (A) (2) of this section is a 7094
felony of the third degree if, at the time of the offense, the 7095
offender was driving under a suspension imposed under Chapter 7096
4510. or any other provision of the Revised Code, if the 7097
offender previously has been convicted of or pleaded guilty to a 7098
violation of this section or any traffic-related homicide, 7099
manslaughter, or assault offense, or if, in the same course of 7100
conduct that resulted in the violation of division (A) (2) of 7101
this section, the offender also violated section 4549.02, 7102
4549.021, or 4549.03 of the Revised Code. 7103

In addition to any other sanctions imposed, the court 7104
shall impose upon the offender a class four suspension of the 7105

offender's driver's license, commercial driver's license, 7106
temporary instruction permit, probationary license, or 7107
nonresident operating privilege from the range specified in 7108
division (A) (4) of section 4510.02 of the Revised Code or, if 7109
the offender previously has been convicted of or pleaded guilty 7110
to a violation of this section, any traffic-related homicide, 7111
manslaughter, or assault offense, or any traffic-related murder, 7112
felonious assault, or attempted murder offense, a class three 7113
suspension of the offender's driver's license, commercial 7114
driver's license, temporary instruction permit, probationary 7115
license, or nonresident operating privilege from the range 7116
specified in division (A) (3) of that section. 7117

(3) Except as otherwise provided in this division, 7118
vehicular assault committed in violation of division (A) (3) of 7119
this section is a misdemeanor of the first degree. Vehicular 7120
assault committed in violation of division (A) (3) of this 7121
section is a felony of the fourth degree if, at the time of the 7122
offense, the offender was driving under a suspension imposed 7123
under Chapter 4510. or any other provision of the Revised Code 7124
or if the offender previously has been convicted of or pleaded 7125
guilty to a violation of this section or any traffic-related 7126
homicide, manslaughter, or assault offense. 7127

In addition to any other sanctions imposed, the court 7128
shall impose upon the offender a class four suspension of the 7129
offender's driver's license, commercial driver's license, 7130
temporary instruction permit, probationary license, or 7131
nonresident operating privilege from the range specified in 7132
division (A) (4) of section 4510.02 of the Revised Code or, if 7133
the offender previously has been convicted of or pleaded guilty 7134
to a violation of this section, any traffic-related homicide, 7135
manslaughter, or assault offense, or any traffic-related murder, 7136

felonious assault, or attempted murder offense, a class three 7137
suspension of the offender's driver's license, commercial 7138
driver's license, temporary instruction permit, probationary 7139
license, or nonresident operating privilege from the range 7140
specified in division (A) (3) of section 4510.02 of the Revised 7141
Code. 7142

(D) (1) The court shall impose a mandatory prison term, as 7143
described in division (D) (4) of this section, on an offender who 7144
is convicted of or pleads guilty to a violation of division (A) 7145
(1) of this section. 7146

(2) The court shall impose a mandatory prison term, as 7147
described in division (D) (4) of this section, on an offender who 7148
is convicted of or pleads guilty to a violation of division (A) 7149
(2) of this section or a felony violation of division (A) (3) of 7150
this section if either of the following applies: 7151

(a) The offender previously has been convicted of or 7152
pleaded guilty to a violation of this section or section 2903.06 7153
of the Revised Code. 7154

(b) At the time of the offense, the offender was driving 7155
under suspension under Chapter 4510. or any other provision of 7156
the Revised Code. 7157

(3) The court shall impose a mandatory jail term of at 7158
least seven days on an offender who is convicted of or pleads 7159
guilty to a misdemeanor violation of division (A) (3) of this 7160
section and may impose upon the offender a longer jail term as 7161
authorized pursuant to section 2929.24 of the Revised Code. 7162

(4) A mandatory prison term required under division (D) (1) 7163
or (2) of this section shall be a definite term from the range 7164
of prison terms provided in division (A) (2) (b) of section 7165

2929.14 of the Revised Code for a felony of the second degree, 7166
from division (A) (3) (a) of that section for a felony of the 7167
third degree, or from division (A) (4) of that section for a 7168
felony of the fourth degree, whichever is applicable, except 7169
that if the violation is a felony of the second degree committed 7170
on or after ~~the effective date of this amendment~~ March 22, 2019, 7171
the court shall impose as the minimum prison term for the 7172
offense a mandatory prison term that is one of the minimum terms 7173
prescribed for a felony of the second degree in division (A) (2) 7174
(a) of section 2929.14 of the Revised Code. 7175

(E) Divisions (A) (2) (a) and (3) of this section do not 7176
apply in a particular construction zone unless signs of the type 7177
described in section 2903.081 of the Revised Code are erected in 7178
that construction zone in accordance with the guidelines and 7179
design specifications established by the director of 7180
transportation under section 5501.27 of the Revised Code. The 7181
failure to erect signs of the type described in section 2903.081 7182
of the Revised Code in a particular construction zone in 7183
accordance with those guidelines and design specifications does 7184
not limit or affect the application of division (A) (1) or (2) (b) 7185
of this section in that construction zone or the prosecution of 7186
any person who violates either of those divisions in that 7187
construction zone. 7188

(F) As used in this section: 7189

(1) "Mandatory prison term" and "mandatory jail term" have 7190
the same meanings as in section 2929.01 of the Revised Code. 7191

(2) "Traffic-related homicide, manslaughter, or assault 7192
offense" and "traffic-related murder, felonious assault, or 7193
attempted murder offense" have the same meanings as in section 7194
2903.06 of the Revised Code. 7195

(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 7196
7197

(4) "Reckless operation offense" and "speeding offense" 7198
have the same meanings as in section 2903.06 of the Revised 7199
Code. 7200

(G) For the purposes of this section, when a penalty or 7201
suspension is enhanced because of a prior or current violation 7202
of a specified law or a prior or current specified offense, the 7203
reference to the violation of the specified law or the specified 7204
offense includes any violation of any substantially equivalent 7205
municipal ordinance, former law of this state, or current or 7206
former law of another state or the United States. 7207

Sec. 2903.13. (A) No person shall knowingly cause or 7208
attempt to cause physical harm to another or to another's 7209
unborn. 7210

(B) No person shall recklessly cause serious physical harm 7211
to another or to another's unborn. 7212

(C) (1) Whoever violates this section is guilty of assault, 7213
and the court shall sentence the offender as provided in this 7214
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 7215
(8), (9), and (10) of this section. Except as otherwise provided 7216
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 7217
section, assault is a misdemeanor of the first degree. 7218

(2) Except as otherwise provided in this division, if the 7219
offense is committed by a caretaker against a functionally 7220
impaired person under the caretaker's care, assault is a felony 7221
of the fourth degree. If the offense is committed by a caretaker 7222
against a functionally impaired person under the caretaker's 7223
care, if the offender previously has been convicted of or 7224

pleaded guilty to a violation of this section or section 2903.11 7225
or 2903.16 of the Revised Code, and if in relation to the 7226
previous conviction the offender was a caretaker and the victim 7227
was a functionally impaired person under the offender's care, 7228
assault is a felony of the third degree. 7229

(3) If the offense occurs in or on the grounds of a state 7230
correctional institution or an institution of the department of 7231
youth services, the victim of the offense is an employee of the 7232
department of rehabilitation and correction or the department of 7233
youth services, and the offense is committed by a person 7234
incarcerated in the state correctional institution or by a 7235
person institutionalized in the department of youth services 7236
institution pursuant to a commitment to the department of youth 7237
services, assault is a felony of the third degree. 7238

(4) If the offense is committed in any of the following 7239
circumstances, assault is a felony of the fifth degree: 7240

(a) The offense occurs in or on the grounds of a local 7241
correctional facility, the victim of the offense is an employee 7242
of the local correctional facility or a probation department or 7243
is on the premises of the facility for business purposes or as a 7244
visitor, and the offense is committed by a person who is under 7245
custody in the facility subsequent to the person's arrest for 7246
any crime or delinquent act, subsequent to the person's being 7247
charged with or convicted of any crime, or subsequent to the 7248
person's being alleged to be or adjudicated a delinquent child. 7249

(b) The offense occurs off the grounds of a state 7250
correctional institution and off the grounds of an institution 7251
of the department of youth services, the victim of the offense 7252
is an employee of the department of rehabilitation and 7253
correction, the department of youth services, or a probation 7254

department, the offense occurs during the employee's official 7255
work hours and while the employee is engaged in official work 7256
responsibilities, and the offense is committed by a person 7257
incarcerated in a state correctional institution or 7258
institutionalized in the department of youth services who 7259
temporarily is outside of the institution for any purpose, by a 7260
parolee, by an offender under transitional control, under a 7261
community control sanction, or on an escorted visit, by a person 7262
under post-release control, or by an offender under any other 7263
type of supervision by a government agency. 7264

(c) The offense occurs off the grounds of a local 7265
correctional facility, the victim of the offense is an employee 7266
of the local correctional facility or a probation department, 7267
the offense occurs during the employee's official work hours and 7268
while the employee is engaged in official work responsibilities, 7269
and the offense is committed by a person who is under custody in 7270
the facility subsequent to the person's arrest for any crime or 7271
delinquent act, subsequent to the person being charged with or 7272
convicted of any crime, or subsequent to the person being 7273
alleged to be or adjudicated a delinquent child and who 7274
temporarily is outside of the facility for any purpose or by a 7275
parolee, by an offender under transitional control, under a 7276
community control sanction, or on an escorted visit, by a person 7277
under post-release control, or by an offender under any other 7278
type of supervision by a government agency. 7279

(d) The victim of the offense is a school teacher or 7280
administrator or a school bus operator, and the offense occurs 7281
in a school, on school premises, in a school building, on a 7282
school bus, or while the victim is outside of school premises or 7283
a school bus and is engaged in duties or official 7284
responsibilities associated with the victim's employment or 7285

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. 7316

(8) If the victim of the offense is a health care 7317
professional of a hospital, a health care worker of a hospital, 7318
or a security officer of a hospital whom the offender knows or 7319
has reasonable cause to know is a health care professional of a 7320
hospital, a health care worker of a hospital, or a security 7321
officer of a hospital, if the victim is engaged in the 7322
performance of the victim's duties, and if the hospital offers 7323
de-escalation or crisis intervention training for such 7324
professionals, workers, or officers, assault is one of the 7325
following: 7326

(a) Except as otherwise provided in division (C) (8) (b) of 7327
this section, assault committed in the specified circumstances 7328
is a misdemeanor of the first degree. Notwithstanding the fine 7329
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 7330
the Revised Code for a misdemeanor of the first degree, in 7331
sentencing the offender under this division and if the court 7332
decides to impose a fine, the court may impose upon the offender 7333
a fine of not more than five thousand dollars. 7334

(b) If the offender previously has been convicted of or 7335
pleaded guilty to one or more assault or homicide offenses 7336
committed against hospital personnel, assault committed in the 7337
specified circumstances is a felony of the fifth degree. 7338

(9) If the victim of the offense is a judge, magistrate, 7339
prosecutor, or court official or employee whom the offender 7340
knows or has reasonable cause to know is a judge, magistrate, 7341
prosecutor, or court official or employee, and if the victim is 7342
engaged in the performance of the victim's duties, assault is 7343
one of the following: 7344

(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. 7375
7376
- (2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code. 7377
7378
- (3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code. 7379
7380
- (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. 7381
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- (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. 7390
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- (6) "School teacher or administrator" means either of the following: 7395
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- (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. 7397
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- (b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards 7402
7403

under section 3301.07 of the Revised Code and who is 7404
certificated in accordance with section 3301.071 of the Revised 7405
Code. 7406

(7) "Community control sanction" has the same meaning as 7407
in section 2929.01 of the Revised Code. 7408

(8) "Escorted visit" means an escorted visit granted under 7409
section 2967.27 of the Revised Code. 7410

(9) "Post-release control" and "transitional control" have 7411
the same meanings as in section 2967.01 of the Revised Code. 7412

(10) "Investigator of the bureau of criminal 7413
identification and investigation" has the same meaning as in 7414
section 2903.11 of the Revised Code. 7415

(11) "Health care professional" and "health care worker" 7416
have the same meanings as in section 2305.234 of the Revised 7417
Code. 7418

(12) "Assault or homicide offense committed against 7419
hospital personnel" means a violation of this section or of 7420
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 7421
2903.12, or 2903.14 of the Revised Code committed in 7422
circumstances in which all of the following apply: 7423

(a) The victim of the offense was a health care 7424
professional of a hospital, a health care worker of a hospital, 7425
or a security officer of a hospital. 7426

(b) The offender knew or had reasonable cause to know that 7427
the victim was a health care professional of a hospital, a 7428
health care worker of a hospital, or a security officer of a 7429
hospital. 7430

(c) The victim was engaged in the performance of the 7431

victim's duties. 7432

(d) The hospital offered de-escalation or crisis 7433
intervention training for such professionals, workers, or 7434
officers. 7435

(13) "De-escalation or crisis intervention training" means 7436
de-escalation or crisis intervention training for health care 7437
professionals of a hospital, health care workers of a hospital, 7438
and security officers of a hospital to facilitate interaction 7439
with patients, members of a patient's family, and visitors, 7440
including those with mental impairments. 7441

(14) "Assault or homicide offense committed against 7442
justice system personnel" means a violation of this section or 7443
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 7444
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 7445
circumstances in which the victim of the offense was a judge, 7446
magistrate, prosecutor, or court official or employee whom the 7447
offender knew or had reasonable cause to know was a judge, 7448
magistrate, prosecutor, or court official or employee, and the 7449
victim was engaged in the performance of the victim's duties. 7450

(15) "Court official or employee" means any official or 7451
employee of a court created under the constitution or statutes 7452
of this state or of a United States court located in this state. 7453

(16) "Judge" means a judge of a court created under the 7454
constitution or statutes of this state or of a United States 7455
court located in this state. 7456

(17) "Magistrate" means an individual who is appointed by 7457
a court of record of this state and who has the powers and may 7458
perform the functions specified in Civil Rule 53, Criminal Rule 7459
19, or Juvenile Rule 40, or an individual who is appointed by a 7460

United States court located in this state who has similar powers 7461
and functions. 7462

(18) "Prosecutor" has the same meaning as in section 7463
2935.01 of the Revised Code. 7464

(19) (a) "Hospital" means, subject to division (D) (19) (b) 7465
of this section, an institution classified as a hospital under 7466
section 3701.01 of the Revised Code in which are provided to 7467
patients diagnostic, medical, surgical, obstetrical, 7468
psychiatric, or rehabilitation care or a hospital operated by a 7469
health maintenance organization. 7470

(b) "Hospital" does not include any of the following: 7471

(i) A facility licensed under Chapter 3721. of the Revised 7472
Code, a health care facility operated by the department of 7473
mental health or the department of developmental disabilities, a 7474
health maintenance organization that does not operate a 7475
hospital, or the office of any private, licensed health care 7476
professional, whether organized for individual or group 7477
practice; 7478

(ii) An institution for the sick that is operated 7479
exclusively for patients who use spiritual means for healing and 7480
for whom the acceptance of medical care is inconsistent with 7481
their religious beliefs, accredited by a national accrediting 7482
organization, exempt from federal income taxation under section 7483
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 7484
U.S.C. 1, as amended, and providing twenty-four-hour nursing 7485
care pursuant to the exemption in division (E) of section 7486
4723.32 of the Revised Code from the licensing requirements of 7487
Chapter 4723. of the Revised Code. 7488

(20) "Health maintenance organization" has the same 7489

meaning as in section 3727.01 of the Revised Code. 7490

Sec. 2903.18. (A) As used in this section: 7491

(1) "Strangulation or suffocation" means any act that 7492
impedes the normal breathing or circulation of the blood by 7493
applying pressure to the throat or neck, or by covering the nose 7494
and mouth. 7495

(2) "Dating relationship" has the same meaning as in 7496
section 3113.31 of the Revised Code. 7497

(3) "Family or household member" has the same meaning as 7498
in section 2919.25 of the Revised Code. 7499

(4) "Person with whom the offender is or was in a dating 7500
relationship" means a person who at the time of the conduct in 7501
question is in a dating relationship with the defendant or who, 7502
within the twelve months preceding the conduct in question, has 7503
had a dating relationship with the defendant. 7504

(B) No person shall knowingly do any of the following: 7505

(1) Cause serious physical harm to another by means of 7506
strangulation or suffocation; 7507

(2) Create a substantial risk of serious physical harm to 7508
another by means of strangulation or suffocation; 7509

(3) Cause or create a substantial risk of physical harm to 7510
another by means of strangulation or suffocation. 7511

(C) Whoever violates this section is guilty of 7512
strangulation. 7513

(1) A violation of division (B)(1) of this section is a 7514
felony of the second degree. 7515

(2) A violation of division (B)(2) of this section is a 7516

felony of the third degree. 7517

(3) A violation of division (B) (3) of this section is a 7518
felony of the fifth degree. If the victim of the violation of 7519
division (B) (3) of this section is a family or household member, 7520
or is a person with whom the offender is or was in a dating 7521
relationship, a violation of division (B) (3) of this section is 7522
a felony of the fourth degree. If the victim of the offense is a 7523
family or household member, or is a person with whom the 7524
offender is or was in a dating relationship, and the offender 7525
previously has been convicted of or pleaded guilty to a felony 7526
offense of violence, or if the offender knew that the victim of 7527
the violation was pregnant at the time of the violation, a 7528
violation of division (B) (3) of this section is a felony of the 7529
third degree. 7530

(D) It is an affirmative defense to a charge under 7531
division (B) of this section that the act was done as part of a 7532
medical or other procedure undertaken to aid or benefit the 7533
victim. 7534

Sec. 2903.214. (A) As used in this section: 7535

(1) "Court" means the court of common pleas of the county 7536
in which the person to be protected by the protection order 7537
resides. 7538

(2) "Victim advocate" means a person who provides support 7539
and assistance for a person who files a petition under this 7540
section. 7541

(3) "Family or household member" ~~has the same meaning as~~ 7542
~~in section 3113.31 of the Revised Code~~ means any of the 7543
following: 7544

(a) Any of the following who is residing with or has 7545

resided with the petitioner: 7546

(i) A spouse, a person living as a spouse, or a former spouse of the petitioner; 7547
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(ii) A parent, a foster parent, or a child of the petitioner, or another person related by consanguinity or affinity to the petitioner; 7549
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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. 7552
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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. 7556
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(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. 7559
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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. 7565
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~~(5)~~(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 7567
7568

~~(6)~~(7) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 7569
7570

~~(7)~~(8) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 7571
7572

(B) The court has jurisdiction over all proceedings under 7573
this section. 7574

(C) A person may seek relief under this section for the 7575
person, or any parent or adult household member may seek relief 7576
under this section on behalf of any other family or household 7577
member, by filing a petition with the court. The petition shall 7578
contain or state all of the following: 7579

(1) An allegation that the respondent is eighteen years of 7580
age or older and engaged in a violation of section 2903.211 of 7581
the Revised Code against the person to be protected by the 7582
protection order or committed a sexually oriented offense 7583
against the person to be protected by the protection order, 7584
including a description of the nature and extent of the 7585
violation; 7586

(2) If the petitioner seeks relief in the form of 7587
electronic monitoring of the respondent, an allegation that at 7588
any time preceding the filing of the petition the respondent 7589
engaged in conduct that would cause a reasonable person to 7590
believe that the health, welfare, or safety of the person to be 7591
protected was at risk, a description of the nature and extent of 7592
that conduct, and an allegation that the respondent presents a 7593
continuing danger to the person to be protected; 7594

(3) A request for relief under this section. 7595

(D) (1) If a person who files a petition pursuant to this 7596
section requests an ex parte order, the court shall hold an ex 7597
parte hearing as soon as possible after the petition is filed, 7598
but not later than the next day that the court is in session 7599
after the petition is filed. The court, for good cause shown at 7600
the ex parte hearing, may enter any temporary orders, with or 7601

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. 7631

(b) An ex parte order issued under this section does not 7632
expire because of a failure to serve notice of the full hearing 7633
upon the respondent before the date set for the full hearing 7634
under division (D) (2) (a) of this section or because the court 7635
grants a continuance under that division. 7636

(3) If a person who files a petition pursuant to this 7637
section does not request an ex parte order, or if a person 7638
requests an ex parte order but the court does not issue an ex 7639
parte order after an ex parte hearing, the court shall proceed 7640
as in a normal civil action and grant a full hearing on the 7641
matter. 7642

(E) (1) (a) After an ex parte or full hearing, the court may 7643
issue any protection order, with or without bond, that contains 7644
terms designed to ensure the safety and protection of the person 7645
to be protected by the protection order, including, but not 7646
limited to, a requirement that the respondent refrain from 7647
entering the residence, school, business, or place of employment 7648
of the petitioner or family or household member. If the court 7649
includes a requirement that the respondent refrain from entering 7650
the residence, school, business, or place of employment of the 7651
petitioner or family or household member in the order, it also 7652
shall include in the order provisions of the type described in 7653
division (E) (5) of this section. The court may include within a 7654
protection order issued under this section a term requiring that 7655
the respondent not remove, damage, hide, harm, or dispose of any 7656
companion animal owned or possessed by the person to be 7657
protected by the order, and may include within the order a term 7658
authorizing the person to be protected by the order to remove a 7659
companion animal owned by the person to be protected by the 7660

order from the possession of the respondent. 7661

(b) After a full hearing, if the court considering a 7662
petition that includes an allegation of the type described in 7663
division (C) (2) of this section, or the court upon its own 7664
motion, finds upon clear and convincing evidence that the 7665
petitioner reasonably believed that the respondent's conduct at 7666
any time preceding the filing of the petition endangered the 7667
health, welfare, or safety of the person to be protected and 7668
that the respondent presents a continuing danger to the person 7669
to be protected, the court may order that the respondent be 7670
electronically monitored for a period of time and under the 7671
terms and conditions that the court determines are appropriate. 7672
Electronic monitoring shall be in addition to any other relief 7673
granted to the petitioner. 7674

(2) (a) Any protection order issued pursuant to this 7675
section shall be valid until a date certain but not later than 7676
five years from the date of its issuance. 7677

(b) Any protection order issued pursuant to this section 7678
may be renewed in the same manner as the original order was 7679
issued. 7680

(3) A court may not issue a protection order that requires 7681
a petitioner to do or to refrain from doing an act that the 7682
court may require a respondent to do or to refrain from doing 7683
under division (E) (1) of this section unless all of the 7684
following apply: 7685

(a) The respondent files a separate petition for a 7686
protection order in accordance with this section. 7687

(b) The petitioner is served with notice of the 7688
respondent's petition at least forty-eight hours before the 7689

court holds a hearing with respect to the respondent's petition, 7690
or the petitioner waives the right to receive this notice. 7691

(c) If the petitioner has requested an ex parte order 7692
pursuant to division (D) of this section, the court does not 7693
delay any hearing required by that division beyond the time 7694
specified in that division in order to consolidate the hearing 7695
with a hearing on the petition filed by the respondent. 7696

(d) After a full hearing at which the respondent presents 7697
evidence in support of the request for a protection order and 7698
the petitioner is afforded an opportunity to defend against that 7699
evidence, the court determines that the petitioner has committed 7700
a violation of section 2903.211 of the Revised Code against the 7701
person to be protected by the protection order issued pursuant 7702
to division (E) (3) of this section, has committed a sexually 7703
oriented offense against the person to be protected by the 7704
protection order issued pursuant to division (E) (3) of this 7705
section, or has violated a protection order issued pursuant to 7706
section 2903.213 of the Revised Code relative to the person to 7707
be protected by the protection order issued pursuant to division 7708
(E) (3) of this section. 7709

(4) No protection order issued pursuant to this section 7710
shall in any manner affect title to any real property. 7711

(5) (a) If the court issues a protection order under this 7712
section that includes a requirement that the alleged offender 7713
refrain from entering the residence, school, business, or place 7714
of employment of the petitioner or a family or household member, 7715
the order shall clearly state that the order cannot be waived or 7716
nullified by an invitation to the alleged offender from the 7717
complainant to enter the residence, school, business, or place 7718
of employment or by the alleged offender's entry into one of 7719

those places otherwise upon the consent of the petitioner or 7720
family or household member. 7721

(b) Division (E) (5) (a) of this section does not limit any 7722
discretion of a court to determine that an alleged offender 7723
charged with a violation of section 2919.27 of the Revised Code, 7724
with a violation of a municipal ordinance substantially 7725
equivalent to that section, or with contempt of court, which 7726
charge is based on an alleged violation of a protection order 7727
issued under this section, did not commit the violation or was 7728
not in contempt of court. 7729

(F) (1) The court shall cause the delivery of a copy of any 7730
protection order that is issued under this section to the 7731
petitioner, to the respondent, and to all law enforcement 7732
agencies that have jurisdiction to enforce the order. The court 7733
shall direct that a copy of the order be delivered to the 7734
respondent on the same day that the order is entered. 7735

(2) Upon the issuance of a protection order under this 7736
section, the court shall provide the parties to the order with 7737
the following notice orally or by form: 7738

"NOTICE 7739

As a result of this order, it may be unlawful for you to 7740
possess or purchase a firearm, including a rifle, pistol, or 7741
revolver, or ammunition pursuant to federal law under 18 U.S.C. 7742
922(g) (8) for the duration of this order. If you have any 7743
questions whether this law makes it illegal for you to possess 7744
or purchase a firearm or ammunition, you should consult an 7745
attorney." 7746

(3) All law enforcement agencies shall establish and 7747
maintain an index for the protection orders delivered to the 7748

agencies pursuant to division (F) (1) of this section. With 7749
respect to each order delivered, each agency shall note on the 7750
index the date and time that it received the order. 7751

(4) Regardless of whether the petitioner has registered 7752
the protection order in the county in which the officer's agency 7753
has jurisdiction pursuant to division (M) of this section, any 7754
officer of a law enforcement agency shall enforce a protection 7755
order issued pursuant to this section by any court in this state 7756
in accordance with the provisions of the order, including 7757
removing the respondent from the premises, if appropriate. 7758

(G) (1) Any proceeding under this section shall be 7759
conducted in accordance with the Rules of Civil Procedure, 7760
except that a protection order may be obtained under this 7761
section with or without bond. An order issued under this 7762
section, other than an ex parte order, that grants a protection 7763
order, or that refuses to grant a protection order, is a final, 7764
appealable order. The remedies and procedures provided in this 7765
section are in addition to, and not in lieu of, any other 7766
available civil or criminal remedies. 7767

(2) If as provided in division (G) (1) of this section an 7768
order issued under this section, other than an ex parte order, 7769
refuses to grant a protection order, the court, on its own 7770
motion, shall order that the ex parte order issued under this 7771
section and all of the records pertaining to that ex parte order 7772
be sealed after either of the following occurs: 7773

(a) No party has exercised the right to appeal pursuant to 7774
Rule 4 of the Rules of Appellate Procedure. 7775

(b) All appellate rights have been exhausted. 7776

(H) The filing of proceedings under this section does not 7777

excuse a person from filing any report or giving any notice 7778
required by section 2151.421 of the Revised Code or by any other 7779
law. 7780

(I) Any law enforcement agency that investigates an 7781
alleged violation of section 2903.211 of the Revised Code or an 7782
alleged commission of a sexually oriented offense shall provide 7783
information to the victim and the family or household members of 7784
the victim regarding the relief available under this section and 7785
section 2903.213 of the Revised Code. 7786

(J) (1) Subject to division (J) (2) of this section and 7787
regardless of whether a protection order is issued or a consent 7788
agreement is approved by a court of another county or by a court 7789
of another state, no court or unit of state or local government 7790
shall charge the petitioner any fee, cost, deposit, or money in 7791
connection with the filing of a petition pursuant to this 7792
section, in connection with the filing, issuance, registration, 7793
modification, enforcement, dismissal, withdrawal, or service of 7794
a protection order, consent agreement, or witness subpoena or 7795
for obtaining a certified copy of a protection order or consent 7796
agreement. 7797

(2) Regardless of whether a protection order is issued or 7798
a consent agreement is approved pursuant to this section, the 7799
court may assess costs against the respondent in connection with 7800
the filing, issuance, registration, modification, enforcement, 7801
dismissal, withdrawal, or service of a protection order, consent 7802
agreement, or witness subpoena or for obtaining a certified copy 7803
of a protection order or consent agreement. 7804

(K) (1) A person who violates a protection order issued 7805
under this section is subject to the following sanctions: 7806

(a) Criminal prosecution for a violation of section 7807
2919.27 of the Revised Code, if the violation of the protection 7808
order constitutes a violation of that section; 7809

(b) Punishment for contempt of court. 7810

(2) The punishment of a person for contempt of court for 7811
violation of a protection order issued under this section does 7812
not bar criminal prosecution of the person for a violation of 7813
section 2919.27 of the Revised Code. However, a person punished 7814
for contempt of court is entitled to credit for the punishment 7815
imposed upon conviction of a violation of that section, and a 7816
person convicted of a violation of that section shall not 7817
subsequently be punished for contempt of court arising out of 7818
the same activity. 7819

(L) In all stages of a proceeding under this section, a 7820
petitioner may be accompanied by a victim advocate. 7821

(M) (1) A petitioner who obtains a protection order under 7822
this section or a protection order under section 2903.213 of the 7823
Revised Code may provide notice of the issuance or approval of 7824
the order to the judicial and law enforcement officials in any 7825
county other than the county in which the order is issued by 7826
registering that order in the other county pursuant to division 7827
(M) (2) of this section and filing a copy of the registered order 7828
with a law enforcement agency in the other county in accordance 7829
with that division. A person who obtains a protection order 7830
issued by a court of another state may provide notice of the 7831
issuance of the order to the judicial and law enforcement 7832
officials in any county of this state by registering the order 7833
in that county pursuant to section 2919.272 of the Revised Code 7834
and filing a copy of the registered order with a law enforcement 7835
agency in that county. 7836

(2) A petitioner may register a protection order issued 7837
pursuant to this section or section 2903.213 of the Revised Code 7838
in a county other than the county in which the court that issued 7839
the order is located in the following manner: 7840

(a) The petitioner shall obtain a certified copy of the 7841
order from the clerk of the court that issued the order and 7842
present that certified copy to the clerk of the court of common 7843
pleas or the clerk of a municipal court or county court in the 7844
county in which the order is to be registered. 7845

(b) Upon accepting the certified copy of the order for 7846
registration, the clerk of the court of common pleas, municipal 7847
court, or county court shall place an endorsement of 7848
registration on the order and give the petitioner a copy of the 7849
order that bears that proof of registration. 7850

(3) The clerk of each court of common pleas, municipal 7851
court, or county court shall maintain a registry of certified 7852
copies of protection orders that have been issued by courts in 7853
other counties pursuant to this section or section 2903.213 of 7854
the Revised Code and that have been registered with the clerk. 7855

(N) (1) If the court orders electronic monitoring of the 7856
respondent under this section, the court shall direct the 7857
sheriff's office or any other appropriate law enforcement agency 7858
to install the electronic monitoring device and to monitor the 7859
respondent. Unless the court determines that the respondent is 7860
indigent, the court shall order the respondent to pay the cost 7861
of the installation and monitoring of the electronic monitoring 7862
device. If the court determines that the respondent is indigent 7863
and subject to the maximum amount allowable to be paid in any 7864
year from the fund and the rules promulgated by the attorney 7865
general under division (N) (2) of this section, the cost of the 7866

installation and monitoring of the electronic monitoring device 7867
may be paid out of funds from the reparations fund created 7868
pursuant to section 2743.191 of the Revised Code. The total 7869
amount of costs for the installation and monitoring of 7870
electronic monitoring devices paid pursuant to this division and 7871
sections 2151.34 and 2919.27 of the Revised Code from the 7872
reparations fund shall not exceed three hundred thousand dollars 7873
per year. 7874

(2) The attorney general may promulgate rules pursuant to 7875
section 111.15 of the Revised Code to govern payments made from 7876
the reparations fund pursuant to this division and sections 7877
2151.34 and 2919.27 of the Revised Code. The rules may include 7878
reasonable limits on the total cost paid pursuant to this 7879
division and sections 2151.34 and 2919.27 of the Revised Code 7880
per respondent, the amount of the three hundred thousand dollars 7881
allocated to each county, and how invoices may be submitted by a 7882
county, court, or other entity. 7883

Sec. 2907.05. (A) No person shall have sexual contact with 7884
another, not the spouse of the offender; cause another, not the 7885
spouse of the offender, to have sexual contact with the 7886
offender; or cause two or more other persons to have sexual 7887
contact when any of the following applies: 7888

(1) The offender purposely compels the other person, or 7889
one of the other persons, to submit by force or threat of force. 7890

(2) For the purpose of preventing resistance, the offender 7891
substantially impairs the judgment or control of the other 7892
person or of one of the other persons by administering any drug, 7893
intoxicant, or controlled substance to the other person 7894
surreptitiously or by force, threat of force, or deception. 7895

(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 7925
person or one of the other persons by administering any 7926
controlled substance, as defined in section 3719.01 of the 7927
Revised Code, to the person surreptitiously or by force, threat 7928
of force, or deception, gross sexual imposition committed in 7929
violation of division (A) (2) of this section is a felony of the 7930
third degree. 7931

(2) Gross sexual imposition committed in violation of 7932
division (A) (4) or (B) of this section is a felony of the third 7933
degree. Except as otherwise provided in this division, for gross 7934
sexual imposition committed in violation of division (A) (4) or 7935
(B) of this section there is a presumption that a prison term 7936
shall be imposed for the offense. The court shall impose on an 7937
offender convicted of gross sexual imposition in violation of 7938
division (A) (4) or (B) of this section a mandatory prison term, 7939
as described in division (C) (3) of this section, for a felony of 7940
the third degree if ~~either of the following applies:~~ 7941

~~(a) Evidence other than the testimony of the victim was~~ 7942
~~admitted in the case corroborating the violation;~~ 7943

~~(b) The the offender previously was convicted of or~~ 7944
pleaded guilty to a violation of this section, rape, the former 7945
offense of felonious sexual penetration, or sexual battery, and 7946
the victim of the previous offense was less than thirteen years 7947
of age. 7948

(3) A mandatory prison term required under division (C) (2) 7949
of this section shall be a definite term from the range of 7950
prison terms provided in division (A) (3) (a) of section 2929.14 7951
of the Revised Code for a felony of the third degree. 7952

(D) A victim need not prove physical resistance to the 7953

offender in prosecutions under this section. 7954

(E) Evidence of specific instances of the victim's sexual 7955
activity, opinion evidence of the victim's sexual activity, and 7956
reputation evidence of the victim's sexual activity shall not be 7957
admitted under this section unless it involves evidence of the 7958
origin of semen, pregnancy, or disease, or the victim's past 7959
sexual activity with the offender, and only to the extent that 7960
the court finds that the evidence is material to a fact at issue 7961
in the case and that its inflammatory or prejudicial nature does 7962
not outweigh its probative value. 7963

Evidence of specific instances of the defendant's sexual 7964
activity, opinion evidence of the defendant's sexual activity, 7965
and reputation evidence of the defendant's sexual activity shall 7966
not be admitted under this section unless it involves evidence 7967
of the origin of semen, pregnancy, or disease, the defendant's 7968
past sexual activity with the victim, or is admissible against 7969
the defendant under section 2945.59 of the Revised Code, and 7970
only to the extent that the court finds that the evidence is 7971
material to a fact at issue in the case and that its 7972
inflammatory or prejudicial nature does not outweigh its 7973
probative value. 7974

(F) Prior to taking testimony or receiving evidence of any 7975
sexual activity of the victim or the defendant in a proceeding 7976
under this section, the court shall resolve the admissibility of 7977
the proposed evidence in a hearing in chambers, which shall be 7978
held at or before preliminary hearing and not less than three 7979
days before trial, or for good cause shown during the trial. 7980

(G) Upon approval by the court, the victim may be 7981
represented by counsel in any hearing in chambers or other 7982
proceeding to resolve the admissibility of evidence. If the 7983

victim is indigent or otherwise is unable to obtain the services 7984
of counsel, the court, upon request, may appoint counsel to 7985
represent the victim without cost to the victim. 7986

Sec. 2907.13. (A) As used in this section: 7987

(1) "Human reproductive material" means: 7988

(a) Human spermatozoa or ova; 7989

(b) A human organism at any stage of development from 7990
fertilized ovum to embryo. 7991

(2) "Assisted reproduction" means a method of causing 7992
pregnancy other than through sexual intercourse including all of 7993
the following: 7994

(a) Intrauterine insemination; 7995

(b) Human reproductive material donation; 7996

(c) In vitro fertilization and transfer of embryos; 7997

(d) Intracytoplasmic sperm injection. 7998

(3) "Donor" means an individual who provides human 7999
reproductive material to a health care professional to be used 8000
for assisted reproduction, regardless of whether the human 8001
reproductive material is provided for consideration. The term 8002
does not include any of the following: 8003

(a) A husband or a wife who provides human reproductive 8004
material to be used for assisted reproduction by the wife; 8005

(b) A woman who gives birth to a child by means of 8006
assisted reproduction; 8007

(c) An unmarried man who, with the intent to be the father 8008
of the resulting child, provides human reproductive material to 8009

be used for assisted reproduction by an unmarried woman. 8010

(4) "Health care professional" means any of the following: 8011

(a) A physician; 8012

(b) An advanced practice registered nurse; 8013

(c) A certified nurse practitioner; 8014

(d) A clinical nurse specialist; 8015

(e) A physician's assistant; 8016

(f) A certified nurse-midwife. 8017

(B) No health care professional shall, in connection with 8018
an assisted reproduction procedure, knowingly do any of the 8019
following: 8020

(1) Use human reproductive material from the health care 8021
provider, donor, or any other person while performing the 8022
procedure if the patient receiving the procedure has not 8023
expressly consented to the use of that material. 8024

(2) Fail to comply with the standards or requirements of 8025
sections 3111.88 to 3111.96 of the Revised Code, including the 8026
terms of the required written consent form; 8027

(3) Misrepresent to the patient receiving the procedure 8028
any material information about the donor's profile, including 8029
the types of information listed in division (A) (2) of section 8030
3111.93 of the Revised Code, or the manner or extent to which 8031
the material will be used. 8032

(C) Whoever violates this section is guilty of fraudulent 8033
assisted reproduction, a felony of the third degree. If an 8034
offender commits a violation of division (B) of this section and 8035
the violation occurs as part of a course of conduct involving 8036

other violations of division (B) of this section, a violation of 8037
this section is a felony of the second degree. The course of 8038
conduct may involve one victim or more than one victim. 8039

(D) Patient consent to the use of human reproductive 8040
material from an anonymous donor is not effective to provide 8041
consent for use of human reproductive material of the health 8042
care professional performing the procedure. 8043

(E) It is not a defense to a violation of this section 8044
that a patient expressly consented in writing, or by any other 8045
means, to the use of human reproductive material from an 8046
anonymous donor. 8047

Sec. 2907.14. If a health care professional is convicted 8048
of, or pleads guilty to, fraudulent assisted reproduction under 8049
section 2907.13 of the Revised Code, the court in which the 8050
conviction or plea of guilty occurs shall notify the appropriate 8051
professional licensing board of the health care professional's 8052
conviction or guilty plea. 8053

Sec. 2913.02. (A) No person, with purpose to deprive the 8054
owner of property or services, shall knowingly obtain or exert 8055
control over either the property or services in any of the 8056
following ways: 8057

(1) Without the consent of the owner or person authorized 8058
to give consent; 8059

(2) Beyond the scope of the express or implied consent of 8060
the owner or person authorized to give consent; 8061

(3) By deception; 8062

(4) By threat; 8063

(5) By intimidation. 8064

(B) (1) Whoever violates this section is guilty of theft. 8065

(2) Except as otherwise provided in this division or 8066
division (B) (3), (4), (5), (6), (7), (8), or (9) of this 8067
section, a violation of this section is ~~petty misdemeanor~~ theft, 8068
a misdemeanor of the first degree. If the value of the property 8069
or services stolen is one thousand dollars or more and is less 8070
than seven thousand five hundred dollars or if the property 8071
stolen is any of the property listed in section 2913.71 of the 8072
Revised Code, a violation of this section is theft, a felony of 8073
the fifth degree. If the value of the property or services 8074
stolen is seven thousand five hundred dollars or more and is 8075
less than one hundred fifty thousand dollars, a violation of 8076
this section is grand theft, a felony of the fourth degree. If 8077
the value of the property or services stolen is one hundred 8078
fifty thousand dollars or more and is less than seven hundred 8079
fifty thousand dollars, a violation of this section is 8080
aggravated theft, a felony of the third degree. If the value of 8081
the property or services is seven hundred fifty thousand dollars 8082
or more and is less than one million five hundred thousand 8083
dollars, a violation of this section is aggravated theft, a 8084
felony of the second degree. If the value of the property or 8085
services stolen is one million five hundred thousand dollars or 8086
more, a violation of this section is aggravated theft of one 8087
million five hundred thousand dollars or more, a felony of the 8088
first degree. 8089

(3) Except as otherwise provided in division (B) (4), (5), 8090
(6), (7), (8), or (9) of this section, if the victim of the 8091
offense is an elderly person, disabled adult, active duty 8092
service member, or spouse of an active duty service member, a 8093
violation of this section is theft from a person in a protected 8094
class, and division (B) (3) of this section applies. Except as 8095

otherwise provided in this division, theft from a person in a 8096
protected class is a felony of the fifth degree. If the value of 8097
the property or services stolen is one thousand dollars or more 8098
and is less than seven thousand five hundred dollars, theft from 8099
a person in a protected class is a felony of the fourth degree. 8100
If the value of the property or services stolen is seven 8101
thousand five hundred dollars or more and is less than thirty- 8102
seven thousand five hundred dollars, theft from a person in a 8103
protected class is a felony of the third degree. If the value of 8104
the property or services stolen is thirty-seven thousand five 8105
hundred dollars or more and is less than one hundred fifty 8106
thousand dollars, theft from a person in a protected class is a 8107
felony of the second degree. If the value of the property or 8108
services stolen is one hundred fifty thousand dollars or more, 8109
theft from a person in a protected class is a felony of the 8110
first degree. If the victim of the offense is an elderly person, 8111
in addition to any other penalty imposed for the offense, the 8112
offender shall be required to pay full restitution to the victim 8113
and to pay a fine of up to fifty thousand dollars. The clerk of 8114
court shall forward all fines collected under division (B) (3) of 8115
this section to the county department of job and family services 8116
to be used for the reporting and investigation of elder abuse, 8117
neglect, and exploitation or for the provision or arrangement of 8118
protective services under sections 5101.61 to 5101.71 of the 8119
Revised Code. 8120

(4) If the property stolen is a firearm or dangerous 8121
ordnance, a violation of this section is grand theft. Except as 8122
otherwise provided in this division, grand theft when the 8123
property stolen is a firearm or dangerous ordnance is a felony 8124
of the third degree, and there is a presumption in favor of the 8125
court imposing a prison term for the offense. If the firearm or 8126

dangerous ordnance was stolen from a federally licensed firearms 8127
dealer, grand theft when the property stolen is a firearm or 8128
dangerous ordnance is a felony of the first degree. The offender 8129
shall serve a prison term imposed for grand theft when the 8130
property stolen is a firearm or dangerous ordnance consecutively 8131
to any other prison term or mandatory prison term previously or 8132
subsequently imposed upon the offender. 8133

(5) If the property stolen is a motor vehicle, a violation 8134
of this section is grand theft of a motor vehicle, a felony of 8135
the fourth degree. 8136

(6) If the property stolen is any dangerous drug, a 8137
violation of this section is theft of drugs, a felony of the 8138
fourth degree, or, if the offender previously has been convicted 8139
of a felony drug abuse offense, a felony of the third degree. 8140

(7) If the property stolen is a police dog or horse or an 8141
assistance dog and the offender knows or should know that the 8142
property stolen is a police dog or horse or an assistance dog, a 8143
violation of this section is theft of a police dog or horse or 8144
an assistance dog, a felony of the third degree. 8145

(8) If the property stolen is anhydrous ammonia, a 8146
violation of this section is theft of anhydrous ammonia, a 8147
felony of the third degree. 8148

(9) Except as provided in division (B) (2) of this section 8149
with respect to property with a value of seven thousand five 8150
hundred dollars or more and division (B) (3) of this section with 8151
respect to property with a value of one thousand dollars or 8152
more, if the property stolen is a special purpose article as 8153
defined in section 4737.04 of the Revised Code or is a bulk 8154
merchandise container as defined in section 4737.012 of the 8155

Revised Code, a violation of this section is theft of a special 8156
purpose article or articles or theft of a bulk merchandise 8157
container or containers, a felony of the fifth degree. 8158

(10) In addition to the penalties described in division 8159
(B) (2) of this section, if the offender committed the violation 8160
by causing a motor vehicle to leave the premises of an 8161
establishment at which gasoline is offered for retail sale 8162
without the offender making full payment for gasoline that was 8163
dispensed into the fuel tank of the motor vehicle or into 8164
another container, the court may do one of the following: 8165

(a) Unless division (B) (10) (b) of this section applies, 8166
suspend for not more than six months the offender's driver's 8167
license, probationary driver's license, commercial driver's 8168
license, temporary instruction permit, or nonresident operating 8169
privilege; 8170

(b) If the offender's driver's license, probationary 8171
driver's license, commercial driver's license, temporary 8172
instruction permit, or nonresident operating privilege has 8173
previously been suspended pursuant to division (B) (10) (a) of 8174
this section, impose a class seven suspension of the offender's 8175
license, permit, or privilege from the range specified in 8176
division (A) (7) of section 4510.02 of the Revised Code, provided 8177
that the suspension shall be for at least six months. 8178

(c) The court, in lieu of suspending the offender's 8179
driver's or commercial driver's license, probationary driver's 8180
license, temporary instruction permit, or nonresident operating 8181
privilege pursuant to division (B) (10) (a) or (b) of this 8182
section, instead may require the offender to perform community 8183
service for a number of hours determined by the court. 8184

(11) In addition to the penalties described in division 8185
(B) (2) of this section, if the offender committed the violation 8186
by stealing rented property or rental services, the court may 8187
order that the offender make restitution pursuant to section 8188
2929.18 or 2929.28 of the Revised Code. Restitution may include, 8189
but is not limited to, the cost of repairing or replacing the 8190
stolen property, or the cost of repairing the stolen property 8191
and any loss of revenue resulting from deprivation of the 8192
property due to theft of rental services that is less than or 8193
equal to the actual value of the property at the time it was 8194
rented. Evidence of intent to commit theft of rented property or 8195
rental services shall be determined pursuant to the provisions 8196
of section 2913.72 of the Revised Code. 8197

(C) The sentencing court that suspends an offender's 8198
license, permit, or nonresident operating privilege under 8199
division (B) (10) of this section may grant the offender limited 8200
driving privileges during the period of the suspension in 8201
accordance with Chapter 4510. of the Revised Code. 8202

Sec. 2923.12. (A) No person shall knowingly carry or have, 8203
concealed on the person's person or concealed ready at hand, any 8204
of the following: 8205

- (1) A deadly weapon other than a handgun; 8206
- (2) A handgun other than a dangerous ordnance; 8207
- (3) A dangerous ordnance. 8208

(B) No person who has been issued a concealed handgun 8209
license shall do any of the following: 8210

- (1) If the person is stopped for a law enforcement purpose 8211
and is carrying a concealed handgun, before or at the time a law 8212
enforcement officer asks if the person is carrying a concealed 8213

handgun, knowingly fail to disclose that the person then is 8214
carrying a concealed handgun, provided that it is not a 8215
violation of this division if the person fails to disclose that 8216
fact to an officer during the stop and the person already has 8217
notified another officer of that fact during the same stop; 8218

(2) If the person is stopped for a law enforcement purpose 8219
and is carrying a concealed handgun, knowingly fail to keep the 8220
person's hands in plain sight at any time after any law 8221
enforcement officer begins approaching the person while stopped 8222
and before the law enforcement officer leaves, unless the 8223
failure is pursuant to and in accordance with directions given 8224
by a law enforcement officer; 8225

(3) If the person is stopped for a law enforcement 8226
purpose, if the person is carrying a concealed handgun, and if 8227
the person is approached by any law enforcement officer while 8228
stopped, knowingly remove or attempt to remove the loaded 8229
handgun from the holster, pocket, or other place in which the 8230
person is carrying it, knowingly grasp or hold the loaded 8231
handgun, or knowingly have contact with the loaded handgun by 8232
touching it with the person's hands or fingers at any time after 8233
the law enforcement officer begins approaching and before the 8234
law enforcement officer leaves, unless the person removes, 8235
attempts to remove, grasps, holds, or has contact with the 8236
loaded handgun pursuant to and in accordance with directions 8237
given by the law enforcement officer; 8238

(4) If the person is stopped for a law enforcement purpose 8239
and is carrying a concealed handgun, knowingly disregard or fail 8240
to comply with any lawful order of any law enforcement officer 8241
given while the person is stopped, including, but not limited 8242
to, a specific order to the person to keep the person's hands in 8243

plain sight. 8244

(C) (1) This section does not apply to any of the 8245
following: 8246

(a) An officer, agent, or employee of this or any other 8247
state or the United States, or to a law enforcement officer, who 8248
is authorized to carry concealed weapons or dangerous ordnance 8249
or is authorized to carry handguns and is acting within the 8250
scope of the officer's, agent's, or employee's duties; 8251

(b) Any person who is employed in this state, who is 8252
authorized to carry concealed weapons or dangerous ordnance or 8253
is authorized to carry handguns, and who is subject to and in 8254
compliance with the requirements of section 109.801 of the 8255
Revised Code, unless the appointing authority of the person has 8256
expressly specified that the exemption provided in division (C) 8257
(1)(b) of this section does not apply to the person; 8258

(c) A person's transportation or storage of a firearm, 8259
other than a firearm described in divisions (G) to (M) of 8260
section 2923.11 of the Revised Code, in a motor vehicle for any 8261
lawful purpose if the firearm is not on the actor's person; 8262

(d) A person's storage or possession of a firearm, other 8263
than a firearm described in divisions (G) to (M) of section 8264
2923.11 of the Revised Code, in the actor's own home for any 8265
lawful purpose. 8266

(2) Division (A) (2) of this section does not apply to any 8267
person who has been issued a concealed handgun license that is 8268
valid at the time of the alleged carrying or possession of a 8269
handgun or who, at the time of the alleged carrying or 8270
possession of a handgun, is an active duty member of the armed 8271
forces of the United States and is carrying a valid military 8272

identification card and documentation of successful completion 8273
of firearms training that meets or exceeds the training 8274
requirements described in division (G) (1) of section 2923.125 of 8275
the Revised Code, unless the person knowingly is in a place 8276
described in division (B) of section 2923.126 of the Revised 8277
Code. 8278

(D) It is an affirmative defense to a charge under 8279
division (A) (1) of this section of carrying or having control of 8280
a weapon other than a handgun and other than a dangerous 8281
ordnance that the actor was not otherwise prohibited by law from 8282
having the weapon and that any of the following applies: 8283

(1) The weapon was carried or kept ready at hand by the 8284
actor for defensive purposes while the actor was engaged in or 8285
was going to or from the actor's lawful business or occupation, 8286
which business or occupation was of a character or was 8287
necessarily carried on in a manner or at a time or place as to 8288
render the actor particularly susceptible to criminal attack, 8289
such as would justify a prudent person in going armed. 8290

(2) The weapon was carried or kept ready at hand by the 8291
actor for defensive purposes while the actor was engaged in a 8292
lawful activity and had reasonable cause to fear a criminal 8293
attack upon the actor, a member of the actor's family, or the 8294
actor's home, such as would justify a prudent person in going 8295
armed. 8296

(3) The weapon was carried or kept ready at hand by the 8297
actor for any lawful purpose and while in the actor's own home. 8298

(E) (1) No person who is charged with a violation of this 8299
section shall be required to obtain a concealed handgun license 8300
as a condition for the dismissal of the charge. 8301

(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 8332
both of the following apply: 8333

(i) Within ten days after the arrest, the offender 8334
presents a concealed handgun license, which license was valid at 8335
the time of the arrest, to the law enforcement agency that 8336
employs the arresting officer. 8337

(ii) At the time of the arrest, the offender was not 8338
knowingly in a place described in division (B) of section 8339
2923.126 of the Revised Code. 8340

(b) The offender shall be guilty of a misdemeanor and 8341
shall be fined five hundred dollars if all of the following 8342
apply: 8343

(i) The offender previously had been issued a concealed 8344
handgun license, and that license expired within the two years 8345
immediately preceding the arrest. 8346

(ii) Within forty-five days after the arrest, the offender 8347
presents a concealed handgun license to the law enforcement 8348
agency that employed the arresting officer, and the offender 8349
waives in writing the offender's right to a speedy trial on the 8350
charge of the violation that is provided in section 2945.71 of 8351
the Revised Code. 8352

(iii) At the time of the commission of the offense, the 8353
offender was not knowingly in a place described in division (B) 8354
of section 2923.126 of the Revised Code. 8355

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 8356
section do not apply, the offender shall be punished under 8357
division (F) (1) or (7) of this section. 8358

(3) Carrying concealed weapons in violation of division 8359

(B) (1) of this section is a misdemeanor of the second degree. 8360

(4) Carrying concealed weapons in violation of division 8361
(B) (2) or (4) of this section is a misdemeanor of the first 8362
degree or, if the offender previously has been convicted of or 8363
pleaded guilty to a violation of division (B) (2) or (4) of this 8364
section, a felony of the fifth degree. In addition to any other 8365
penalty or sanction imposed for a misdemeanor violation of 8366
division (B) (2) or (4) of this section, the offender's concealed 8367
handgun license shall be suspended pursuant to division (A) (2) 8368
of section 2923.128 of the Revised Code. 8369

(5) Carrying concealed weapons in violation of division 8370
(B) (3) of this section is a felony of the fifth degree. 8371

(6) If a person being arrested for a violation of division 8372
(A) (2) of this section is an active duty member of the armed 8373
forces of the United States and is carrying a valid military 8374
identification card and documentation of successful completion 8375
of firearms training that meets or exceeds the training 8376
requirements described in division (G) (1) of section 2923.125 of 8377
the Revised Code, and if at the time of the violation the person 8378
was not knowingly in a place described in division (B) of 8379
section 2923.126 of the Revised Code, the officer shall not 8380
arrest the person for a violation of that division. If the 8381
person is not able to promptly produce a valid military 8382
identification card and documentation of successful completion 8383
of firearms training that meets or exceeds the training 8384
requirements described in division (G) (1) of section 2923.125 of 8385
the Revised Code and if the person is not in a place described 8386
in division (B) of section 2923.126 of the Revised Code, the 8387
officer shall issue a citation and the offender shall be 8388
assessed a civil penalty of not more than five hundred dollars. 8389

The citation shall be automatically dismissed and the civil 8390
penalty shall not be assessed if both of the following apply: 8391

(a) Within ten days after the issuance of the citation, 8392
the offender presents a valid military identification card and 8393
documentation of successful completion of firearms training that 8394
meets or exceeds the training requirements described in division 8395
(G) (1) of section 2923.125 of the Revised Code, which were both 8396
valid at the time of the issuance of the citation to the law 8397
enforcement agency that employs the citing officer. 8398

(b) At the time of the citation, the offender was not 8399
knowingly in a place described in division (B) of section 8400
2923.126 of the Revised Code. 8401

(7) If a person being arrested for a violation of division 8402
(A) (2) of this section is knowingly in a place described in 8403
division (B) (5) of section 2923.126 of the Revised Code and is 8404
not authorized to carry a handgun or have a handgun concealed on 8405
the person's person or concealed ready at hand under that 8406
division, the penalty shall be as follows: 8407

(a) Except as otherwise provided in this division, if the 8408
person produces a valid concealed handgun license within ten 8409
days after the arrest and has not previously been convicted or 8410
pleaded guilty to a violation of division (A) (2) of this 8411
section, the person is guilty of a minor misdemeanor; 8412

(b) Except as otherwise provided in this division, if the 8413
person has previously been convicted of or pleaded guilty to a 8414
violation of division (A) (2) of this section, the person is 8415
guilty of a misdemeanor of the fourth degree; 8416

(c) Except as otherwise provided in this division, if the 8417
person has previously been convicted of or pleaded guilty to two 8418

violations of division (A) (2) of this section, the person is 8419
guilty of a misdemeanor of the third degree; 8420

(d) Except as otherwise provided in this division, if the 8421
person has previously been convicted of or pleaded guilty to 8422
three or more violations of division (A) (2) of this section, or 8423
convicted of or pleaded guilty to any offense of violence, if 8424
the weapon involved is a firearm that is either loaded or for 8425
which the offender has ammunition ready at hand, or if the 8426
weapon involved is a dangerous ordnance, the person is guilty of 8427
a misdemeanor of the second degree. 8428

(G) If a law enforcement officer stops a person to 8429
question the person regarding a possible violation of this 8430
section, for a traffic stop, or for any other law enforcement 8431
purpose, if the person surrenders a firearm to the officer, 8432
either voluntarily or pursuant to a request or demand of the 8433
officer, and if the officer does not charge the person with a 8434
violation of this section or arrest the person for any offense, 8435
the person is not otherwise prohibited by law from possessing 8436
the firearm, and the firearm is not contraband, the officer 8437
shall return the firearm to the person at the termination of the 8438
stop. If a court orders a law enforcement officer to return a 8439
firearm to a person pursuant to the requirement set forth in 8440
this division, division (B) of section 2923.163 of the Revised 8441
Code applies. 8442

(H) For purposes of this section, "deadly weapon" or 8443
"weapon" does not include any knife, razor, or cutting 8444
instrument if the instrument was not used as a weapon. 8445

Sec. 2923.125. It is the intent of the general assembly 8446
that Ohio concealed handgun license law be compliant with the 8447
national instant criminal background check system, that the 8448

bureau of alcohol, tobacco, firearms, and explosives is able to 8449
determine that Ohio law is compliant with the national instant 8450
criminal background check system, and that no person shall be 8451
eligible to receive a concealed handgun license permit under 8452
section 2923.125 or 2923.1213 of the Revised Code unless the 8453
person is eligible lawfully to receive or possess a firearm in 8454
the United States. 8455

(A) This section applies with respect to the application 8456
for and issuance by this state of concealed handgun licenses 8457
other than concealed handgun licenses on a temporary emergency 8458
basis that are issued under section 2923.1213 of the Revised 8459
Code. Upon the request of a person who wishes to obtain a 8460
concealed handgun license with respect to which this section 8461
applies or to renew a concealed handgun license with respect to 8462
which this section applies, a sheriff, as provided in division 8463
(I) of this section, shall provide to the person free of charge 8464
an application form and the web site address at which a 8465
printable version of the application form that can be downloaded 8466
and the pamphlet described in division (B) of section 109.731 of 8467
the Revised Code may be found. A sheriff shall accept a 8468
completed application form and the fee, items, materials, and 8469
information specified in divisions (B) (1) to (5) of this section 8470
at the times and in the manners described in division (I) of 8471
this section. 8472

(B) An applicant for a concealed handgun license who is a 8473
resident of this state shall submit a completed application form 8474
and all of the material and information described in divisions 8475
(B) (1) to (6) of this section to the sheriff of the county in 8476
which the applicant resides or to the sheriff of any county 8477
adjacent to the county in which the applicant resides. An 8478
applicant for a license who resides in another state shall 8479

submit a completed application form and all of the material and 8480
information described in divisions (B) (1) to (7) of this section 8481
to the sheriff of the county in which the applicant is employed 8482
or to the sheriff of any county adjacent to the county in which 8483
the applicant is employed: 8484

(1) (a) A nonrefundable license fee as described in either 8485
of the following: 8486

(i) For an applicant who has been a resident of this state 8487
for five or more years, a fee of sixty-seven dollars; 8488

(ii) For an applicant who has been a resident of this 8489
state for less than five years or who is not a resident of this 8490
state, but who is employed in this state, a fee of sixty-seven 8491
dollars plus the actual cost of having a background check 8492
performed by the federal bureau of investigation. 8493

(b) No sheriff shall require an applicant to pay for the 8494
cost of a background check performed by the bureau of criminal 8495
identification and investigation. 8496

(c) A sheriff shall waive the payment of the license fee 8497
described in division (B) (1) (a) of this section in connection 8498
with an initial or renewal application for a license that is 8499
submitted by an applicant who is an active or reserve member of 8500
the armed forces of the United States or has retired from or was 8501
honorably discharged from military service in the active or 8502
reserve armed forces of the United States, a retired peace 8503
officer, a retired person described in division (B) (1) (b) of 8504
section 109.77 of the Revised Code, or a retired federal law 8505
enforcement officer who, prior to retirement, was authorized 8506
under federal law to carry a firearm in the course of duty, 8507
unless the retired peace officer, person, or federal law 8508

enforcement officer retired as the result of a mental 8509
disability. 8510

(d) The sheriff shall deposit all fees paid by an 8511
applicant under division (B) (1) (a) of this section into the 8512
sheriff's concealed handgun license issuance fund established 8513
pursuant to section 311.42 of the Revised Code. The county shall 8514
distribute the fees in accordance with section 311.42 of the 8515
Revised Code. 8516

(2) A color photograph of the applicant that was taken 8517
within thirty days prior to the date of the application; 8518

(3) One or more of the following competency 8519
certifications, each of which shall reflect that, regarding a 8520
certification described in division (B) (3) (a), (b), (c), (e), or 8521
(f) of this section, within the three years immediately 8522
preceding the application the applicant has performed that to 8523
which the competency certification relates and that, regarding a 8524
certification described in division (B) (3) (d) of this section, 8525
the applicant currently is an active or reserve member of the 8526
armed forces of the United States, the applicant has retired 8527
from or was honorably discharged from military service in the 8528
active or reserve armed forces of the United States, or within 8529
the ten years immediately preceding the application the 8530
retirement of the peace officer, person described in division 8531
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 8532
enforcement officer to which the competency certification 8533
relates occurred: 8534

(a) An original or photocopy of a certificate of 8535
completion of a firearms safety, training, or requalification or 8536
firearms safety instructor course, class, or program that was 8537
offered by or under the auspices of a national gun advocacy 8538

organization and that complies with the requirements set forth 8539
in division (G) of this section; 8540

(b) An original or photocopy of a certificate of 8541
completion of a firearms safety, training, or requalification or 8542
firearms safety instructor course, class, or program that 8543
satisfies all of the following criteria: 8544

(i) It was open to members of the general public. 8545

(ii) It utilized qualified instructors who were certified 8546
by a national gun advocacy organization, the executive director 8547
of the Ohio peace officer training commission pursuant to 8548
section 109.75 or 109.78 of the Revised Code, or a governmental 8549
official or entity of another state. 8550

(iii) It was offered by or under the auspices of a law 8551
enforcement agency of this or another state or the United 8552
States, a public or private college, university, or other 8553
similar postsecondary educational institution located in this or 8554
another state, a firearms training school located in this or 8555
another state, or another type of public or private entity or 8556
organization located in this or another state. 8557

(iv) It complies with the requirements set forth in 8558
division (G) of this section. 8559

(c) An original or photocopy of a certificate of 8560
completion of a state, county, municipal, or department of 8561
natural resources peace officer training school that is approved 8562
by the executive director of the Ohio peace officer training 8563
commission pursuant to section 109.75 of the Revised Code and 8564
that complies with the requirements set forth in division (G) of 8565
this section, or the applicant has satisfactorily completed and 8566
been issued a certificate of completion of a basic firearms 8567

training program, a firearms requalification training program, 8568
or another basic training program described in section 109.78 or 8569
109.801 of the Revised Code that complies with the requirements 8570
set forth in division (G) of this section; 8571

(d) A document that evidences both of the following: 8572

(i) That the applicant is an active or reserve member of 8573
the armed forces of the United States, has retired from or was 8574
honorably discharged from military service in the active or 8575
reserve armed forces of the United States, is a retired trooper 8576
of the state highway patrol, or is a retired peace officer or 8577
federal law enforcement officer described in division (B)(1) of 8578
this section or a retired person described in division (B)(1)(b) 8579
of section 109.77 of the Revised Code and division (B)(1) of 8580
this section; 8581

(ii) That, through participation in the military service 8582
or through the former employment described in division (B)(3)(d) 8583
(i) of this section, the applicant acquired experience with 8584
handling handguns or other firearms, and the experience so 8585
acquired was equivalent to training that the applicant could 8586
have acquired in a course, class, or program described in 8587
division (B)(3)(a), (b), or (c) of this section. 8588

(e) A certificate or another similar document that 8589
evidences satisfactory completion of a firearms training, 8590
safety, or requalification or firearms safety instructor course, 8591
class, or program that is not otherwise described in division 8592
(B)(3)(a), (b), (c), or (d) of this section, that was conducted 8593
by an instructor who was certified by an official or entity of 8594
the government of this or another state or the United States or 8595
by a national gun advocacy organization, and that complies with 8596
the requirements set forth in division (G) of this section; 8597

(f) An affidavit that attests to the applicant's 8598
satisfactory completion of a course, class, or program described 8599
in division (B) (3) (a), (b), (c), or (e) of this section and that 8600
is subscribed by the applicant's instructor or an authorized 8601
representative of the entity that offered the course, class, or 8602
program or under whose auspices the course, class, or program 8603
was offered; 8604

(g) A document that evidences that the applicant has 8605
successfully completed the Ohio peace officer training program 8606
described in section 109.79 of the Revised Code. 8607

(4) A certification by the applicant that the applicant 8608
has read the pamphlet prepared by the Ohio peace officer 8609
training commission pursuant to section 109.731 of the Revised 8610
Code that reviews firearms, dispute resolution, and use of 8611
deadly force matters. 8612

(5) A set of fingerprints of the applicant provided as 8613
described in section 311.41 of the Revised Code through use of 8614
an electronic fingerprint reading device or, if the sheriff to 8615
whom the application is submitted does not possess and does not 8616
have ready access to the use of such a reading device, on a 8617
standard impression sheet prescribed pursuant to division (C) (2) 8618
of section 109.572 of the Revised Code. 8619

(6) If the applicant is not a citizen or national of the 8620
United States, the name of the applicant's country of 8621
citizenship and the applicant's alien registration number issued 8622
by the United States citizenship and immigration services 8623
agency. 8624

(7) If the applicant resides in another state, adequate 8625
proof of employment in Ohio. 8626

(C) Upon receipt of the completed application form, 8627
supporting documentation, and, if not waived, license fee of an 8628
applicant under this section, a sheriff, in the manner specified 8629
in section 311.41 of the Revised Code, shall conduct or cause to 8630
be conducted the criminal records check and the incompetency 8631
records check described in section 311.41 of the Revised Code. 8632

(D) (1) Except as provided in division (D) (3) of this 8633
section, within forty-five days after a sheriff's receipt of an 8634
applicant's completed application form for a concealed handgun 8635
license under this section, the supporting documentation, and, 8636
if not waived, the license fee, the sheriff shall make available 8637
through the law enforcement automated data system in accordance 8638
with division (H) of this section the information described in 8639
that division and, upon making the information available through 8640
the system, shall issue to the applicant a concealed handgun 8641
license that shall expire as described in division (D) (2) (a) of 8642
this section if all of the following apply: 8643

(a) The applicant is legally living in the United States. 8644
For purposes of division (D) (1) (a) of this section, if a person 8645
is absent from the United States in compliance with military or 8646
naval orders as an active or reserve member of the armed forces 8647
of the United States and if prior to leaving the United States 8648
the person was legally living in the United States, the person, 8649
solely by reason of that absence, shall not be considered to 8650
have lost the person's status as living in the United States. 8651

(b) The applicant is at least twenty-one years of age. 8652

(c) The applicant is not a fugitive from justice. 8653

(d) The applicant is not under indictment for or otherwise 8654
charged with a felony; an offense under Chapter 2925., 3719., or 8655

4729. of the Revised Code that involves the illegal possession, 8656
use, sale, administration, or distribution of or trafficking in 8657
a drug of abuse; a misdemeanor offense of violence; or a 8658
violation of section 2903.14 or 2923.1211 of the Revised Code. 8659

(e) Except as otherwise provided in division (D) (4) or (5) 8660
of this section, the applicant has not been convicted of or 8661
pleaded guilty to a felony or an offense under Chapter 2925., 8662
3719., or 4729. of the Revised Code that involves the illegal 8663
possession, use, sale, administration, or distribution of or 8664
trafficking in a drug of abuse; has not been adjudicated a 8665
delinquent child for committing an act that if committed by an 8666
adult would be a felony or would be an offense under Chapter 8667
2925., 3719., or 4729. of the Revised Code that involves the 8668
illegal possession, use, sale, administration, or distribution 8669
of or trafficking in a drug of abuse; has not been convicted of, 8670
pleaded guilty to, or adjudicated a delinquent child for 8671
committing a violation of section 2903.13 of the Revised Code 8672
when the victim of the violation is a peace officer, regardless 8673
of whether the applicant was sentenced under division (C) (4) of 8674
that section; and has not been convicted of, pleaded guilty to, 8675
or adjudicated a delinquent child for committing any other 8676
offense that is not previously described in this division that 8677
is a misdemeanor punishable by imprisonment for a term exceeding 8678
one year. 8679

(f) Except as otherwise provided in division (D) (4) or (5) 8680
of this section, the applicant, within three years of the date 8681
of the application, has not been convicted of or pleaded guilty 8682
to a misdemeanor offense of violence other than a misdemeanor 8683
violation of section 2921.33 of the Revised Code or a violation 8684
of section 2903.13 of the Revised Code when the victim of the 8685
violation is a peace officer, or a misdemeanor violation of 8686

section 2923.1211 of the Revised Code; and has not been 8687
adjudicated a delinquent child for committing an act that if 8688
committed by an adult would be a misdemeanor offense of violence 8689
other than a misdemeanor violation of section 2921.33 of the 8690
Revised Code or a violation of section 2903.13 of the Revised 8691
Code when the victim of the violation is a peace officer or for 8692
committing an act that if committed by an adult would be a 8693
misdemeanor violation of section 2923.1211 of the Revised Code. 8694

(g) Except as otherwise provided in division (D)(1)(e) of 8695
this section, the applicant, within five years of the date of 8696
the application, has not been convicted of, pleaded guilty to, 8697
or adjudicated a delinquent child for committing two or more 8698
violations of section 2903.13 or 2903.14 of the Revised Code. 8699

(h) Except as otherwise provided in division (D)(4) or (5) 8700
of this section, the applicant, within ten years of the date of 8701
the application, has not been convicted of, pleaded guilty to, 8702
or adjudicated a delinquent child for committing a violation of 8703
section 2921.33 of the Revised Code. 8704

(i) The applicant has not been adjudicated as a mental 8705
defective, has not been committed to any mental institution, is 8706
not under adjudication of mental incompetence, has not been 8707
found by a court to be a mentally ill person subject to court 8708
order, and is not an involuntary patient other than one who is a 8709
patient only for purposes of observation. As used in this 8710
division, "mentally ill person subject to court order" and 8711
"patient" have the same meanings as in section 5122.01 of the 8712
Revised Code. 8713

(j) The applicant is not currently subject to a civil 8714
protection order, a temporary protection order, or a protection 8715
order issued by a court of another state. 8716

(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. 8746

(s) The applicant has not been convicted of, pleaded 8747
guilty to, or adjudicated a delinquent child for committing a 8748
violation of section 2919.25 of the Revised Code or a similar 8749
violation in another state. 8750

(2) (a) A concealed handgun license that a sheriff issues 8751
under division (D) (1) of this section shall expire five years 8752
after the date of issuance. 8753

If a sheriff issues a license under this section, the 8754
sheriff shall place on the license a unique combination of 8755
letters and numbers identifying the license in accordance with 8756
the procedure prescribed by the Ohio peace officer training 8757
commission pursuant to section 109.731 of the Revised Code. 8758

(b) If a sheriff denies an application under this section 8759
because the applicant does not satisfy the criteria described in 8760
division (D) (1) of this section, the sheriff shall specify the 8761
grounds for the denial in a written notice to the applicant. The 8762
applicant may appeal the denial pursuant to section 119.12 of 8763
the Revised Code in the county served by the sheriff who denied 8764
the application. If the denial was as a result of the criminal 8765
records check conducted pursuant to section 311.41 of the 8766
Revised Code and if, pursuant to section 2923.127 of the Revised 8767
Code, the applicant challenges the criminal records check 8768
results using the appropriate challenge and review procedure 8769
specified in that section, the time for filing the appeal 8770
pursuant to section 119.12 of the Revised Code and this division 8771
is tolled during the pendency of the request or the challenge 8772
and review. 8773

(c) If the court in an appeal under section 119.12 of the 8774

Revised Code and division (D) (2) (b) of this section enters a 8775
judgment sustaining the sheriff's refusal to grant to the 8776
applicant a concealed handgun license, the applicant may file a 8777
new application beginning one year after the judgment is 8778
entered. If the court enters a judgment in favor of the 8779
applicant, that judgment shall not restrict the authority of a 8780
sheriff to suspend or revoke the license pursuant to section 8781
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 8782
the license for any proper cause that may occur after the date 8783
the judgment is entered. In the appeal, the court shall have 8784
full power to dispose of all costs. 8785

(3) If the sheriff with whom an application for a 8786
concealed handgun license was filed under this section becomes 8787
aware that the applicant has been arrested for or otherwise 8788
charged with an offense that would disqualify the applicant from 8789
holding the license, the sheriff shall suspend the processing of 8790
the application until the disposition of the case arising from 8791
the arrest or charge. 8792

(4) If an applicant has been convicted of or pleaded 8793
guilty to an offense identified in division (D) (1) (e), (f), or 8794
(h) of this section or has been adjudicated a delinquent child 8795
for committing an act or violation identified in any of those 8796
divisions, and if a court has ordered the sealing or expungement 8797
of the records of that conviction, guilty plea, or adjudication 8798
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 8799
~~2953.36, or section 2953.37~~ 2953.35, or section 2953.39 of the 8800
Revised Code or the applicant has been relieved under operation 8801
of law or legal process from the disability imposed pursuant to 8802
section 2923.13 of the Revised Code relative to that conviction, 8803
guilty plea, or adjudication, the sheriff with whom the 8804
application was submitted shall not consider the conviction, 8805

guilty plea, or adjudication in making a determination under 8806
division (D)(1) or (F) of this section or, in relation to an 8807
application for a concealed handgun license on a temporary 8808
emergency basis submitted under section 2923.1213 of the Revised 8809
Code, in making a determination under division (B)(2) of that 8810
section. 8811

(5) If an applicant has been convicted of or pleaded 8812
guilty to a minor misdemeanor offense or has been adjudicated a 8813
delinquent child for committing an act or violation that is a 8814
minor misdemeanor offense, the sheriff with whom the application 8815
was submitted shall not consider the conviction, guilty plea, or 8816
adjudication in making a determination under division (D)(1) or 8817
(F) of this section or, in relation to an application for a 8818
concealed handgun license on a temporary basis submitted under 8819
section 2923.1213 of the Revised Code, in making a determination 8820
under division (B)(2) of that section. 8821

(E) If a concealed handgun license issued under this 8822
section is lost or is destroyed, the licensee may obtain from 8823
the sheriff who issued that license a duplicate license upon the 8824
payment of a fee of fifteen dollars and the submission of an 8825
affidavit attesting to the loss or destruction of the license. 8826
The sheriff, in accordance with the procedures prescribed in 8827
section 109.731 of the Revised Code, shall place on the 8828
replacement license a combination of identifying numbers 8829
different from the combination on the license that is being 8830
replaced. 8831

(F)(1)(a) Except as provided in division (F)(1)(b) of this 8832
section, a licensee who wishes to renew a concealed handgun 8833
license issued under this section may do so at any time before 8834
the expiration date of the license or at any time after the 8835

expiration date of the license by filing with the sheriff of the 8836
county in which the applicant resides or with the sheriff of an 8837
adjacent county, or in the case of an applicant who resides in 8838
another state with the sheriff of the county that issued the 8839
applicant's previous concealed handgun license an application 8840
for renewal of the license obtained pursuant to division (D) of 8841
this section, a certification by the applicant that, subsequent 8842
to the issuance of the license, the applicant has reread the 8843
pamphlet prepared by the Ohio peace officer training commission 8844
pursuant to section 109.731 of the Revised Code that reviews 8845
firearms, dispute resolution, and use of deadly force matters, 8846
and a nonrefundable license renewal fee in an amount determined 8847
pursuant to division (F) (4) of this section unless the fee is 8848
waived. 8849

(b) A person on active duty in the armed forces of the 8850
United States or in service with the peace corps, volunteers in 8851
service to America, or the foreign service of the United States 8852
is exempt from the license requirements of this section for the 8853
period of the person's active duty or service and for six months 8854
thereafter, provided the person was a licensee under this 8855
section at the time the person commenced the person's active 8856
duty or service or had obtained a license while on active duty 8857
or service. The spouse or a dependent of any such person on 8858
active duty or in service also is exempt from the license 8859
requirements of this section for the period of the person's 8860
active duty or service and for six months thereafter, provided 8861
the spouse or dependent was a licensee under this section at the 8862
time the person commenced the active duty or service or had 8863
obtained a license while the person was on active duty or 8864
service, and provided further that the person's active duty or 8865
service resulted in the spouse or dependent relocating outside 8866

of this state during the period of the active duty or service. 8867
This division does not prevent such a person or the person's 8868
spouse or dependent from making an application for the renewal 8869
of a concealed handgun license during the period of the person's 8870
active duty or service. 8871

(2) A sheriff shall accept a completed renewal 8872
application, the license renewal fee, and the information 8873
specified in division (F)(1) of this section at the times and in 8874
the manners described in division (I) of this section. Upon 8875
receipt of a completed renewal application, of certification 8876
that the applicant has reread the specified pamphlet prepared by 8877
the Ohio peace officer training commission, and of a license 8878
renewal fee unless the fee is waived, a sheriff, in the manner 8879
specified in section 311.41 of the Revised Code shall conduct or 8880
cause to be conducted the criminal records check and the 8881
incompetency records check described in section 311.41 of the 8882
Revised Code. The sheriff shall renew the license if the sheriff 8883
determines that the applicant continues to satisfy the 8884
requirements described in division (D)(1) of this section, 8885
except that the applicant is not required to meet the 8886
requirements of division (D)(1)(1) of this section. A renewed 8887
license shall expire five years after the date of issuance. A 8888
renewed license is subject to division (E) of this section and 8889
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 8890
shall comply with divisions (D)(2) and (3) of this section when 8891
the circumstances described in those divisions apply to a 8892
requested license renewal. If a sheriff denies the renewal of a 8893
concealed handgun license, the applicant may appeal the denial, 8894
or challenge the criminal record check results that were the 8895
basis of the denial if applicable, in the same manner as 8896
specified in division (D)(2)(b) of this section and in section 8897

2923.127 of the Revised Code, regarding the denial of a license 8898
under this section. 8899

(3) A renewal application submitted pursuant to division 8900
(F) of this section shall only require the licensee to list on 8901
the application form information and matters occurring since the 8902
date of the licensee's last application for a license pursuant 8903
to division (B) or (F) of this section. A sheriff conducting the 8904
criminal records check and the incompetency records check 8905
described in section 311.41 of the Revised Code shall conduct 8906
the check only from the date of the licensee's last application 8907
for a license pursuant to division (B) or (F) of this section 8908
through the date of the renewal application submitted pursuant 8909
to division (F) of this section. 8910

(4) An applicant for a renewal concealed handgun license 8911
under this section shall submit to the sheriff of the county in 8912
which the applicant resides or to the sheriff of any county 8913
adjacent to the county in which the applicant resides, or in the 8914
case of an applicant who resides in another state to the sheriff 8915
of the county that issued the applicant's previous concealed 8916
handgun license, a nonrefundable license fee as described in 8917
either of the following: 8918

(a) For an applicant who has been a resident of this state 8919
for five or more years, a fee of fifty dollars; 8920

(b) For an applicant who has been a resident of this state 8921
for less than five years or who is not a resident of this state 8922
but who is employed in this state, a fee of fifty dollars plus 8923
the actual cost of having a background check performed by the 8924
federal bureau of investigation. 8925

(5) The concealed handgun license of a licensee who is no 8926

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: 8956

(a) A written section, provided as described in division 8957
(G) (3) of this section, on the ability to name and explain the 8958
rules for the safe handling of a handgun and proper storage 8959
practices for handguns and ammunition; 8960

(b) An in-person physical demonstration of competence in 8961
the use of a handgun and in the rules for safe handling and 8962
storage of a handgun and a physical demonstration of the 8963
attitude necessary to shoot a handgun in a safe manner. 8964

(3) (a) Except as otherwise provided in this division, the 8965
training specified in division (G) (1) (a) of this section shall 8966
be provided to the person receiving the training in person by an 8967
instructor. If the training specified in division (G) (1) (a) of 8968
this section is provided by a course, class, or program 8969
described in division (B) (3) (a) of this section, or it is 8970
provided by a course, class, or program described in division 8971
(B) (3) (b), (c), or (e) of this section and the instructor is a 8972
qualified instructor certified by a national gun advocacy 8973
organization, the training so specified, other than the training 8974
that requires the person receiving the training to demonstrate 8975
handling abilities, may be provided online or as a combination 8976
of in-person and online training, as long as the online training 8977
includes an interactive component that regularly engages the 8978
person. 8979

(b) Except as otherwise provided in this division, the 8980
written section of the competency examination specified in 8981
division (G) (2) (a) of this section shall be administered to the 8982
person taking the competency examination in person by an 8983
instructor. If the training specified in division (G) (1) (a) of 8984
this section is provided to the person receiving the training by 8985

a course, class, or program described in division (B) (3) (a) of 8986
this section, or it is provided by a course, class, or program 8987
described in division (B) (3) (b), (c), or (e) of this section and 8988
the instructor is a qualified instructor certified by a national 8989
gun advocacy organization, the written section of the competency 8990
examination specified in division (G) (2) (a) of this section may 8991
be administered online, as long as the online training includes 8992
an interactive component that regularly engages the person. 8993

(4) The competency certification described in division (B) 8994
(3) (a), (b), (c), or (e) of this section shall be dated and 8995
shall attest that the course, class, or program the applicant 8996
successfully completed met the requirements described in 8997
division (G) (1) of this section and that the applicant passed 8998
the competency examination described in division (G) (2) of this 8999
section. 9000

(H) Upon deciding to issue a concealed handgun license, 9001
deciding to issue a replacement concealed handgun license, or 9002
deciding to renew a concealed handgun license pursuant to this 9003
section, and before actually issuing or renewing the license, 9004
the sheriff shall make available through the law enforcement 9005
automated data system all information contained on the license. 9006
If the license subsequently is suspended under division (A) (1) 9007
or (2) of section 2923.128 of the Revised Code, revoked pursuant 9008
to division (B) (1) of section 2923.128 of the Revised Code, or 9009
lost or destroyed, the sheriff also shall make available through 9010
the law enforcement automated data system a notation of that 9011
fact. The superintendent of the state highway patrol shall 9012
ensure that the law enforcement automated data system is so 9013
configured as to permit the transmission through the system of 9014
the information specified in this division. 9015

(I) (1) A sheriff shall accept a completed application form 9016
or renewal application, and the fee, items, materials, and 9017
information specified in divisions (B) (1) to (5) or division (F) 9018
of this section, whichever is applicable, and shall provide an 9019
application form or renewal application to any person during at 9020
least fifteen hours a week and shall provide the web site 9021
address at which a printable version of the application form 9022
that can be downloaded and the pamphlet described in division 9023
(B) of section 109.731 of the Revised Code may be found at any 9024
time, upon request. The sheriff shall post notice of the hours 9025
during which the sheriff is available to accept or provide the 9026
information described in this division. 9027

(2) A sheriff shall transmit a notice to the attorney 9028
general, in a manner determined by the attorney general, every 9029
time a license is issued that waived payment under division (B) 9030
(1) (c) of this section for an applicant who is an active or 9031
reserve member of the armed forces of the United States or has 9032
retired from or was honorably discharged from military service 9033
in the active or reserve armed forces of the United States. The 9034
attorney general shall monitor and inform sheriffs issuing 9035
licenses under this section when the amount of license fee 9036
payments waived and transmitted to the attorney general reach 9037
one million five hundred thousand dollars each year. Once a 9038
sheriff is informed that the payments waived reached one million 9039
five hundred thousand dollars in any year, a sheriff shall no 9040
longer waive payment of a license fee for an applicant who is an 9041
active or reserve member of the armed forces of the United 9042
States or has retired from or was honorably discharged from 9043
military service in the active or reserve armed forces of the 9044
United States for the remainder of that year. 9045

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 9046

concealed handgun license is arrested for or otherwise charged 9047
with an offense described in division (D) (1) (d) of section 9048
2923.125 of the Revised Code or with a violation of section 9049
2923.15 of the Revised Code or becomes subject to a temporary 9050
protection order or to a protection order issued by a court of 9051
another state that is substantially equivalent to a temporary 9052
protection order, the sheriff who issued the license shall 9053
suspend it and shall comply with division (A) (3) of this section 9054
upon becoming aware of the arrest, charge, or protection order. 9055
Upon suspending the license, the sheriff also shall comply with 9056
division (H) of section 2923.125 of the Revised Code. 9057

(b) A suspension under division (A) (1) (a) of this section 9058
shall be considered as beginning on the date that the licensee 9059
is arrested for or otherwise charged with an offense described 9060
in that division or on the date the appropriate court issued the 9061
protection order described in that division, irrespective of 9062
when the sheriff notifies the licensee under division (A) (3) of 9063
this section. The suspension shall end on the date on which the 9064
charges are dismissed or the licensee is found not guilty of the 9065
offense described in division (A) (1) (a) of this section or, 9066
subject to division (B) of this section, on the date the 9067
appropriate court terminates the protection order described in 9068
that division. If the suspension so ends, the sheriff shall 9069
return the license or temporary emergency license to the 9070
licensee. 9071

(2) (a) If a licensee holding a valid concealed handgun 9072
license is convicted of or pleads guilty to a misdemeanor 9073
violation of division (B) (2) or (4) of section 2923.12 of the 9074
Revised Code or of division (E) (3) or (5) of section 2923.16 of 9075
the Revised Code, subject to division (C) of this section, the 9076
sheriff who issued the license shall suspend it and shall comply 9077

with division (A) (3) of this section upon becoming aware of the 9078
conviction or guilty plea. Upon suspending the license, the 9079
sheriff also shall comply with division (H) of section 2923.125 9080
of the Revised Code. 9081

(b) A suspension under division (A) (2) (a) of this section 9082
shall be considered as beginning on the date that the licensee 9083
is convicted of or pleads guilty to the offense described in 9084
that division, irrespective of when the sheriff notifies the 9085
licensee under division (A) (3) of this section. If the 9086
suspension is imposed for a misdemeanor violation of division 9087
(B) (2) of section 2923.12 of the Revised Code or of division (E) 9088
(3) of section 2923.16 of the Revised Code, it shall end on the 9089
date that is one year after the date that the licensee is 9090
convicted of or pleads guilty to that violation. If the 9091
suspension is imposed for a misdemeanor violation of division 9092
(B) (4) of section 2923.12 of the Revised Code or of division (E) 9093
(5) of section 2923.16 of the Revised Code, it shall end on the 9094
date that is two years after the date that the licensee is 9095
convicted of or pleads guilty to that violation. If the 9096
licensee's license was issued under section 2923.125 of the 9097
Revised Code and the license remains valid after the suspension 9098
ends as described in this division, when the suspension ends, 9099
the sheriff shall return the license to the licensee. If the 9100
licensee's license was issued under section 2923.125 of the 9101
Revised Code and the license expires before the suspension ends 9102
as described in this division, or if the licensee's license was 9103
issued under section 2923.1213 of the Revised Code, the licensee 9104
is not eligible to apply for a new license under section 9105
2923.125 or 2923.1213 of the Revised Code or to renew the 9106
license under section 2923.125 of the Revised Code until after 9107
the suspension ends as described in this division. 9108

(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, 9138
the licensee becomes subject to a civil protection order or to a 9139
protection order issued by a court of another state that is 9140
substantially equivalent to a civil protection order. 9141

(e) The licensee knowingly carries a concealed handgun 9142
into a place that the licensee knows is an unauthorized place 9143
specified in division (B) of section 2923.126 of the Revised 9144
Code. 9145

(f) On or after the date on which the license was issued, 9146
the licensee is adjudicated as a mental defective or is 9147
committed to a mental institution. 9148

(g) At the time of the issuance of the license, the 9149
licensee did not meet the residency requirements described in 9150
division (D)(1) of section 2923.125 of the Revised Code and 9151
currently does not meet the residency requirements described in 9152
that division. 9153

(h) Regarding a license issued under section 2923.125 of 9154
the Revised Code, the competency certificate the licensee 9155
submitted was forged or otherwise was fraudulent. 9156

(2) Upon becoming aware of any circumstance listed in 9157
division (B)(1) of this section that applies to a particular 9158
licensee who was issued a concealed handgun license, subject to 9159
division (C) of this section, the sheriff who issued the license 9160
to the licensee shall notify the licensee, by certified mail, 9161
return receipt requested, at the licensee's last known residence 9162
address that the license is subject to revocation and that the 9163
licensee may come to the sheriff's office and contest the 9164
sheriff's proposed revocation within fourteen days of the date 9165
on which the notice was mailed. After the fourteen-day period 9166

and after consideration of any information that the licensee 9167
provides during that period, if the sheriff determines on the 9168
basis of the information of which the sheriff is aware that the 9169
licensee is described in division (B) (1) of this section and no 9170
longer satisfies the requirements described in division (D) (1) 9171
of section 2923.125 of the Revised Code that are applicable to 9172
the licensee's type of license, the sheriff shall revoke the 9173
license, notify the licensee of that fact, and require the 9174
licensee to surrender the license. Upon revoking the license, 9175
the sheriff also shall comply with division (H) of section 9176
2923.125 of the Revised Code. 9177

(C) If a sheriff who issues a concealed handgun license to 9178
a licensee becomes aware that at the time of the issuance of the 9179
license the licensee had been convicted of or pleaded guilty to 9180
an offense identified in division (D) (1) (e), (f), or (h) of 9181
section 2923.125 of the Revised Code or had been adjudicated a 9182
delinquent child for committing an act or violation identified 9183
in any of those divisions or becomes aware that on or after the 9184
date on which the license was issued the licensee has been 9185
convicted of or pleaded guilty to an offense identified in 9186
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 9187
shall not consider that conviction, guilty plea, or adjudication 9188
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 9189
(1), and (B) (2) of this section if a court has ordered the 9190
sealing or expungement of the records of that conviction, guilty 9191
plea, or adjudication pursuant to sections 2151.355 to 2151.358 9192
~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or section 2953.39 of 9193
the Revised Code or the licensee has been relieved under 9194
operation of law or legal process from the disability imposed 9195
pursuant to section 2923.13 of the Revised Code relative to that 9196
conviction, guilty plea, or adjudication. 9197

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 9198
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Sec. 2923.1213. (A) As used in this section: 9201

(1) "Evidence of imminent danger" means any of the following: 9202
9203

(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; 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. 9209
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(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 9219
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(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: 9221
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(a) Evidence of imminent danger to the person or a member 9226

of the person's family; 9227

(b) A sworn affidavit that contains all of the information 9228
required to be on the license and attesting that the person is 9229
legally living in the United States; is at least twenty-one 9230
years of age; is not a fugitive from justice; is not under 9231
indictment for or otherwise charged with an offense identified 9232
in division (D) (1) (d) of section 2923.125 of the Revised Code; 9233
has not been convicted of or pleaded guilty to an offense, and 9234
has not been adjudicated a delinquent child for committing an 9235
act, identified in division (D) (1) (e) of that section and to 9236
which division (B) (3) of this section does not apply; within 9237
three years of the date of the submission, has not been 9238
convicted of or pleaded guilty to an offense, and has not been 9239
adjudicated a delinquent child for committing an act, identified 9240
in division (D) (1) (f) of that section and to which division (B) 9241
(3) of this section does not apply; within five years of the 9242
date of the submission, has not been convicted of, pleaded 9243
guilty, or adjudicated a delinquent child for committing two or 9244
more violations identified in division (D) (1) (g) of that 9245
section; within ten years of the date of the submission, has not 9246
been convicted of, pleaded guilty, or adjudicated a delinquent 9247
child for committing a violation identified in division (D) (1) 9248
(h) of that section and to which division (B) (3) of this section 9249
does not apply; has not been adjudicated as a mental defective, 9250
has not been committed to any mental institution, is not under 9251
adjudication of mental incompetence, has not been found by a 9252
court to be a mentally ill person subject to court order, and is 9253
not an involuntary patient other than one who is a patient only 9254
for purposes of observation, as described in division (D) (1) (i) 9255
of that section; is not currently subject to a civil protection 9256
order, a temporary protection order, or a protection order 9257

issued by a court of another state, as described in division (D) 9258
(1)(j) of that section; is not currently subject to a suspension 9259
imposed under division (A)(2) of section 2923.128 of the Revised 9260
Code of a concealed handgun license that previously was issued 9261
to the person or a similar suspension imposed by another state 9262
regarding a concealed handgun license issued by that state; is 9263
not an unlawful user of or addicted to any controlled substance 9264
as defined in 21 U.S.C. 802; if applicable, is an alien and has 9265
not been admitted to the United States under a nonimmigrant 9266
visa, as defined in the "Immigration and Nationality Act," 8 9267
U.S.C. 1101(a)(26); has not been discharged from the armed 9268
forces of the United States under dishonorable conditions; if 9269
applicable, has not renounced the applicant's United States 9270
citizenship; and has not been convicted of, pleaded guilty to, 9271
or been adjudicated a delinquent child for committing a 9272
violation identified in division (D)(1)(s) of section 2923.125 9273
of the Revised Code; 9274

(c) A nonrefundable temporary emergency license fee as 9275
described in either of the following: 9276

(i) For an applicant who has been a resident of this state 9277
for five or more years, a fee of fifteen dollars plus the actual 9278
cost of having a background check performed by the bureau of 9279
criminal identification and investigation pursuant to section 9280
311.41 of the Revised Code; 9281

(ii) For an applicant who has been a resident of this 9282
state for less than five years or who is not a resident of this 9283
state, but is temporarily staying in this state, a fee of 9284
fifteen dollars plus the actual cost of having background checks 9285
performed by the federal bureau of investigation and the bureau 9286
of criminal identification and investigation pursuant to section 9287

311.41 of the Revised Code. 9288

(d) A set of fingerprints of the applicant provided as 9289
described in section 311.41 of the Revised Code through use of 9290
an electronic fingerprint reading device or, if the sheriff to 9291
whom the application is submitted does not possess and does not 9292
have ready access to the use of an electronic fingerprint 9293
reading device, on a standard impression sheet prescribed 9294
pursuant to division (C) (2) of section 109.572 of the Revised 9295
Code. If the fingerprints are provided on a standard impression 9296
sheet, the person also shall provide the person's social 9297
security number to the sheriff. 9298

(2) A sheriff shall accept the evidence of imminent 9299
danger, the sworn affidavit, the fee, and the set of 9300
fingerprints required under division (B) (1) of this section at 9301
the times and in the manners described in division (I) of this 9302
section. Upon receipt of the evidence of imminent danger, the 9303
sworn affidavit, the fee, and the set of fingerprints required 9304
under division (B) (1) of this section, the sheriff, in the 9305
manner specified in section 311.41 of the Revised Code, 9306
immediately shall conduct or cause to be conducted the criminal 9307
records check and the incompetency records check described in 9308
section 311.41 of the Revised Code. Immediately upon receipt of 9309
the results of the records checks, the sheriff shall review the 9310
information and shall determine whether the criteria set forth 9311
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 9312
of the Revised Code apply regarding the person. If the sheriff 9313
determines that all of the criteria set forth in divisions (D) 9314
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 9315
Code apply regarding the person, the sheriff shall immediately 9316
make available through the law enforcement automated data system 9317
all information that will be contained on the temporary 9318

emergency license for the person if one is issued, and the 9319
superintendent of the state highway patrol shall ensure that the 9320
system is so configured as to permit the transmission through 9321
the system of that information. Upon making that information 9322
available through the law enforcement automated data system, the 9323
sheriff shall immediately issue to the person a concealed 9324
handgun license on a temporary emergency basis. 9325

If the sheriff denies the issuance of a license on a 9326
temporary emergency basis to the person, the sheriff shall 9327
specify the grounds for the denial in a written notice to the 9328
person. The person may appeal the denial, or challenge criminal 9329
records check results that were the basis of the denial if 9330
applicable, in the same manners specified in division (D) (2) of 9331
section 2923.125 and in section 2923.127 of the Revised Code, 9332
regarding the denial of an application for a concealed handgun 9333
license under that section. 9334

The license on a temporary emergency basis issued under 9335
this division shall be in the form, and shall include all of the 9336
information, described in divisions (A) (2) (a) and (d) of section 9337
109.731 of the Revised Code, and also shall include a unique 9338
combination of identifying letters and numbers in accordance 9339
with division (A) (2) (c) of that section. 9340

The license on a temporary emergency basis issued under 9341
this division is valid for ninety days and may not be renewed. A 9342
person who has been issued a license on a temporary emergency 9343
basis under this division shall not be issued another license on 9344
a temporary emergency basis unless at least four years has 9345
expired since the issuance of the prior license on a temporary 9346
emergency basis. 9347

(3) If a person seeking a concealed handgun license on a 9348

temporary emergency basis has been convicted of or pleaded 9349
guilty to an offense identified in division (D) (1) (e), (f), or 9350
(h) of section 2923.125 of the Revised Code or has been 9351
adjudicated a delinquent child for committing an act or 9352
violation identified in any of those divisions, and if a court 9353
has ordered the sealing or expungement of the records of that 9354
conviction, guilty plea, or adjudication pursuant to sections 9355
2151.355 to 2151.358 ~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or 9356
section 2953.39 of the Revised Code or the applicant has been 9357
relieved under operation of law or legal process from the 9358
disability imposed pursuant to section 2923.13 of the Revised 9359
Code relative to that conviction, guilty plea, or adjudication, 9360
the conviction, guilty plea, or adjudication shall not be 9361
relevant for purposes of the sworn affidavit described in 9362
division (B) (1) (b) of this section, and the person may complete, 9363
and swear to the truth of, the affidavit as if the conviction, 9364
guilty plea, or adjudication never had occurred. 9365

(4) The sheriff shall waive the payment pursuant to 9366
division (B) (1) (c) of this section of the license fee in 9367
connection with an application that is submitted by an applicant 9368
who is a retired peace officer, a retired person described in 9369
division (B) (1) (b) of section 109.77 of the Revised Code, or a 9370
retired federal law enforcement officer who, prior to 9371
retirement, was authorized under federal law to carry a firearm 9372
in the course of duty, unless the retired peace officer, person, 9373
or federal law enforcement officer retired as the result of a 9374
mental disability. 9375

The sheriff shall deposit all fees paid by an applicant 9376
under division (B) (1) (c) of this section into the sheriff's 9377
concealed handgun license issuance fund established pursuant to 9378
section 311.42 of the Revised Code. 9379

(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 9411
(H) of section 2923.125 of the Revised Code applies regarding 9412
any suspension or revocation of a concealed handgun license on a 9413
temporary emergency basis. 9414

(E) A sheriff who issues a concealed handgun license on a 9415
temporary emergency basis under this section shall retain, for 9416
the entire period during which the license is in effect, the 9417
evidence of imminent danger that the person submitted to the 9418
sheriff and that was the basis for the license, or a copy of 9419
that evidence, as appropriate. 9420

(F) If a concealed handgun license on a temporary 9421
emergency basis issued under this section is lost or is 9422
destroyed, the licensee may obtain from the sheriff who issued 9423
that license a duplicate license upon the payment of a fee of 9424
fifteen dollars and the submission of an affidavit attesting to 9425
the loss or destruction of the license. The sheriff, in 9426
accordance with the procedures prescribed in section 109.731 of 9427
the Revised Code, shall place on the replacement license a 9428
combination of identifying numbers different from the 9429
combination on the license that is being replaced. 9430

(G) The attorney general shall prescribe, and shall make 9431
available to sheriffs, a standard form to be used under division 9432
(B) of this section by a person who applies for a concealed 9433
handgun license on a temporary emergency basis on the basis of 9434
imminent danger of a type described in division (A) (1) (a) of 9435
this section. The attorney general shall design the form to 9436
enable applicants to provide the information that is required by 9437
law to be collected, and shall update the form as necessary. 9438
Burdens or restrictions to obtaining a concealed handgun license 9439
that are not expressly prescribed in law shall not be 9440

incorporated into the form. The attorney general shall post a 9441
printable version of the form on the web site of the attorney 9442
general and shall provide the address of the web site to any 9443
person who requests the form. 9444

(H) A sheriff who receives any fees paid by a person under 9445
this section shall deposit all fees so paid into the sheriff's 9446
concealed handgun license issuance expense fund established 9447
under section 311.42 of the Revised Code. 9448

(I) A sheriff shall accept evidence of imminent danger, a 9449
sworn affidavit, the fee, and the set of fingerprints specified 9450
in division (B)(1) of this section at any time during normal 9451
business hours. In no case shall a sheriff require an 9452
appointment, or designate a specific period of time, for the 9453
submission or acceptance of evidence of imminent danger, a sworn 9454
affidavit, the fee, and the set of fingerprints specified in 9455
division (B)(1) of this section, or for the provision to any 9456
person of a standard form to be used for a person to apply for a 9457
concealed handgun license on a temporary emergency basis. 9458

Sec. 2923.16. (A) No person shall knowingly discharge a 9459
firearm while in or on a motor vehicle. 9460

(B) No person shall knowingly transport or have a loaded 9461
firearm in a motor vehicle in such a manner that the firearm is 9462
accessible to the operator or any passenger without leaving the 9463
vehicle. 9464

(C) No person shall knowingly transport or have a firearm 9465
in a motor vehicle, unless the person may lawfully possess that 9466
firearm under applicable law of this state or the United States, 9467
the firearm is unloaded, and the firearm is carried in one of 9468
the following ways: 9469

- (1) In a closed package, box, or case; 9470
- (2) In a compartment that can be reached only by leaving
the vehicle; 9471
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- (3) In plain sight and secured in a rack or holder made
for the purpose; 9473
9474
- (4) If the firearm is at least twenty-four inches in
overall length as measured from the muzzle to the part of the
stock furthest from the muzzle and if the barrel is at least
eighteen inches in length, either in plain sight with the action
open or the weapon stripped, or, if the firearm is of a type on
which the action will not stay open or which cannot easily be
stripped, in plain sight. 9475
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- (D) No person shall knowingly transport or have a loaded
handgun in a motor vehicle if, at the time of that
transportation or possession, any of the following applies: 9482
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- (1) The person is under the influence of alcohol, a drug
of abuse, or a combination of them. 9485
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- (2) The person's whole blood, blood serum or plasma,
breath, or urine contains a concentration of alcohol, a listed
controlled substance, or a listed metabolite of a controlled
substance prohibited for persons operating a vehicle, as
specified in division (A) of section 4511.19 of the Revised
Code, regardless of whether the person at the time of the
transportation or possession as described in this division is
the operator of or a passenger in the motor vehicle. 9487
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- (E) No person who has been issued a concealed handgun
license or who is an active duty member of the armed forces of
the United States and is carrying a valid military
identification card and documentation of successful completion 9495
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of firearms training that meets or exceeds the training 9499
requirements described in division (G) (1) of section 2923.125 of 9500
the Revised Code, who is the driver or an occupant of a motor 9501
vehicle that is stopped as a result of a traffic stop or a stop 9502
for another law enforcement purpose or is the driver or an 9503
occupant of a commercial motor vehicle that is stopped by an 9504
employee of the motor carrier enforcement unit for the purposes 9505
defined in section 5503.34 of the Revised Code, and who is 9506
transporting or has a loaded handgun in the motor vehicle or 9507
commercial motor vehicle in any manner, shall do any of the 9508
following: 9509

(1) Before or at the time a law enforcement officer asks 9510
if the person is carrying a concealed handgun, knowingly fail to 9511
disclose that the person then possesses or has a loaded handgun 9512
in the motor vehicle, provided that it is not a violation of 9513
this division if the person fails to disclose that fact to an 9514
officer during the stop and the person already has notified 9515
another officer of that fact during the same stop; 9516

(2) Before or at the time an employee of the motor carrier 9517
enforcement unit asks if the person is carrying a concealed 9518
handgun, knowingly fail to disclose that the person then 9519
possesses or has a loaded handgun in the commercial motor 9520
vehicle, provided that it is not a violation of this division if 9521
the person fails to disclose that fact to an employee of the 9522
unit during the stop and the person already has notified another 9523
employee of the unit of that fact during the same stop; 9524

(3) Knowingly fail to remain in the motor vehicle while 9525
stopped or knowingly fail to keep the person's hands in plain 9526
sight at any time after any law enforcement officer begins 9527
approaching the person while stopped and before the law 9528

enforcement officer leaves, unless the failure is pursuant to 9529
and in accordance with directions given by a law enforcement 9530
officer; 9531

(4) Knowingly have contact with the loaded handgun by 9532
touching it with the person's hands or fingers in the motor 9533
vehicle at any time after the law enforcement officer begins 9534
approaching and before the law enforcement officer leaves, 9535
unless the person has contact with the loaded handgun pursuant 9536
to and in accordance with directions given by the law 9537
enforcement officer; 9538

(5) Knowingly disregard or fail to comply with any lawful 9539
order of any law enforcement officer given while the motor 9540
vehicle is stopped, including, but not limited to, a specific 9541
order to the person to keep the person's hands in plain sight. 9542

(F) (1) Divisions (A), (B), (C), and (E) of this section do 9543
not apply to any of the following: 9544

(a) An officer, agent, or employee of this or any other 9545
state or the United States, or a law enforcement officer, when 9546
authorized to carry or have loaded or accessible firearms in 9547
motor vehicles and acting within the scope of the officer's, 9548
agent's, or employee's duties; 9549

(b) Any person who is employed in this state, who is 9550
authorized to carry or have loaded or accessible firearms in 9551
motor vehicles, and who is subject to and in compliance with the 9552
requirements of section 109.801 of the Revised Code, unless the 9553
appointing authority of the person has expressly specified that 9554
the exemption provided in division (F) (1) (b) of this section 9555
does not apply to the person. 9556

(2) Division (A) of this section does not apply to a 9557

person if all of the following circumstances apply: 9558

(a) The person discharges a firearm from a motor vehicle 9559
at a coyote or groundhog, the discharge is not during the deer 9560
gun hunting season as set by the chief of the division of 9561
wildlife of the department of natural resources, and the 9562
discharge at the coyote or groundhog, but for the operation of 9563
this section, is lawful. 9564

(b) The motor vehicle from which the person discharges the 9565
firearm is on real property that is located in an unincorporated 9566
area of a township and that either is zoned for agriculture or 9567
is used for agriculture. 9568

(c) The person owns the real property described in 9569
division (F) (2) (b) of this section, is the spouse or a child of 9570
another person who owns that real property, is a tenant of 9571
another person who owns that real property, or is the spouse or 9572
a child of a tenant of another person who owns that real 9573
property. 9574

(d) The person does not discharge the firearm in any of 9575
the following manners: 9576

(i) While under the influence of alcohol, a drug of abuse, 9577
or alcohol and a drug of abuse; 9578

(ii) In the direction of a street, highway, or other 9579
public or private property used by the public for vehicular 9580
traffic or parking; 9581

(iii) At or into an occupied structure that is a permanent 9582
or temporary habitation; 9583

(iv) In the commission of any violation of law, including, 9584
but not limited to, a felony that includes, as an essential 9585

element, purposely or knowingly causing or attempting to cause 9586
the death of or physical harm to another and that was committed 9587
by discharging a firearm from a motor vehicle. 9588

(3) Division (A) of this section does not apply to a 9589
person if all of the following apply: 9590

(a) The person possesses a valid all-purpose vehicle 9591
permit issued under section 1533.103 of the Revised Code by the 9592
chief of the division of wildlife. 9593

(b) The person discharges a firearm at a wild quadruped or 9594
game bird as defined in section 1531.01 of the Revised Code 9595
during the open hunting season for the applicable wild quadruped 9596
or game bird. 9597

(c) The person discharges a firearm from a stationary all- 9598
purpose vehicle as defined in section 1531.01 of the Revised 9599
Code from private or publicly owned lands or from a motor 9600
vehicle that is parked on a road that is owned or administered 9601
by the division of wildlife. 9602

(d) The person does not discharge the firearm in any of 9603
the following manners: 9604

(i) While under the influence of alcohol, a drug of abuse, 9605
or alcohol and a drug of abuse; 9606

(ii) In the direction of a street, a highway, or other 9607
public or private property that is used by the public for 9608
vehicular traffic or parking; 9609

(iii) At or into an occupied structure that is a permanent 9610
or temporary habitation; 9611

(iv) In the commission of any violation of law, including, 9612
but not limited to, a felony that includes, as an essential 9613

element, purposely or knowingly causing or attempting to cause 9614
the death of or physical harm to another and that was committed 9615
by discharging a firearm from a motor vehicle. 9616

(4) Divisions (B) and (C) of this section do not apply to 9617
a person if all of the following circumstances apply: 9618

(a) At the time of the alleged violation of either of 9619
those divisions, the person is the operator of or a passenger in 9620
a motor vehicle. 9621

(b) The motor vehicle is on real property that is located 9622
in an unincorporated area of a township and that either is zoned 9623
for agriculture or is used for agriculture. 9624

(c) The person owns the real property described in 9625
division (F) (4) (b) of this section, is the spouse or a child of 9626
another person who owns that real property, is a tenant of 9627
another person who owns that real property, or is the spouse or 9628
a child of a tenant of another person who owns that real 9629
property. 9630

(d) The person, prior to arriving at the real property 9631
described in division (F) (4) (b) of this section, did not 9632
transport or possess a firearm in the motor vehicle in a manner 9633
prohibited by division (B) or (C) of this section while the 9634
motor vehicle was being operated on a street, highway, or other 9635
public or private property used by the public for vehicular 9636
traffic or parking. 9637

(5) Divisions (B) and (C) of this section do not apply to 9638
a person who transports or possesses a handgun in a motor 9639
vehicle if, at the time of that transportation or possession, 9640
both of the following apply: 9641

(a) The person transporting or possessing the handgun has 9642

been issued a concealed handgun license that is valid at the 9643
time in question or the person is an active duty member of the 9644
armed forces of the United States and is carrying a valid 9645
military identification card and documentation of successful 9646
completion of firearms training that meets or exceeds the 9647
training requirements described in division (G)(1) of section 9648
2923.125 of the Revised Code. 9649

(b) The person transporting or possessing the handgun is 9650
not knowingly in a place described in division (B) of section 9651
2923.126 of the Revised Code. 9652

(6) Divisions (B) and (C) of this section do not apply to 9653
a person if all of the following apply: 9654

(a) The person possesses a valid all-purpose vehicle 9655
permit issued under section 1533.103 of the Revised Code by the 9656
chief of the division of wildlife. 9657

(b) The person is on or in an all-purpose vehicle as 9658
defined in section 1531.01 of the Revised Code or a motor 9659
vehicle during the open hunting season for a wild quadruped or 9660
game bird. 9661

(c) The person is on or in an all-purpose vehicle as 9662
defined in section 1531.01 of the Revised Code on private or 9663
publicly owned lands or on or in a motor vehicle that is parked 9664
on a road that is owned or administered by the division of 9665
wildlife. 9666

(7) Nothing in this section prohibits or restricts a 9667
person from possessing, storing, or leaving a firearm in a 9668
locked motor vehicle that is parked in the state underground 9669
parking garage at the state capitol building or in the parking 9670
garage at the Riffe center for government and the arts in 9671

Columbus, if the person's transportation and possession of the 9672
firearm in the motor vehicle while traveling to the premises or 9673
facility was not in violation of division (A), (B), (C), (D), or 9674
(E) of this section or any other provision of the Revised Code. 9675

(G) (1) The affirmative defenses authorized in divisions 9676
(D) (1) and (2) of section 2923.12 of the Revised Code are 9677
affirmative defenses to a charge under division (B) or (C) of 9678
this section that involves a firearm other than a handgun. 9679

(2) It is an affirmative defense to a charge under 9680
division (B) or (C) of this section of improperly handling 9681
firearms in a motor vehicle that the actor transported or had 9682
the firearm in the motor vehicle for any lawful purpose and 9683
while the motor vehicle was on the actor's own property, 9684
provided that this affirmative defense is not available unless 9685
the person, immediately prior to arriving at the actor's own 9686
property, did not transport or possess the firearm in a motor 9687
vehicle in a manner prohibited by division (B) or (C) of this 9688
section while the motor vehicle was being operated on a street, 9689
highway, or other public or private property used by the public 9690
for vehicular traffic. 9691

(H) (1) No person who is charged with a violation of 9692
division (B), (C), or (D) of this section shall be required to 9693
obtain a concealed handgun license as a condition for the 9694
dismissal of the charge. 9695

(2) (a) If a person is convicted of, was convicted of, 9696
pleads guilty to, or has pleaded guilty to a violation of 9697
division (E) of this section as it existed prior to September 9698
30, 2011, and the conduct that was the basis of the violation no 9699
longer would be a violation of division (E) of this section on 9700
or after September 30, 2011, or if a person is convicted of, was 9701

convicted of, pleads guilty to, or has pleaded guilty to a 9702
violation of division (E) (1) or (2) of this section as it 9703
existed prior to ~~the effective date of this amendment~~ June 13, 9704
2022, the person may file an application under section ~~2953.37~~ 9705
2953.35 of the Revised Code requesting the expungement of the 9706
record of conviction. 9707

If a person is convicted of, was convicted of, pleads 9708
guilty to, or has pleaded guilty to a violation of division (B) 9709
or (C) of this section as the division existed prior to 9710
September 30, 2011, and if the conduct that was the basis of the 9711
violation no longer would be a violation of division (B) or (C) 9712
of this section on or after September 30, 2011, due to the 9713
application of division (F) (5) of this section as it exists on 9714
and after September 30, 2011, the person may file an application 9715
under section ~~2953.37~~ 2953.35 of the Revised Code requesting the 9716
expungement of the record of conviction. 9717

(b) The attorney general shall develop a public media 9718
advisory that summarizes the expungement procedure established 9719
under section ~~2953.37~~ 2953.35 of the Revised Code and the 9720
offenders identified in division (H) (2) (a) of this section and 9721
those identified in division (E) (2) of section 2923.12 of the 9722
Revised Code who are authorized to apply for the expungement. 9723
Within thirty days after September 30, 2011, with respect to 9724
violations of division (B), (C), or (E) of this section as they 9725
existed prior to that date, and within thirty days after ~~the~~ 9726
~~effective date of this amendment~~ June 13, 2022, with respect to 9727
a violation of division (E) (1) or (2) of this section or 9728
division (B) (1) of section 2923.12 of the Revised Code as they 9729
existed prior to ~~the effective date of this amendment~~ June 13, 9730
2022, the attorney general shall provide a copy of the advisory 9731
to each daily newspaper published in this state and each 9732

television station that broadcasts in this state. The attorney 9733
general may provide the advisory in a tangible form, an 9734
electronic form, or in both tangible and electronic forms. 9735

(I) Whoever violates this section is guilty of improperly 9736
handling firearms in a motor vehicle. A violation of division 9737
(A) of this section is a felony of the fourth degree. A 9738
violation of division (C) of this section is a misdemeanor of 9739
the fourth degree. A violation of division (D) of this section 9740
is a felony of the fifth degree or, if the loaded handgun is 9741
concealed on the person's person, a felony of the fourth degree. 9742
A violation of division (E) (1) or (2) of this section is a 9743
misdemeanor of the second degree. A violation of division (E) (4) 9744
of this section is a felony of the fifth degree. A violation of 9745
division (E) (3) or (5) of this section is a misdemeanor of the 9746
first degree or, if the offender previously has been convicted 9747
of or pleaded guilty to a violation of division (E) (3) or (5) of 9748
this section, a felony of the fifth degree. In addition to any 9749
other penalty or sanction imposed for a misdemeanor violation of 9750
division (E) (3) or (5) of this section, the offender's concealed 9751
handgun license shall be suspended pursuant to division (A) (2) 9752
of section 2923.128 of the Revised Code. A violation of division 9753
(B) of this section is a felony of the fourth degree. 9754

(J) If a law enforcement officer stops a motor vehicle for 9755
a traffic stop or any other purpose, if any person in the motor 9756
vehicle surrenders a firearm to the officer, either voluntarily 9757
or pursuant to a request or demand of the officer, and if the 9758
officer does not charge the person with a violation of this 9759
section or arrest the person for any offense, the person is not 9760
otherwise prohibited by law from possessing the firearm, and the 9761
firearm is not contraband, the officer shall return the firearm 9762
to the person at the termination of the stop. If a court orders 9763

a law enforcement officer to return a firearm to a person 9764
pursuant to the requirement set forth in this division, division 9765
(B) of section 2923.163 of the Revised Code applies. 9766

(K) As used in this section: 9767

(1) "Motor vehicle," "street," and "highway" have the same 9768
meanings as in section 4511.01 of the Revised Code. 9769

(2) "Occupied structure" has the same meaning as in 9770
section 2909.01 of the Revised Code. 9771

(3) "Agriculture" has the same meaning as in section 9772
519.01 of the Revised Code. 9773

(4) "Tenant" has the same meaning as in section 1531.01 of 9774
the Revised Code. 9775

(5) (a) "Unloaded" means, with respect to a firearm other 9776
than a firearm described in division (K) (6) of this section, 9777
that no ammunition is in the firearm in question, no magazine or 9778
speed loader containing ammunition is inserted into the firearm 9779
in question, and one of the following applies: 9780

(i) There is no ammunition in a magazine or speed loader 9781
that is in the vehicle in question and that may be used with the 9782
firearm in question. 9783

(ii) Any magazine or speed loader that contains ammunition 9784
and that may be used with the firearm in question is stored in a 9785
compartment within the vehicle in question that cannot be 9786
accessed without leaving the vehicle or is stored in a container 9787
that provides complete and separate enclosure. 9788

(b) For the purposes of division (K) (5) (a) (ii) of this 9789
section, a "container that provides complete and separate 9790
enclosure" includes, but is not limited to, any of the 9791

following: 9792

(i) A package, box, or case with multiple compartments, as 9793
long as the loaded magazine or speed loader and the firearm in 9794
question either are in separate compartments within the package, 9795
box, or case, or, if they are in the same compartment, the 9796
magazine or speed loader is contained within a separate 9797
enclosure in that compartment that does not contain the firearm 9798
and that closes using a snap, button, buckle, zipper, hook and 9799
loop closing mechanism, or other fastener that must be opened to 9800
access the contents or the firearm is contained within a 9801
separate enclosure of that nature in that compartment that does 9802
not contain the magazine or speed loader; 9803

(ii) A pocket or other enclosure on the person of the 9804
person in question that closes using a snap, button, buckle, 9805
zipper, hook and loop closing mechanism, or other fastener that 9806
must be opened to access the contents. 9807

(c) For the purposes of divisions (K) (5) (a) and (b) of 9808
this section, ammunition held in stripper-clips or in en-bloc 9809
clips is not considered ammunition that is loaded into a 9810
magazine or speed loader. 9811

(6) "Unloaded" means, with respect to a firearm employing 9812
a percussion cap, flintlock, or other obsolete ignition system, 9813
when the weapon is uncapped or when the priming charge is 9814
removed from the pan. 9815

(7) "Commercial motor vehicle" has the same meaning as in 9816
division (A) of section 4506.25 of the Revised Code. 9817

(8) "Motor carrier enforcement unit" means the motor 9818
carrier enforcement unit in the department of public safety, 9819
division of state highway patrol, that is created by section 9820

5503.34 of the Revised Code. 9821

(L) Divisions (K) (5) (a) and (b) of this section do not 9822
affect the authority of a person who has been issued a concealed 9823
handgun license that is valid at the time in question to have 9824
one or more magazines or speed loaders containing ammunition 9825
anywhere in a vehicle, without being transported as described in 9826
those divisions, as long as no ammunition is in a firearm, other 9827
than a handgun, in the vehicle other than as permitted under any 9828
other provision of this chapter. A person who has been issued a 9829
concealed handgun license that is valid at the time in question 9830
may have one or more magazines or speed loaders containing 9831
ammunition anywhere in a vehicle without further restriction, as 9832
long as no ammunition is in a firearm, other than a handgun, in 9833
the vehicle other than as permitted under any provision of this 9834
chapter. 9835

Sec. 2925.11. (A) No person shall knowingly obtain, 9836
possess, or use a controlled substance or a controlled substance 9837
analog. 9838

(B) (1) This section does not apply to any of the 9839
following: 9840

(a) Manufacturers, licensed health professionals 9841
authorized to prescribe drugs, pharmacists, owners of 9842
pharmacies, and other persons whose conduct was in accordance 9843
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 9844
4741. of the Revised Code; 9845

(b) If the offense involves an anabolic steroid, any 9846
person who is conducting or participating in a research project 9847
involving the use of an anabolic steroid if the project has been 9848
approved by the United States food and drug administration; 9849

(c) Any person who sells, offers for sale, prescribes, 9850
dispenses, or administers for livestock or other nonhuman 9851
species an anabolic steroid that is expressly intended for 9852
administration through implants to livestock or other nonhuman 9853
species and approved for that purpose under the "Federal Food, 9854
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 9855
as amended, and is sold, offered for sale, prescribed, 9856
dispensed, or administered for that purpose in accordance with 9857
that act; 9858

(d) Any person who obtained the controlled substance 9859
pursuant to a prescription issued by a licensed health 9860
professional authorized to prescribe drugs if the prescription 9861
was issued for a legitimate medical purpose and not altered, 9862
forged, or obtained through deception or commission of a theft 9863
offense. 9864

As used in division (B) (1) (d) of this section, "deception" 9865
and "theft offense" have the same meanings as in section 2913.01 9866
of the Revised Code. 9867

(2) (a) As used in division (B) (2) of this section: 9868

(i) "Community addiction services provider" has the same 9869
meaning as in section 5119.01 of the Revised Code. 9870

(ii) "Community control sanction" and "drug treatment 9871
program" have the same meanings as in section 2929.01 of the 9872
Revised Code. 9873

(iii) "Health care facility" has the same meaning as in 9874
section 2919.16 of the Revised Code. 9875

(iv) "Minor drug possession offense" means a violation of 9876
this section that is a misdemeanor or a felony of the fifth 9877
degree. 9878

(v) "Post-release control sanction" has the same meaning 9879
as in section 2967.28 of the Revised Code. 9880

(vi) "Peace officer" has the same meaning as in section 9881
2935.01 of the Revised Code. 9882

(vii) "Public agency" has the same meaning as in section 9883
2930.01 of the Revised Code. 9884

(viii) "Qualified individual" means a person who is ~~not on~~ 9885
~~community control or post-release control and is a person acting~~ 9886
in good faith who seeks or obtains medical assistance for 9887
another person who is experiencing a drug overdose, a person who 9888
experiences a drug overdose and who seeks medical assistance for 9889
that overdose, or a person who is the subject of another person 9890
seeking or obtaining medical assistance for that overdose as 9891
described in division (B) (2) (b) of this section. 9892

(ix) "Seek or obtain medical assistance" includes, but is 9893
not limited to making a 9-1-1 call, contacting in person or by 9894
telephone call an on-duty peace officer, or transporting or 9895
presenting a person to a health care facility. 9896

(b) Subject to division ~~(B) (2) (f)~~ (B) (2) (e) of this 9897
section, a qualified individual shall not be arrested, charged, 9898
prosecuted, convicted, or penalized pursuant to this chapter for 9899
a minor drug possession offense or a violation of section 9900
2925.12, division (C) (1) of section 2925.14, or section 2925.141 9901
of the Revised Code if all of the following apply: 9902

(i) The evidence of the obtaining, possession, or use of 9903
the controlled substance or controlled substance analog, drug 9904
abuse instruments, or drug paraphernalia that would be the basis 9905
of the offense was obtained as a result of the qualified 9906
individual seeking the medical assistance or experiencing an 9907

overdose and needing medical assistance. 9908

(ii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 9909
section, within thirty days after seeking or obtaining the 9910
medical assistance, the qualified individual seeks and obtains a 9911
screening and receives a referral for treatment from a community 9912
addiction services provider or a properly credentialed addiction 9913
treatment professional. 9914

(iii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 9915
section, the qualified individual who obtains a screening and 9916
receives a referral for treatment under division (B) (2) (b) (ii) 9917
of this section, upon the request of any prosecuting attorney, 9918
submits documentation to the prosecuting attorney that verifies 9919
that the qualified individual satisfied the requirements of that 9920
division. The documentation shall be limited to the date and 9921
time of the screening obtained and referral received. 9922

~~(c) If a person is found to be in violation of any 9923
community control sanction and if the violation is a result of 9924
either of the following, the court shall first consider ordering 9925
the person's participation or continued participation in a drug 9926
treatment program or mitigating the penalty specified in section 9927
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 9928
applicable, after which the court has the discretion either to 9929
order the person's participation or continued participation in a 9930
drug treatment program or to impose the penalty with the 9931
mitigating factor specified in any of those applicable sections: 9932~~

~~(i) Seeking or obtaining medical assistance in good faith 9933
for another person who is experiencing a drug overdose; 9934~~

~~(ii) Experiencing a drug overdose and seeking medical 9935
assistance for that overdose or being the subject of another 9936~~

~~person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.~~ 9937
9938

~~(d) If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in section 2929.141 or 2967.28 of the Revised Code, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:~~ 9939
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~~(i) Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;~~ 9950
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~~(ii) Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section~~ 9952
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If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to division (B) (2) (b) of this section, then division (B) of section 2929.141, division (B) (2) of section 2929.15, division (D) (3) of section 2929.25, or division (F) (3) of section 2967.28 of the Revised Code applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code.

~~(e)~~ (d) Nothing in division (B) (2) (b) of this section shall 9966

be construed to do any of the following: 9967

(i) Limit the admissibility of any evidence in connection 9968
with the investigation or prosecution of a crime with regards to 9969
a defendant who does not qualify for the protections of division 9970
(B) (2) (b) of this section or with regards to any crime other 9971
than a minor drug possession offense or a violation of section 9972
2925.12, division (C) (1) of section 2925.14, or section 2925.141 9973
of the Revised Code committed by a person who qualifies for 9974
protection pursuant to division (B) (2) (b) of this section ~~for a~~ 9975
~~minor drug possession offense;~~ 9976

(ii) Limit any seizure of evidence or contraband otherwise 9977
permitted by law; 9978

(iii) Limit or abridge the authority of a peace officer to 9979
detain or take into custody a person in the course of an 9980
investigation or to effectuate an arrest for any offense except 9981
as provided in that division; 9982

(iv) Limit, modify, or remove any immunity from liability 9983
available pursuant to law in effect prior to September 13, 2016, 9984
to any public agency or to an employee of any public agency. 9985

~~(f)~~ (e) Division (B) (2) (b) of this section does not apply 9986
to any person who twice previously has been granted an immunity 9987
under division (B) (2) (b) of this section. No person shall be 9988
granted an immunity under division (B) (2) (b) of this section 9989
more than two times. 9990

~~(g)~~ (f) Nothing in this section shall compel any qualified 9991
individual to disclose protected health information in a way 9992
that conflicts with the requirements of the "Health Insurance 9993
Portability and Accountability Act of 1996," 104 Pub. L. No. 9994
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 9995

regulations promulgated by the United States department of 9996
health and human services to implement the act or the 9997
requirements of 42 C.F.R. Part 2. 9998

(C) Whoever violates division (A) of this section is 9999
guilty of one of the following: 10000

(1) If the drug involved in the violation is a compound, 10001
mixture, preparation, or substance included in schedule I or II, 10002
with the exception of marihuana, cocaine, L.S.D., heroin, any 10003
fentanyl-related compound, hashish, and any controlled substance 10004
analog, whoever violates division (A) of this section is guilty 10005
of aggravated possession of drugs. The penalty for the offense 10006
shall be determined as follows: 10007

(a) Except as otherwise provided in division (C) (1) (b), 10008
(c), (d), or (e) of this section, aggravated possession of drugs 10009
is a felony of the fifth degree, and division (B) of section 10010
2929.13 of the Revised Code applies in determining whether to 10011
impose a prison term on the offender. 10012

(b) If the amount of the drug involved equals or exceeds 10013
the bulk amount but is less than five times the bulk amount, 10014
aggravated possession of drugs is a felony of the third degree, 10015
and there is a presumption for a prison term for the offense. 10016

(c) If the amount of the drug involved equals or exceeds 10017
five times the bulk amount but is less than fifty times the bulk 10018
amount, aggravated possession of drugs is a felony of the second 10019
degree, and the court shall impose as a mandatory prison term a 10020
second degree felony mandatory prison term. 10021

(d) If the amount of the drug involved equals or exceeds 10022
fifty times the bulk amount but is less than one hundred times 10023
the bulk amount, aggravated possession of drugs is a felony of 10024

the first degree, and the court shall impose as a mandatory 10025
prison term a first degree felony mandatory prison term. 10026

(e) If the amount of the drug involved equals or exceeds 10027
one hundred times the bulk amount, aggravated possession of 10028
drugs is a felony of the first degree, the offender is a major 10029
drug offender, and the court shall impose as a mandatory prison 10030
term a maximum first degree felony mandatory prison term. 10031

(2) If the drug involved in the violation is a compound, 10032
mixture, preparation, or substance included in schedule III, IV, 10033
or V, whoever violates division (A) of this section is guilty of 10034
possession of drugs. The penalty for the offense shall be 10035
determined as follows: 10036

(a) Except as otherwise provided in division (C) (2) (b), 10037
(c), or (d) of this section, possession of drugs is a 10038
misdemeanor of the first degree or, if the offender previously 10039
has been convicted of a drug abuse offense, a felony of the 10040
fifth degree. 10041

(b) If the amount of the drug involved equals or exceeds 10042
the bulk amount but is less than five times the bulk amount, 10043
possession of drugs is a felony of the fourth degree, and 10044
division (C) of section 2929.13 of the Revised Code applies in 10045
determining whether to impose a prison term on the offender. 10046

(c) If the amount of the drug involved equals or exceeds 10047
five times the bulk amount but is less than fifty times the bulk 10048
amount, possession of drugs is a felony of the third degree, and 10049
there is a presumption for a prison term for the offense. 10050

(d) If the amount of the drug involved equals or exceeds 10051
fifty times the bulk amount, possession of drugs is a felony of 10052
the second degree, and the court shall impose upon the offender 10053

as a mandatory prison term a second degree felony mandatory
prison term. 10054
10055

(3) If the drug involved in the violation is marihuana or 10056
a compound, mixture, preparation, or substance containing 10057
marihuana other than hashish, whoever violates division (A) of 10058
this section is guilty of possession of marihuana. The penalty 10059
for the offense shall be determined as follows: 10060

(a) Except as otherwise provided in division (C) (3) (b), 10061
(c), (d), (e), (f), or (g) of this section, possession of 10062
marihuana is a minor misdemeanor. 10063

(b) If the amount of the drug involved equals or exceeds 10064
one hundred grams but is less than two hundred grams, possession 10065
of marihuana is a misdemeanor of the fourth degree. 10066

(c) If the amount of the drug involved equals or exceeds 10067
two hundred grams but is less than one thousand grams, 10068
possession of marihuana is a felony of the fifth degree, and 10069
division (B) of section 2929.13 of the Revised Code applies in 10070
determining whether to impose a prison term on the offender. 10071

(d) If the amount of the drug involved equals or exceeds 10072
one thousand grams but is less than five thousand grams, 10073
possession of marihuana is a felony of the third degree, and 10074
division (C) of section 2929.13 of the Revised Code applies in 10075
determining whether to impose a prison term on the offender. 10076

(e) If the amount of the drug involved equals or exceeds 10077
five thousand grams but is less than twenty thousand grams, 10078
possession of marihuana is a felony of the third degree, and 10079
there is a presumption that a prison term shall be imposed for 10080
the offense. 10081

(f) If the amount of the drug involved equals or exceeds 10082

twenty thousand grams but is less than forty thousand grams, 10083
possession of marihuana is a felony of the second degree, and 10084
the court shall impose as a mandatory prison term a second 10085
degree felony mandatory prison term of five, six, seven, or 10086
eight years. 10087

(g) If the amount of the drug involved equals or exceeds 10088
forty thousand grams, possession of marihuana is a felony of the 10089
second degree, and the court shall impose as a mandatory prison 10090
term a maximum second degree felony mandatory prison term. 10091

(4) If the drug involved in the violation is cocaine or a 10092
compound, mixture, preparation, or substance containing cocaine, 10093
whoever violates division (A) of this section is guilty of 10094
possession of cocaine. The penalty for the offense shall be 10095
determined as follows: 10096

(a) Except as otherwise provided in division (C) (4) (b), 10097
(c), (d), (e), or (f) of this section, possession of cocaine is 10098
a felony of the fifth degree, and division (B) of section 10099
2929.13 of the Revised Code applies in determining whether to 10100
impose a prison term on the offender. 10101

(b) If the amount of the drug involved equals or exceeds 10102
five grams but is less than ten grams of cocaine, possession of 10103
cocaine is a felony of the fourth degree, and division (B) of 10104
section 2929.13 of the Revised Code applies in determining 10105
whether to impose a prison term on the offender. 10106

(c) If the amount of the drug involved equals or exceeds 10107
ten grams but is less than twenty grams of cocaine, possession 10108
of cocaine is a felony of the third degree, and, except as 10109
otherwise provided in this division, there is a presumption for 10110
a prison term for the offense. If possession of cocaine is a 10111

felony of the third degree under this division and if the 10112
offender two or more times previously has been convicted of or 10113
pleaded guilty to a felony drug abuse offense, the court shall 10114
impose as a mandatory prison term one of the prison terms 10115
prescribed for a felony of the third degree. 10116

(d) If the amount of the drug involved equals or exceeds 10117
twenty grams but is less than twenty-seven grams of cocaine, 10118
possession of cocaine is a felony of the second degree, and the 10119
court shall impose as a mandatory prison term a second degree 10120
felony mandatory prison term. 10121

(e) If the amount of the drug involved equals or exceeds 10122
twenty-seven grams but is less than one hundred grams of 10123
cocaine, possession of cocaine is a felony of the first degree, 10124
and the court shall impose as a mandatory prison term a first 10125
degree felony mandatory prison term. 10126

(f) If the amount of the drug involved equals or exceeds 10127
one hundred grams of cocaine, possession of cocaine is a felony 10128
of the first degree, the offender is a major drug offender, and 10129
the court shall impose as a mandatory prison term a maximum 10130
first degree felony mandatory prison term. 10131

(5) If the drug involved in the violation is L.S.D., 10132
whoever violates division (A) of this section is guilty of 10133
possession of L.S.D. The penalty for the offense shall be 10134
determined as follows: 10135

(a) Except as otherwise provided in division (C) (5) (b), 10136
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 10137
felony of the fifth degree, and division (B) of section 2929.13 10138
of the Revised Code applies in determining whether to impose a 10139
prison term on the offender. 10140

(b) If the amount of L.S.D. involved equals or exceeds ten 10141
unit doses but is less than fifty unit doses of L.S.D. in a 10142
solid form or equals or exceeds one gram but is less than five 10143
grams of L.S.D. in a liquid concentrate, liquid extract, or 10144
liquid distillate form, possession of L.S.D. is a felony of the 10145
fourth degree, and division (C) of section 2929.13 of the 10146
Revised Code applies in determining whether to impose a prison 10147
term on the offender. 10148

(c) If the amount of L.S.D. involved equals or exceeds 10149
fifty unit doses, but is less than two hundred fifty unit doses 10150
of L.S.D. in a solid form or equals or exceeds five grams but is 10151
less than twenty-five grams of L.S.D. in a liquid concentrate, 10152
liquid extract, or liquid distillate form, possession of L.S.D. 10153
is a felony of the third degree, and there is a presumption for 10154
a prison term for the offense. 10155

(d) If the amount of L.S.D. involved equals or exceeds two 10156
hundred fifty unit doses but is less than one thousand unit 10157
doses of L.S.D. in a solid form or equals or exceeds twenty-five 10158
grams but is less than one hundred grams of L.S.D. in a liquid 10159
concentrate, liquid extract, or liquid distillate form, 10160
possession of L.S.D. is a felony of the second degree, and the 10161
court shall impose as a mandatory prison term a second degree 10162
felony mandatory prison term. 10163

(e) If the amount of L.S.D. involved equals or exceeds one 10164
thousand unit doses but is less than five thousand unit doses of 10165
L.S.D. in a solid form or equals or exceeds one hundred grams 10166
but is less than five hundred grams of L.S.D. in a liquid 10167
concentrate, liquid extract, or liquid distillate form, 10168
possession of L.S.D. is a felony of the first degree, and the 10169
court shall impose as a mandatory prison term a first degree 10170

felony mandatory prison term. 10171

(f) If the amount of L.S.D. involved equals or exceeds 10172
five thousand unit doses of L.S.D. in a solid form or equals or 10173
exceeds five hundred grams of L.S.D. in a liquid concentrate, 10174
liquid extract, or liquid distillate form, possession of L.S.D. 10175
is a felony of the first degree, the offender is a major drug 10176
offender, and the court shall impose as a mandatory prison term 10177
a maximum first degree felony mandatory prison term. 10178

(6) If the drug involved in the violation is heroin or a 10179
compound, mixture, preparation, or substance containing heroin, 10180
whoever violates division (A) of this section is guilty of 10181
possession of heroin. The penalty for the offense shall be 10182
determined as follows: 10183

(a) Except as otherwise provided in division (C) (6) (b), 10184
(c), (d), (e), or (f) of this section, possession of heroin is a 10185
felony of the fifth degree, and division (B) of section 2929.13 10186
of the Revised Code applies in determining whether to impose a 10187
prison term on the offender. 10188

(b) If the amount of the drug involved equals or exceeds 10189
ten unit doses but is less than fifty unit doses or equals or 10190
exceeds one gram but is less than five grams, possession of 10191
heroin is a felony of the fourth degree, and division (C) of 10192
section 2929.13 of the Revised Code applies in determining 10193
whether to impose a prison term on the offender. 10194

(c) If the amount of the drug involved equals or exceeds 10195
fifty unit doses but is less than one hundred unit doses or 10196
equals or exceeds five grams but is less than ten grams, 10197
possession of heroin is a felony of the third degree, and there 10198
is a presumption for a prison term for the offense. 10199

(d) If the amount of the drug involved equals or exceeds 10200
one hundred unit doses but is less than five hundred unit doses 10201
or equals or exceeds ten grams but is less than fifty grams, 10202
possession of heroin is a felony of the second degree, and the 10203
court shall impose as a mandatory prison term a second degree 10204
felony mandatory prison term. 10205

(e) If the amount of the drug involved equals or exceeds 10206
five hundred unit doses but is less than one thousand unit doses 10207
or equals or exceeds fifty grams but is less than one hundred 10208
grams, possession of heroin is a felony of the first degree, and 10209
the court shall impose as a mandatory prison term a first degree 10210
felony mandatory prison term. 10211

(f) If the amount of the drug involved equals or exceeds 10212
one thousand unit doses or equals or exceeds one hundred grams, 10213
possession of heroin is a felony of the first degree, the 10214
offender is a major drug offender, and the court shall impose as 10215
a mandatory prison term a maximum first degree felony mandatory 10216
prison term. 10217

(7) If the drug involved in the violation is hashish or a 10218
compound, mixture, preparation, or substance containing hashish, 10219
whoever violates division (A) of this section is guilty of 10220
possession of hashish. The penalty for the offense shall be 10221
determined as follows: 10222

(a) Except as otherwise provided in division (C) (7) (b), 10223
(c), (d), (e), (f), or (g) of this section, possession of 10224
hashish is a minor misdemeanor. 10225

(b) If the amount of the drug involved equals or exceeds 10226
five grams but is less than ten grams of hashish in a solid form 10227
or equals or exceeds one gram but is less than two grams of 10228

hashish in a liquid concentrate, liquid extract, or liquid
distillate form, possession of hashish is a misdemeanor of the
fourth degree. 10229
10230
10231

(c) If the amount of the drug involved equals or exceeds 10232
ten grams but is less than fifty grams of hashish in a solid 10233
form or equals or exceeds two grams but is less than ten grams 10234
of hashish in a liquid concentrate, liquid extract, or liquid 10235
distillate form, possession of hashish is a felony of the fifth 10236
degree, and division (B) of section 2929.13 of the Revised Code 10237
applies in determining whether to impose a prison term on the 10238
offender. 10239

(d) If the amount of the drug involved equals or exceeds 10240
fifty grams but is less than two hundred fifty grams of hashish 10241
in a solid form or equals or exceeds ten grams but is less than 10242
fifty grams of hashish in a liquid concentrate, liquid extract, 10243
or liquid distillate form, possession of hashish is a felony of 10244
the third degree, and division (C) of section 2929.13 of the 10245
Revised Code applies in determining whether to impose a prison 10246
term on the offender. 10247

(e) If the amount of the drug involved equals or exceeds 10248
two hundred fifty grams but is less than one thousand grams of 10249
hashish in a solid form or equals or exceeds fifty grams but is 10250
less than two hundred grams of hashish in a liquid concentrate, 10251
liquid extract, or liquid distillate form, possession of hashish 10252
is a felony of the third degree, and there is a presumption that 10253
a prison term shall be imposed for the offense. 10254

(f) If the amount of the drug involved equals or exceeds 10255
one thousand grams but is less than two thousand grams of 10256
hashish in a solid form or equals or exceeds two hundred grams 10257
but is less than four hundred grams of hashish in a liquid 10258

concentrate, liquid extract, or liquid distillate form, 10259
possession of hashish is a felony of the second degree, and the 10260
court shall impose as a mandatory prison term a second degree 10261
felony mandatory prison term of five, six, seven, or eight 10262
years. 10263

(g) If the amount of the drug involved equals or exceeds 10264
two thousand grams of hashish in a solid form or equals or 10265
exceeds four hundred grams of hashish in a liquid concentrate, 10266
liquid extract, or liquid distillate form, possession of hashish 10267
is a felony of the second degree, and the court shall impose as 10268
a mandatory prison term a maximum second degree felony mandatory 10269
prison term. 10270

(8) If the drug involved is a controlled substance analog 10271
or compound, mixture, preparation, or substance that contains a 10272
controlled substance analog, whoever violates division (A) of 10273
this section is guilty of possession of a controlled substance 10274
analog. The penalty for the offense shall be determined as 10275
follows: 10276

(a) Except as otherwise provided in division (C) (8) (b), 10277
(c), (d), (e), or (f) of this section, possession of a 10278
controlled substance analog is a felony of the fifth degree, and 10279
division (B) of section 2929.13 of the Revised Code applies in 10280
determining whether to impose a prison term on the offender. 10281

(b) If the amount of the drug involved equals or exceeds 10282
ten grams but is less than twenty grams, possession of a 10283
controlled substance analog is a felony of the fourth degree, 10284
and there is a presumption for a prison term for the offense. 10285

(c) If the amount of the drug involved equals or exceeds 10286
twenty grams but is less than thirty grams, possession of a 10287

controlled substance analog is a felony of the third degree, and 10288
there is a presumption for a prison term for the offense. 10289

(d) If the amount of the drug involved equals or exceeds 10290
thirty grams but is less than forty grams, possession of a 10291
controlled substance analog is a felony of the second degree, 10292
and the court shall impose as a mandatory prison term a second 10293
degree felony mandatory prison term. 10294

(e) If the amount of the drug involved equals or exceeds 10295
forty grams but is less than fifty grams, possession of a 10296
controlled substance analog is a felony of the first degree, and 10297
the court shall impose as a mandatory prison term a first degree 10298
felony mandatory prison term. 10299

(f) If the amount of the drug involved equals or exceeds 10300
fifty grams, possession of a controlled substance analog is a 10301
felony of the first degree, the offender is a major drug 10302
offender, and the court shall impose as a mandatory prison term 10303
a maximum first degree felony mandatory prison term. 10304

(9) If the drug involved in the violation is a compound, 10305
mixture, preparation, or substance that is a combination of a 10306
fentanyl-related compound and marihuana, one of the following 10307
applies: 10308

(a) Except as otherwise provided in division (C) (9) (b) of 10309
this section, the offender is guilty of possession of marihuana 10310
and shall be punished as provided in division (C) (3) of this 10311
section. Except as otherwise provided in division (C) (9) (b) of 10312
this section, the offender is not guilty of possession of a 10313
fentanyl-related compound under division (C) (11) of this section 10314
and shall not be charged with, convicted of, or punished under 10315
division (C) (11) of this section for possession of a fentanyl- 10316

related compound. 10317

(b) If the offender knows or has reason to know that the 10318
compound, mixture, preparation, or substance that is the drug 10319
involved contains a fentanyl-related compound, the offender is 10320
guilty of possession of a fentanyl-related compound and shall be 10321
punished under division (C) (11) of this section. 10322

(10) If the drug involved in the violation is a compound, 10323
mixture, preparation, or substance that is a combination of a 10324
fentanyl-related compound and any schedule III, schedule IV, or 10325
schedule V controlled substance that is not a fentanyl-related 10326
compound, one of the following applies: 10327

(a) Except as otherwise provided in division (C) (10) (b) of 10328
this section, the offender is guilty of possession of drugs and 10329
shall be punished as provided in division (C) (2) of this 10330
section. Except as otherwise provided in division (C) (10) (b) of 10331
this section, the offender is not guilty of possession of a 10332
fentanyl-related compound under division (C) (11) of this section 10333
and shall not be charged with, convicted of, or punished under 10334
division (C) (11) of this section for possession of a fentanyl- 10335
related compound. 10336

(b) If the offender knows or has reason to know that the 10337
compound, mixture, preparation, or substance that is the drug 10338
involved contains a fentanyl-related compound, the offender is 10339
guilty of possession of a fentanyl-related compound and shall be 10340
punished under division (C) (11) of this section. 10341

(11) If the drug involved in the violation is a fentanyl- 10342
related compound and neither division (C) (9) (a) nor division (C) 10343
(10) (a) of this section applies to the drug involved, or is a 10344
compound, mixture, preparation, or substance that contains a 10345

fentanyl-related compound or is a combination of a fentanyl- 10346
related compound and any other controlled substance and neither 10347
division (C) (9) (a) nor division (C) (10) (a) of this section 10348
applies to the drug involved, whoever violates division (A) of 10349
this section is guilty of possession of a fentanyl-related 10350
compound. The penalty for the offense shall be determined as 10351
follows: 10352

(a) Except as otherwise provided in division (C) (11) (b), 10353
(c), (d), (e), (f), or (g) of this section, possession of a 10354
fentanyl-related compound is a felony of the fifth degree, and 10355
division (B) of section 2929.13 of the Revised Code applies in 10356
determining whether to impose a prison term on the offender. 10357

(b) If the amount of the drug involved equals or exceeds 10358
ten unit doses but is less than fifty unit doses or equals or 10359
exceeds one gram but is less than five grams, possession of a 10360
fentanyl-related compound is a felony of the fourth degree, and 10361
division (C) of section 2929.13 of the Revised Code applies in 10362
determining whether to impose a prison term on the offender. 10363

(c) If the amount of the drug involved equals or exceeds 10364
fifty unit doses but is less than one hundred unit doses or 10365
equals or exceeds five grams but is less than ten grams, 10366
possession of a fentanyl-related compound is a felony of the 10367
third degree, and there is a presumption for a prison term for 10368
the offense. 10369

(d) If the amount of the drug involved equals or exceeds 10370
one hundred unit doses but is less than two hundred unit doses 10371
or equals or exceeds ten grams but is less than twenty grams, 10372
possession of a fentanyl-related compound is a felony of the 10373
second degree, and the court shall impose as a mandatory prison 10374
term one of the prison terms prescribed for a felony of the 10375

second degree. 10376

(e) If the amount of the drug involved equals or exceeds 10377
two hundred unit doses but is less than five hundred unit doses 10378
or equals or exceeds twenty grams but is less than fifty grams, 10379
possession of a fentanyl-related compound is a felony of the 10380
first degree, and the court shall impose as a mandatory prison 10381
term one of the prison terms prescribed for a felony of the 10382
first degree. 10383

(f) If the amount of the drug involved equals or exceeds 10384
five hundred unit doses but is less than one thousand unit doses 10385
or equals or exceeds fifty grams but is less than one hundred 10386
grams, possession of a fentanyl-related compound is a felony of 10387
the first degree, and the court shall impose as a mandatory 10388
prison term the maximum prison term prescribed for a felony of 10389
the first degree. 10390

(g) If the amount of the drug involved equals or exceeds 10391
one thousand unit doses or equals or exceeds one hundred grams, 10392
possession of a fentanyl-related compound is a felony of the 10393
first degree, the offender is a major drug offender, and the 10394
court shall impose as a mandatory prison term the maximum prison 10395
term prescribed for a felony of the first degree. 10396

(D) Arrest or conviction for a minor misdemeanor violation 10397
of this section does not constitute a criminal record and need 10398
not be reported by the person so arrested or convicted in 10399
response to any inquiries about the person's criminal record, 10400
including any inquiries contained in any application for 10401
employment, license, or other right or privilege, or made in 10402
connection with the person's appearance as a witness. 10403

(E) In addition to any prison term or jail term authorized 10404

or required by division (C) of this section and sections 10405
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 10406
Code and in addition to any other sanction that is imposed for 10407
the offense under this section, sections 2929.11 to 2929.18, or 10408
sections 2929.21 to 2929.28 of the Revised Code, the court that 10409
sentences an offender who is convicted of or pleads guilty to a 10410
violation of division (A) of this section may suspend the 10411
offender's driver's or commercial driver's license or permit for 10412
not more than five years. However, if the offender pleaded 10413
guilty to or was convicted of a violation of section 4511.19 of 10414
the Revised Code or a substantially similar municipal ordinance 10415
or the law of another state or the United States arising out of 10416
the same set of circumstances as the violation, the court shall 10417
suspend the offender's driver's or commercial driver's license 10418
or permit for not more than five years. If applicable, the court 10419
also shall do the following: 10420

(1) (a) If the violation is a felony of the first, second, 10421
or third degree, the court shall impose upon the offender the 10422
mandatory fine specified for the offense under division (B) (1) 10423
of section 2929.18 of the Revised Code unless, as specified in 10424
that division, the court determines that the offender is 10425
indigent. 10426

(b) Notwithstanding any contrary provision of section 10427
3719.21 of the Revised Code, the clerk of the court shall pay a 10428
mandatory fine or other fine imposed for a violation of this 10429
section pursuant to division (A) of section 2929.18 of the 10430
Revised Code in accordance with and subject to the requirements 10431
of division (F) of section 2925.03 of the Revised Code. The 10432
agency that receives the fine shall use the fine as specified in 10433
division (F) of section 2925.03 of the Revised Code. 10434

(c) If a person is charged with a violation of this 10435
section that is a felony of the first, second, or third degree, 10436
posts bail, and forfeits the bail, the clerk shall pay the 10437
forfeited bail pursuant to division (E) (1) (b) of this section as 10438
if it were a mandatory fine imposed under division (E) (1) (a) of 10439
this section. 10440

(2) If the offender is a professionally licensed person, 10441
in addition to any other sanction imposed for a violation of 10442
this section, the court immediately shall comply with section 10443
2925.38 of the Revised Code. 10444

(F) It is an affirmative defense, as provided in section 10445
2901.05 of the Revised Code, to a charge of a fourth degree 10446
felony violation under this section that the controlled 10447
substance that gave rise to the charge is in an amount, is in a 10448
form, is prepared, compounded, or mixed with substances that are 10449
not controlled substances in a manner, or is possessed under any 10450
other circumstances, that indicate that the substance was 10451
possessed solely for personal use. Notwithstanding any contrary 10452
provision of this section, if, in accordance with section 10453
2901.05 of the Revised Code, an accused who is charged with a 10454
fourth degree felony violation of division (C) (2), (4), (5), or 10455
(6) of this section sustains the burden of going forward with 10456
evidence of and establishes by a preponderance of the evidence 10457
the affirmative defense described in this division, the accused 10458
may be prosecuted for and may plead guilty to or be convicted of 10459
a misdemeanor violation of division (C) (2) of this section or a 10460
fifth degree felony violation of division (C) (4), (5), or (6) of 10461
this section respectively. 10462

(G) When a person is charged with possessing a bulk amount 10463
or multiple of a bulk amount, division (E) of section 2925.03 of 10464

the Revised Code applies regarding the determination of the 10465
amount of the controlled substance involved at the time of the 10466
offense. 10467

(H) It is an affirmative defense to a charge of possession 10468
of a controlled substance analog under division (C) (8) of this 10469
section that the person charged with violating that offense 10470
obtained, possessed, or used one of the following items that are 10471
excluded from the meaning of "controlled substance analog" under 10472
section 3719.01 of the Revised Code: 10473

(1) A controlled substance; 10474

(2) Any substance for which there is an approved new drug 10475
application; 10476

(3) With respect to a particular person, any substance if 10477
an exemption is in effect for investigational use for that 10478
person pursuant to federal law to the extent that conduct with 10479
respect to that substance is pursuant to that exemption. 10480

(I) Any offender who received a mandatory suspension of 10481
the offender's driver's or commercial driver's license or permit 10482
under this section prior to September 13, 2016, may file a 10483
motion with the sentencing court requesting the termination of 10484
the suspension. However, an offender who pleaded guilty to or 10485
was convicted of a violation of section 4511.19 of the Revised 10486
Code or a substantially similar municipal ordinance or law of 10487
another state or the United States that arose out of the same 10488
set of circumstances as the violation for which the offender's 10489
license or permit was suspended under this section shall not 10490
file such a motion. 10491

Upon the filing of a motion under division (I) of this 10492
section, the sentencing court, in its discretion, may terminate 10493

the suspension. 10494

Sec. 2925.12. (A) No person shall knowingly make, obtain, 10495
possess, or use any instrument, article, or thing the customary 10496
and primary purpose of which is for the administration or use of 10497
a dangerous drug, other than marihuana, when the instrument 10498
involved is a hypodermic or syringe, whether or not of crude or 10499
extemporized manufacture or assembly, and the instrument, 10500
article, or thing involved has been used by the offender to 10501
unlawfully administer or use a dangerous drug, other than 10502
marihuana, or to prepare a dangerous drug, other than marihuana, 10503
for unlawful administration or use. 10504

~~(B)~~ (B) (1) This section does not apply to manufacturers, 10505
licensed health professionals authorized to prescribe drugs, 10506
pharmacists, owners of pharmacies, and other persons whose 10507
conduct was in accordance with Chapters 3719., 4715., 4723., 10508
4729., 4730., 4731., and 4741. of the Revised Code. 10509

(2) Division (B) (2) of section 2925.11 of the Revised Code 10510
applies with respect to a violation of this section when a 10511
person seeks or obtains medical assistance for another person 10512
who is experiencing a drug overdose, a person experiences a drug 10513
overdose and seeks medical assistance for that overdose, or a 10514
person is the subject of another person seeking or obtaining 10515
medical assistance for that overdose. 10516

(C) Whoever violates this section is guilty of possessing 10517
drug abuse instruments, a misdemeanor of the second degree. If 10518
the offender previously has been convicted of a drug abuse 10519
offense, a violation of this section is a misdemeanor of the 10520
first degree. 10521

(D) (1) In addition to any other sanction imposed upon an 10522

offender for a violation of this section, the court may suspend 10523
for not more than five years the offender's driver's or 10524
commercial driver's license or permit. However, if the offender 10525
pleaded guilty to or was convicted of a violation of section 10526
4511.19 of the Revised Code or a substantially similar municipal 10527
ordinance or the law of another state or the United States 10528
arising out of the same set of circumstances as the violation, 10529
the court shall suspend the offender's driver's or commercial 10530
driver's license or permit for not more than five years. If the 10531
offender is a professionally licensed person, in addition to any 10532
other sanction imposed for a violation of this section, the 10533
court immediately shall comply with section 2925.38 of the 10534
Revised Code. 10535

(2) Any offender who received a mandatory suspension of 10536
the offender's driver's or commercial driver's license or permit 10537
under this section prior to ~~the effective date of this amendment~~ 10538
September 13, 2016, may file a motion with the sentencing court 10539
requesting the termination of the suspension. However, an 10540
offender who pleaded guilty to or was convicted of a violation 10541
of section 4511.19 of the Revised Code or a substantially 10542
similar municipal ordinance or law of another state or the 10543
United States that arose out of the same set of circumstances as 10544
the violation for which the offender's license or permit was 10545
suspended under this section shall not file such a motion. 10546

Upon the filing of a motion under division (D)(2) of this 10547
section, the sentencing court, in its discretion, may terminate 10548
the suspension. 10549

Sec. 2925.14. (A) As used in this section, "drug 10550
paraphernalia" means any equipment, product, or material of any 10551
kind that is used by the offender, intended by the offender for 10552

use, or designed for use, in propagating, cultivating, growing, 10553
harvesting, manufacturing, compounding, converting, producing, 10554
processing, preparing, testing, analyzing, packaging, 10555
repackaging, storing, containing, concealing, injecting, 10556
ingesting, inhaling, or otherwise introducing into the human 10557
body, a controlled substance in violation of this chapter. "Drug 10558
paraphernalia" includes, but is not limited to, any of the 10559
following equipment, products, or materials that are used by the 10560
offender, intended by the offender for use, or designed by the 10561
offender for use, in any of the following manners: 10562

(1) A kit for propagating, cultivating, growing, or 10563
harvesting any species of a plant that is a controlled substance 10564
or from which a controlled substance can be derived; 10565

(2) A kit for manufacturing, compounding, converting, 10566
producing, processing, or preparing a controlled substance; 10567

(3) Any object, instrument, or device for manufacturing, 10568
compounding, converting, producing, processing, or preparing 10569
methamphetamine; 10570

(4) An isomerization device for increasing the potency of 10571
any species of a plant that is a controlled substance; 10572

(5) Testing equipment for identifying, or analyzing the 10573
strength, effectiveness, or purity of, a controlled substance; 10574

(6) A scale or balance for weighing or measuring a 10575
controlled substance; 10576

(7) A diluent or adulterant, such as quinine 10577
hydrochloride, mannitol, mannite, dextrose, or lactose, for 10578
cutting a controlled substance; 10579

(8) A separation gin or sifter for removing twigs and 10580

seeds from, or otherwise cleaning or refining, marihuana;	10581
(9) A blender, bowl, container, spoon, or mixing device	10582
for compounding a controlled substance;	10583
(10) A capsule, balloon, envelope, or container for	10584
packaging small quantities of a controlled substance;	10585
(11) A container or device for storing or concealing a	10586
controlled substance;	10587
(12) A hypodermic syringe, needle, or instrument for	10588
parenterally injecting a controlled substance into the human	10589
body;	10590
(13) An object, instrument, or device for ingesting,	10591
inhaling, or otherwise introducing into the human body,	10592
marihuana, cocaine, hashish, or hashish oil, such as a metal,	10593
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or	10594
without a screen, permanent screen, hashish head, or punctured	10595
metal bowl; water pipe; carburetion tube or device; smoking or	10596
carburetion mask; roach clip or similar object used to hold	10597
burning material, such as a marihuana cigarette, that has become	10598
too small or too short to be held in the hand; miniature cocaine	10599
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric	10600
pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	10601
(B) In determining if any equipment, product, or material	10602
is drug paraphernalia, a court or law enforcement officer shall	10603
consider, in addition to other relevant factors, the following:	10604
(1) Any statement by the owner, or by anyone in control,	10605
of the equipment, product, or material, concerning its use;	10606
(2) The proximity in time or space of the equipment,	10607
product, or material, or of the act relating to the equipment,	10608

product, or material, to a violation of any provision of this	10609
chapter;	10610
(3) The proximity of the equipment, product, or material	10611
to any controlled substance;	10612
(4) The existence of any residue of a controlled substance	10613
on the equipment, product, or material;	10614
(5) Direct or circumstantial evidence of the intent of the	10615
owner, or of anyone in control, of the equipment, product, or	10616
material, to deliver it to any person whom the owner or person	10617
in control of the equipment, product, or material knows intends	10618
to use the object to facilitate a violation of any provision of	10619
this chapter. A finding that the owner, or anyone in control, of	10620
the equipment, product, or material, is not guilty of a	10621
violation of any other provision of this chapter does not	10622
prevent a finding that the equipment, product, or material was	10623
intended or designed by the offender for use as drug	10624
paraphernalia.	10625
(6) Any oral or written instruction provided with the	10626
equipment, product, or material concerning its use;	10627
(7) Any descriptive material accompanying the equipment,	10628
product, or material and explaining or depicting its use;	10629
(8) National or local advertising concerning the use of	10630
the equipment, product, or material;	10631
(9) The manner and circumstances in which the equipment,	10632
product, or material is displayed for sale;	10633
(10) Direct or circumstantial evidence of the ratio of the	10634
sales of the equipment, product, or material to the total sales	10635
of the business enterprise;	10636

(11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 10637
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(12) Expert testimony concerning the use of the equipment, product, or material. 10639
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(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. 10641
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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. 10644
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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. 10648
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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. 10655
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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 10663
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kind that is used by the person, intended by the person for use, 10666
or designed for use in storing, containing, concealing, 10667
injecting, ingesting, inhaling, or otherwise introducing into 10668
the human body marihuana. 10669

(3) Division (B) (2) of section 2925.11 of the Revised Code 10670
applies with respect to a violation of division (C) (1) of this 10671
section when a person seeks or obtains medical assistance for 10672
another person who is experiencing a drug overdose, a person 10673
experiences a drug overdose and seeks medical assistance for 10674
that overdose, or a person is the subject of another person 10675
seeking or obtaining medical assistance for that overdose. 10676

(E) Notwithstanding Chapter 2981. of the Revised Code, any 10677
drug paraphernalia that was used, possessed, sold, or 10678
manufactured in a violation of this section shall be seized, 10679
after a conviction for that violation shall be forfeited, and 10680
upon forfeiture shall be disposed of pursuant to division (B) of 10681
section 2981.12 of the Revised Code. 10682

(F) (1) Whoever violates division (C) (1) of this section is 10683
guilty of illegal use or possession of drug paraphernalia, a 10684
misdemeanor of the fourth degree. 10685

(2) Except as provided in division (F) (3) of this section, 10686
whoever violates division (C) (2) of this section is guilty of 10687
dealing in drug paraphernalia, a misdemeanor of the second 10688
degree. 10689

(3) Whoever violates division (C) (2) of this section by 10690
selling drug paraphernalia to a juvenile is guilty of selling 10691
drug paraphernalia to juveniles, a misdemeanor of the first 10692
degree. 10693

(4) Whoever violates division (C) (3) of this section is 10694

guilty of illegal advertising of drug paraphernalia, a 10695
misdemeanor of the second degree. 10696

(G) (1) In addition to any other sanction imposed upon an 10697
offender for a violation of this section, the court may suspend 10698
for not more than five years the offender's driver's or 10699
commercial driver's license or permit. However, if the offender 10700
pleaded guilty to or was convicted of a violation of section 10701
4511.19 of the Revised Code or a substantially similar municipal 10702
ordinance or the law of another state or the United States 10703
arising out of the same set of circumstances as the violation, 10704
the court shall suspend the offender's driver's or commercial 10705
driver's license or permit for not more than five years. If the 10706
offender is a professionally licensed person, in addition to any 10707
other sanction imposed for a violation of this section, the 10708
court immediately shall comply with section 2925.38 of the 10709
Revised Code. 10710

(2) Any offender who received a mandatory suspension of 10711
the offender's driver's or commercial driver's license or permit 10712
under this section prior to ~~the effective date of this amendment~~ 10713
September 13, 2016, may file a motion with the sentencing court 10714
requesting the termination of the suspension. However, an 10715
offender who pleaded guilty to or was convicted of a violation 10716
of section 4511.19 of the Revised Code or a substantially 10717
similar municipal ordinance or law of another state or the 10718
United States that arose out of the same set of circumstances as 10719
the violation for which the offender's license or permit was 10720
suspended under this section shall not file such a motion. 10721

Upon the filing of a motion under division (G) (2) of this 10722
section, the sentencing court, in its discretion, may terminate 10723
the suspension. 10724

Sec. 2925.141. (A) As used in this section, "drug paraphernalia" has the same meaning as in section 2925.14 of the Revised Code. 10725
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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. 10728
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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. 10733
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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. 10739
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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. 10744
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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. 10747
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~~(F)~~(F) (1) Whoever violates division (C) of this section is 10754
guilty of illegal use or possession of marihuana drug 10755
paraphernalia, a minor misdemeanor. 10756

(2) Arrest or conviction for a violation of division (C) 10757
of this section does not constitute a criminal record and need 10758
not be reported by the person so arrested or convicted in 10759
response to any inquiries about the person's criminal record, 10760
including any inquiries contained in any application for 10761
employment, license, or other right or privilege, or made in 10762
connection with the person's appearance as a witness. 10763

(G) (1) In addition to any other sanction imposed upon an 10764
offender for a violation of this section, the court ~~may suspend~~ 10765
~~for not more than five years the offender's driver's or~~ 10766
~~commercial driver's license or permit. However, if shall do the~~ 10767
following, if applicable: 10768

(a) If the offender pleaded guilty to or was convicted of 10769
a violation of section 4511.19 of the Revised Code or a 10770
substantially similar municipal ordinance or the law of another 10771
state or the United States arising out of the same set of 10772
circumstances as the violation, the court shall suspend the 10773
offender's driver's or commercial driver's license or permit for 10774
not more than five years.~~If~~ 10775

(b) If the offender is a professionally licensed person, 10776
~~in addition to any other sanction imposed for a violation of~~ 10777
~~this section,~~ the court immediately shall comply with section 10778
2925.38 of the Revised Code. 10779

(2) Any offender who received a mandatory suspension of 10780
the offender's driver's or commercial driver's license or permit 10781
under this section prior to ~~the effective date of this amendment~~ 10782

September 13, 2016, may file a motion with the sentencing court 10783
requesting the termination of the suspension. However, an 10784
offender who pleaded guilty to or was convicted of a violation 10785
of section 4511.19 of the Revised Code or a substantially 10786
similar municipal ordinance or law of another state or the 10787
United States that arose out of the same set of circumstances as 10788
the violation for which the offender's license or permit was 10789
suspended under this section shall not file such a motion. 10790

Upon the filing of a motion under division (G) (2) of this 10791
section, the sentencing court, in its discretion, may terminate 10792
the suspension. 10793

Sec. 2929.01. As used in this chapter: 10794

(A) (1) "Alternative residential facility" means, subject 10795
to ~~division~~ divisions (A) (2) and (3) of this section, any 10796
facility other than an offender's home or residence in which an 10797
offender is assigned to live and that satisfies all of the 10798
following criteria: 10799

(a) It provides programs through which the offender may 10800
seek or maintain employment or may receive education, training, 10801
treatment, or habilitation. 10802

(b) It has received the appropriate license or certificate 10803
for any specialized education, training, treatment, 10804
habilitation, or other service that it provides from the 10805
government agency that is responsible for licensing or 10806
certifying that type of education, training, treatment, 10807
habilitation, or service. 10808

(2) "Alternative residential facility" does not include a 10809
community-based correctional facility, jail, halfway house, or 10810
prison. 10811

(3) "Alternative residential facility" includes a 10812
community alternative sentencing center or district community 10813
alternative sentencing center when authorized by section 307.932 10814
of the Revised Code and when the center is being used for an OVI 10815
term of confinement, as defined by that section. 10816

(B) "Basic probation supervision" means a requirement that 10817
the offender maintain contact with a person appointed to 10818
supervise the offender in accordance with sanctions imposed by 10819
the court or imposed by the parole board pursuant to section 10820
2967.28 of the Revised Code. "Basic probation supervision" 10821
includes basic parole supervision and basic post-release control 10822
supervision. 10823

(C) "Cocaine," "fentanyl-related compound," "hashish," 10824
"L.S.D.," and "unit dose" have the same meanings as in section 10825
2925.01 of the Revised Code. 10826

(D) "Community-based correctional facility" means a 10827
community-based correctional facility and program or district 10828
community-based correctional facility and program developed 10829
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 10830

(E) "Community control sanction" means a sanction that is 10831
not a prison term and that is described in section 2929.15, 10832
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 10833
that is not a jail term and that is described in section 10834
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 10835
control sanction" includes probation if the sentence involved 10836
was imposed for a felony that was committed prior to July 1, 10837
1996, or if the sentence involved was imposed for a misdemeanor 10838
that was committed prior to January 1, 2004. 10839

(F) "Controlled substance," "marihuana," "schedule I," and 10840

"schedule II" have the same meanings as in section 3719.01 of 10841
the Revised Code. 10842

(G) "Curfew" means a requirement that an offender during a 10843
specified period of time be at a designated place. 10844

(H) "Day reporting" means a sanction pursuant to which an 10845
offender is required each day to report to and leave a center or 10846
other approved reporting location at specified times in order to 10847
participate in work, education or training, treatment, and other 10848
approved programs at the center or outside the center. 10849

(I) "Deadly weapon" has the same meaning as in section 10850
2923.11 of the Revised Code. 10851

(J) "Drug and alcohol use monitoring" means a program 10852
under which an offender agrees to submit to random chemical 10853
analysis of the offender's blood, breath, or urine to determine 10854
whether the offender has ingested any alcohol or other drugs. 10855

(K) "Drug treatment program" means any program under which 10856
a person undergoes assessment and treatment designed to reduce 10857
or completely eliminate the person's physical or emotional 10858
reliance upon alcohol, another drug, or alcohol and another drug 10859
and under which the person may be required to receive assessment 10860
and treatment on an outpatient basis or may be required to 10861
reside at a facility other than the person's home or residence 10862
while undergoing assessment and treatment. 10863

(L) "Economic loss" means any economic detriment suffered 10864
by a victim as a direct and proximate result of the commission 10865
of an offense and includes any loss of income due to lost time 10866
at work because of any injury caused to the victim, any property 10867
loss, medical cost, or funeral expense incurred as a result of 10868
the commission of the offense, and the cost of any accounting or 10869

auditing done to determine the extent of loss if the cost is 10870
incurred and payable by the victim. "Economic loss" does not 10871
include non-economic loss or any punitive or exemplary damages. 10872

(M) "Education or training" includes study at, or in 10873
conjunction with a program offered by, a university, college, or 10874
technical college or vocational study and also includes the 10875
completion of primary school, secondary school, and literacy 10876
curricula or their equivalent. 10877

(N) "Firearm" has the same meaning as in section 2923.11 10878
of the Revised Code. 10879

(O) "Halfway house" means a facility licensed by the 10880
division of parole and community services of the department of 10881
rehabilitation and correction pursuant to section 2967.14 of the 10882
Revised Code as a suitable facility for the care and treatment 10883
of adult offenders. 10884

(P) "House arrest" means a period of confinement of an 10885
offender that is in the offender's home or in other premises 10886
specified by the sentencing court or by the parole board 10887
pursuant to section 2967.28 of the Revised Code and during which 10888
all of the following apply: 10889

(1) The offender is required to remain in the offender's 10890
home or other specified premises for the specified period of 10891
confinement, except for periods of time during which the 10892
offender is at the offender's place of employment or at other 10893
premises as authorized by the sentencing court or by the parole 10894
board. 10895

(2) The offender is required to report periodically to a 10896
person designated by the court or parole board. 10897

(3) The offender is subject to any other restrictions and 10898

requirements that may be imposed by the sentencing court or by the parole board. 10899
10900

(Q) "Intensive probation supervision" means a requirement 10901
that an offender maintain frequent contact with a person 10902
appointed by the court, or by the parole board pursuant to 10903
section 2967.28 of the Revised Code, to supervise the offender 10904
while the offender is seeking or maintaining necessary 10905
employment and participating in training, education, and 10906
treatment programs as required in the court's or parole board's 10907
order. "Intensive probation supervision" includes intensive 10908
parole supervision and intensive post-release control 10909
supervision. 10910

(R) "Jail" means a jail, workhouse, minimum security jail, 10911
or other residential facility used for the confinement of 10912
alleged or convicted offenders that is operated by a political 10913
subdivision or a combination of political subdivisions of this 10914
state. 10915

(S) "Jail term" means the term in a jail that a sentencing 10916
court imposes or is authorized to impose pursuant to section 10917
2929.24 or 2929.25 of the Revised Code or pursuant to any other 10918
provision of the Revised Code that authorizes a term in a jail 10919
for a misdemeanor conviction. 10920

(T) "Mandatory jail term" means the term in a jail that a 10921
sentencing court is required to impose pursuant to division (G) 10922
of section 1547.99 of the Revised Code, division (E) of section 10923
2903.06 or division (D) of section 2903.08 of the Revised Code, 10924
division ~~(E) or (G)~~ (F) of section 2929.24 of the Revised Code, 10925
division (B) of section 4510.14 of the Revised Code, or division 10926
(G) of section 4511.19 of the Revised Code or pursuant to any 10927
other provision of the Revised Code that requires a term in a 10928

jail for a misdemeanor conviction. 10929

(U) "Delinquent child" has the same meaning as in section 10930
2152.02 of the Revised Code. 10931

(V) "License violation report" means a report that is made 10932
by a sentencing court, or by the parole board pursuant to 10933
section 2967.28 of the Revised Code, to the regulatory or 10934
licensing board or agency that issued an offender a professional 10935
license or a license or permit to do business in this state and 10936
that specifies that the offender has been convicted of or 10937
pleaded guilty to an offense that may violate the conditions 10938
under which the offender's professional license or license or 10939
permit to do business in this state was granted or an offense 10940
for which the offender's professional license or license or 10941
permit to do business in this state may be revoked or suspended. 10942

(W) "Major drug offender" means an offender who is 10943
convicted of or pleads guilty to the possession of, sale of, or 10944
offer to sell any drug, compound, mixture, preparation, or 10945
substance that consists of or contains at least one thousand 10946
grams of hashish; at least one hundred grams of cocaine; at 10947
least one thousand unit doses or one hundred grams of heroin; at 10948
least five thousand unit doses of L.S.D. or five hundred grams 10949
of L.S.D. in a liquid concentrate, liquid extract, or liquid 10950
distillate form; at least fifty grams of a controlled substance 10951
analog; at least one thousand unit doses or one hundred grams of 10952
a fentanyl-related compound; or at least one hundred times the 10953
amount of any other schedule I or II controlled substance other 10954
than marihuana that is necessary to commit a felony of the third 10955
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 10956
of the Revised Code that is based on the possession of, sale of, 10957
or offer to sell the controlled substance. 10958

(X) "Mandatory prison term" means any of the following: 10959

(1) Subject to division (X)(2) of this section, the term 10960
in prison that must be imposed for the offenses or circumstances 10961
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 10962
section 2929.13 and division (B) of section 2929.14 of the 10963
Revised Code. Except as provided in sections 2925.02, 2925.03, 10964
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 10965
maximum or another specific term is required under section 10966
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 10967
described in this division may be any prison term authorized for 10968
the level of offense except that if the offense is a felony of 10969
the first or second degree committed on or after March 22, 2019, 10970
a mandatory prison term described in this division may be one of 10971
the terms prescribed in division (A)(1)(a) or (2)(a) of section 10972
2929.14 of the Revised Code, whichever is applicable, that is 10973
authorized as the minimum term for the offense. 10974

(2) The term of sixty or one hundred twenty days in prison 10975
that a sentencing court is required to impose for a third or 10976
fourth degree felony OVI offense pursuant to division (G)(2) of 10977
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 10978
of the Revised Code or the term of one, two, three, four, or 10979
five years in prison that a sentencing court is required to 10980
impose pursuant to division (G)(2) of section 2929.13 of the 10981
Revised Code. 10982

(3) The term in prison imposed pursuant to division (A) of 10983
section 2971.03 of the Revised Code for the offenses and in the 10984
circumstances described in division (F)(11) of section 2929.13 10985
of the Revised Code or pursuant to division (B)(1)(a), (b), or 10986
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 10987
section 2971.03 of the Revised Code and that term as modified or 10988

terminated pursuant to section 2971.05 of the Revised Code. 10989

(Y) "Monitored time" means a period of time during which 10990
an offender continues to be under the control of the sentencing 10991
court or parole board, subject to no conditions other than 10992
leading a law-abiding life. 10993

(Z) "Offender" means a person who, in this state, is 10994
convicted of or pleads guilty to a felony or a misdemeanor. 10995

(AA) "Prison" means a residential facility used for the 10996
confinement of convicted felony offenders that is under the 10997
control of the department of rehabilitation and correction and 10998
includes a violation sanction center operated under authority of 10999
section 2967.141 of the Revised Code. 11000

(BB) (1) "Prison term" includes either of the following 11001
sanctions for an offender: 11002

(a) A stated prison term; 11003

(b) A term in a prison shortened by, or with the approval 11004
of, the sentencing court pursuant to section 2929.143, 2929.20, 11005
~~2967.26,~~ 5120.031, 5120.032, or 5120.073 of the Revised Code or 11006
shortened pursuant to section 2967.26 of the Revised Code. 11007

(2) With respect to a non-life felony indefinite prison 11008
term, references in any provision of law to a reduction of, or 11009
deduction from, the prison term mean a reduction in, or 11010
deduction from, the minimum term imposed as part of the 11011
indefinite term. 11012

(CC) "Repeat violent offender" means a person about whom 11013
both of the following apply: 11014

(1) The person is being sentenced for committing or for 11015
complicity in committing any of the following: 11016

(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 11046
sections 2929.143 and 5120.036 of the Revised Code, "stated 11047
prison term" includes any period of time by which the prison 11048
term imposed upon the offender is shortened by the offender's 11049
successful completion of all assessment and treatment or 11050
programming pursuant to those sections. 11051

(2) As used in the definition of "stated prison term" set 11052
forth in division (FF)(1) of this section, a prison term is a 11053
definite prison term imposed under section 2929.14 of the 11054
Revised Code or any other provision of law, is the minimum and 11055
maximum prison terms under a non-life felony indefinite prison 11056
term, or is a term of life imprisonment except to the extent 11057
that the use of that definition in a section of the Revised Code 11058
clearly is not intended to include a term of life imprisonment. 11059
With respect to an offender sentenced to a non-life felony 11060
indefinite prison term, references in section 2967.191 or 11061
2967.193 of the Revised Code or any other provision of law to a 11062
reduction of, or deduction from, the offender's stated prison 11063
term or to release of the offender before the expiration of the 11064
offender's stated prison term mean a reduction in, or deduction 11065
from, the minimum term imposed as part of the indefinite term or 11066
a release of the offender before the expiration of that minimum 11067
term, references in section 2929.19 or 2967.28 of the Revised 11068
Code to a stated prison term with respect to a prison term 11069
imposed for a violation of a post-release control sanction mean 11070
the minimum term so imposed, and references in any provision of 11071
law to an offender's service of the offender's stated prison 11072
term or the expiration of the offender's stated prison term mean 11073
service or expiration of the minimum term so imposed plus any 11074
additional period of incarceration under the sentence that is 11075
required under section 2967.271 of the Revised Code. 11076

(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 11106
the age of the child or whether the offender knows the offense 11107
is being committed within thirty feet of or within the same 11108
residential unit as the child and regardless of whether the 11109
child actually views the commission of the offense. 11110

(MM) "Family or household member" has the same meaning as 11111
in section 2919.25 of the Revised Code. 11112

(NN) "Motor vehicle" and "manufactured home" have the same 11113
meanings as in section 4501.01 of the Revised Code. 11114

(OO) "Detention" and "detention facility" have the same 11115
meanings as in section 2921.01 of the Revised Code. 11116

(PP) "Third degree felony OVI offense" means a violation 11117
of division (A) of section 4511.19 of the Revised Code that, 11118
under division (G) of that section, is a felony of the third 11119
degree. 11120

(QQ) "Random drug testing" has the same meaning as in 11121
section 5120.63 of the Revised Code. 11122

(RR) "Felony sex offense" has the same meaning as in 11123
section 2967.28 of the Revised Code. 11124

(SS) "Body armor" has the same meaning as in section 11125
2941.1411 of the Revised Code. 11126

(TT) "Electronic monitoring" means monitoring through the 11127
use of an electronic monitoring device. 11128

(UU) "Electronic monitoring device" means any of the 11129
following: 11130

(1) Any device that can be operated by electrical or 11131
battery power and that conforms with all of the following: 11132

(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 11164
continuously the person to whom an electronic monitoring device 11165
of the type described in division (UU) (1) (a) of this section is 11166
attached. 11167

(2) Any device that is not a device of the type described 11168
in division (UU) (1) of this section and that conforms with all 11169
of the following: 11170

(a) The device includes a transmitter and receiver that 11171
can monitor and determine the location of a subject person at 11172
any time, or at a designated point in time, through the use of a 11173
central monitoring computer or through other electronic means. 11174

(b) The device includes a transmitter and receiver that 11175
can determine at any time, or at a designated point in time, 11176
through the use of a central monitoring computer or other 11177
electronic means the fact that the transmitter is turned off or 11178
altered in any manner without prior approval of the court in 11179
relation to the electronic monitoring or without prior approval 11180
of the department of rehabilitation and correction in relation 11181
to the use of an electronic monitoring device for an inmate on 11182
transitional control or otherwise is tampered with. 11183

(3) Any type of technology that can adequately track or 11184
determine the location of a subject person at any time and that 11185
is approved by the director of rehabilitation and correction, 11186
including, but not limited to, any satellite technology, voice 11187
tracking system, or retinal scanning system that is so approved. 11188

(VV) "Non-economic loss" means nonpecuniary harm suffered 11189
by a victim of an offense as a result of or related to the 11190
commission of the offense, including, but not limited to, pain 11191
and suffering; loss of society, consortium, companionship, care, 11192

assistance, attention, protection, advice, guidance, counsel, 11193
instruction, training, or education; mental anguish; and any 11194
other intangible loss. 11195

(WW) "Prosecutor" has the same meaning as in section 11196
2935.01 of the Revised Code. 11197

(XX) "Continuous alcohol monitoring" means the ability to 11198
automatically test and periodically transmit alcohol consumption 11199
levels and tamper attempts at least every hour, regardless of 11200
the location of the person who is being monitored. 11201

(YY) A person is "adjudicated a sexually violent predator" 11202
if the person is convicted of or pleads guilty to a violent sex 11203
offense and also is convicted of or pleads guilty to a sexually 11204
violent predator specification that was included in the 11205
indictment, count in the indictment, or information charging 11206
that violent sex offense or if the person is convicted of or 11207
pleads guilty to a designated homicide, assault, or kidnapping 11208
offense and also is convicted of or pleads guilty to both a 11209
sexual motivation specification and a sexually violent predator 11210
specification that were included in the indictment, count in the 11211
indictment, or information charging that designated homicide, 11212
assault, or kidnapping offense. 11213

(ZZ) An offense is "committed in proximity to a school" if 11214
the offender commits the offense in a school safety zone or 11215
within five hundred feet of any school building or the 11216
boundaries of any school premises, regardless of whether the 11217
offender knows the offense is being committed in a school safety 11218
zone or within five hundred feet of any school building or the 11219
boundaries of any school premises. 11220

(AAA) "Human trafficking" means a scheme or plan to which 11221

all of the following apply: 11222

(1) Its object is one or both of the following: 11223

(a) To subject a victim or victims to involuntary 11224
servitude, as defined in section 2905.31 of the Revised Code or 11225
to compel a victim or victims to engage in sexual activity for 11226
hire, to engage in a performance that is obscene, sexually 11227
oriented, or nudity oriented, or to be a model or participant in 11228
the production of material that is obscene, sexually oriented, 11229
or nudity oriented; 11230

(b) To facilitate, encourage, or recruit a victim who is a 11231
minor or is a person with a developmental disability, or victims 11232
who are minors or are persons with developmental disabilities, 11233
for any purpose listed in divisions (A) (2) (a) to (c) of section 11234
2905.32 of the Revised Code. 11235

(2) It involves at least two felony offenses, whether or 11236
not there has been a prior conviction for any of the felony 11237
offenses, to which all of the following apply: 11238

(a) Each of the felony offenses is a violation of section 11239
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 11240
division (A) (1) or (2) of section 2907.323, or division (B) (1), 11241
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 11242
is a violation of a law of any state other than this state that 11243
is substantially similar to any of the sections or divisions of 11244
the Revised Code identified in this division. 11245

(b) At least one of the felony offenses was committed in 11246
this state. 11247

(c) The felony offenses are related to the same scheme or 11248
plan and are not isolated instances. 11249

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

(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.

(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.

(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.

(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.

(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.

Sec. 2929.13. (A) Except as provided in division (E), (F),

or (G) of this section and unless a specific sanction is 11279
required to be imposed or is precluded from being imposed 11280
pursuant to law, a court that imposes a sentence upon an 11281
offender for a felony may impose any sanction or combination of 11282
sanctions on the offender that are provided in sections 2929.14 11283
to 2929.18 of the Revised Code. 11284

If the offender is eligible to be sentenced to community 11285
control sanctions, the court shall consider the appropriateness 11286
of imposing a financial sanction pursuant to section 2929.18 of 11287
the Revised Code or a sanction of community service pursuant to 11288
section 2929.17 of the Revised Code as the sole sanction for the 11289
offense. Except as otherwise provided in this division, if the 11290
court is required to impose a mandatory prison term for the 11291
offense for which sentence is being imposed, the court also 11292
shall impose any financial sanction pursuant to section 2929.18 11293
of the Revised Code that is required for the offense and may 11294
impose any other financial sanction pursuant to that section but 11295
may not impose any additional sanction or combination of 11296
sanctions under section 2929.16 or 2929.17 of the Revised Code. 11297

If the offender is being sentenced for a fourth degree 11298
felony OVI offense or for a third degree felony OVI offense, in 11299
addition to the mandatory term of local incarceration or the 11300
mandatory prison term required for the offense by division (G) 11301
(1) or (2) of this section, the court shall impose upon the 11302
offender a mandatory fine in accordance with division (B) (3) of 11303
section 2929.18 of the Revised Code and may impose whichever of 11304
the following is applicable: 11305

(1) For a fourth degree felony OVI offense for which 11306
sentence is imposed under division (G) (1) of this section, an 11307
additional community control sanction or combination of 11308

community control sanctions under section 2929.16 or 2929.17 of 11309
the Revised Code. If the court imposes upon the offender a 11310
community control sanction and the offender violates any 11311
condition of the community control sanction, the court may take 11312
any action prescribed in division (B) of section 2929.15 of the 11313
Revised Code relative to the offender, including imposing a 11314
prison term on the offender pursuant to that division. 11315

(2) For a third or fourth degree felony OVI offense for 11316
which sentence is imposed under division (G) (2) of this section, 11317
an additional prison term as described in division (B) (4) of 11318
section 2929.14 of the Revised Code or a community control 11319
sanction as described in division (G) (2) of this section. 11320

(B) (1) (a) Except as provided in division (B) (1) (b) of this 11321
section, if an offender is convicted of or pleads guilty to a 11322
felony of the fourth or fifth degree that is not an offense of 11323
violence or that is a qualifying assault offense, the court 11324
shall sentence the offender to a community control sanction or 11325
combination of community control sanctions if all of the 11326
following apply: 11327

(i) The offender previously has not been convicted of or 11328
pleaded guilty to a felony offense. 11329

(ii) The most serious charge against the offender at the 11330
time of sentencing is a felony of the fourth or fifth degree. 11331

(iii) The offender previously has not been convicted of or 11332
pleaded guilty to a misdemeanor offense of violence that the 11333
offender committed within two years prior to the offense for 11334
which sentence is being imposed. 11335

(b) The court has discretion to impose a prison term upon 11336
an offender who is convicted of or pleads guilty to a felony of 11337

the fourth or fifth degree that is not an offense of violence or 11338
that is a qualifying assault offense if any of the following 11339
apply: 11340

(i) The offender committed the offense while having a 11341
firearm on or about the offender's person or under the 11342
offender's control. 11343

(ii) If the offense is a qualifying assault offense, the 11344
offender caused serious physical harm to another person while 11345
committing the offense, and, if the offense is not a qualifying 11346
assault offense, the offender caused physical harm to another 11347
person while committing the offense. 11348

(iii) The offender violated a term of the conditions of 11349
bond as set by the court. 11350

(iv) The offense is a sex offense that is a fourth or 11351
fifth degree felony violation of any provision of Chapter 2907. 11352
of the Revised Code. 11353

(v) In committing the offense, the offender attempted to 11354
cause or made an actual threat of physical harm to a person with 11355
a deadly weapon. 11356

(vi) In committing the offense, the offender attempted to 11357
cause or made an actual threat of physical harm to a person, and 11358
the offender previously was convicted of an offense that caused 11359
physical harm to a person. 11360

(vii) The offender held a public office or position of 11361
trust, and the offense related to that office or position; the 11362
offender's position obliged the offender to prevent the offense 11363
or to bring those committing it to justice; or the offender's 11364
professional reputation or position facilitated the offense or 11365
was likely to influence the future conduct of others. 11366

(viii) The offender committed the offense for hire or as
part of an organized criminal activity. 11367
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(ix) The offender at the time of the offense was serving,
or the offender previously had served, a prison term. 11369
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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. 11371
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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. 11374
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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. 11381
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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
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the Revised Code. 11396

(D) (1) Except as provided in division (E) or (F) of this 11397
section, for a felony of the first or second degree, for a 11398
felony drug offense that is a violation of any provision of 11399
Chapter 2925., 3719., or 4729. of the Revised Code for which a 11400
presumption in favor of a prison term is specified as being 11401
applicable, and for a violation of division (A) (4) or (B) of 11402
section 2907.05 of the Revised Code for which a presumption in 11403
favor of a prison term is specified as being applicable, it is 11404
presumed that a prison term is necessary in order to comply with 11405
the purposes and principles of sentencing under section 2929.11 11406
of the Revised Code. Division (D) (2) of this section does not 11407
apply to a presumption established under this division for a 11408
violation of division (A) (4) of section 2907.05 of the Revised 11409
Code. 11410

(2) Notwithstanding the presumption established under 11411
division (D) (1) of this section for the offenses listed in that 11412
division other than a violation of division (A) (4) or (B) of 11413
section 2907.05 of the Revised Code, the sentencing court may 11414
impose a community control sanction or a combination of 11415
community control sanctions instead of a prison term on an 11416
offender for a felony of the first or second degree or for a 11417
felony drug offense that is a violation of any provision of 11418
Chapter 2925., 3719., or 4729. of the Revised Code for which a 11419
presumption in favor of a prison term is specified as being 11420
applicable if it makes both of the following findings: 11421

(a) A community control sanction or a combination of 11422
community control sanctions would adequately punish the offender 11423
and protect the public from future crime, because the applicable 11424
factors under section 2929.12 of the Revised Code indicating a 11425

lesser likelihood of recidivism outweigh the applicable factors 11426
under that section indicating a greater likelihood of 11427
recidivism. 11428

(b) A community control sanction or a combination of 11429
community control sanctions would not demean the seriousness of 11430
the offense, because one or more factors under section 2929.12 11431
of the Revised Code that indicate that the offender's conduct 11432
was less serious than conduct normally constituting the offense 11433
are applicable, and they outweigh the applicable factors under 11434
that section that indicate that the offender's conduct was more 11435
serious than conduct normally constituting the offense. 11436

(E) (1) Except as provided in division (F) of this section, 11437
for any drug offense that is a violation of any provision of 11438
Chapter 2925. of the Revised Code and that is a felony of the 11439
third, fourth, or fifth degree, the applicability of a 11440
presumption under division (D) of this section in favor of a 11441
prison term or of division (B) or (C) of this section in 11442
determining whether to impose a prison term for the offense 11443
shall be determined as specified in section 2925.02, 2925.03, 11444
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 11445
2925.36, or 2925.37 of the Revised Code, whichever is applicable 11446
regarding the violation. 11447

(2) If an offender who was convicted of or pleaded guilty 11448
to a felony violates the conditions of a community control 11449
sanction imposed for the offense solely by reason of producing 11450
positive results on a drug test ~~or by acting pursuant to~~ 11451
~~division (B) (2) (b) of section 2925.11 of the Revised Code with~~ 11452
~~respect to a minor drug possession offense,~~ the court, as 11453
punishment for the violation of the sanction, shall not order 11454
that the offender be imprisoned unless the court determines on 11455

the record either of the following: 11456

(a) The offender had been ordered as a sanction for the 11457
felony to participate in a drug treatment program, in a drug 11458
education program, or in narcotics anonymous or a similar 11459
program, and the offender continued to use illegal drugs after a 11460
reasonable period of participation in the program. 11461

(b) The imprisonment of the offender for the violation is 11462
consistent with the purposes and principles of sentencing set 11463
forth in section 2929.11 of the Revised Code. 11464

(3) A court that sentences an offender for a drug abuse 11465
offense that is a felony of the third, fourth, or fifth degree 11466
may require that the offender be assessed by a properly 11467
credentialed professional within a specified period of time. The 11468
court shall require the professional to file a written 11469
assessment of the offender with the court. If the offender is 11470
eligible for a community control sanction and after considering 11471
the written assessment, the court may impose a community control 11472
sanction that includes addiction services and recovery supports 11473
included in a community-based continuum of care established 11474
under section 340.032 of the Revised Code. If the court imposes 11475
addiction services and recovery supports as a community control 11476
sanction, the court shall direct the level and type of addiction 11477
services and recovery supports after considering the assessment 11478
and recommendation of community addiction services providers. 11479

(F) Notwithstanding divisions (A) to (E) of this section, 11480
the court shall impose a prison term or terms under sections 11481
2929.02 to 2929.06, section 2929.14, section 2929.142, or 11482
section 2971.03 of the Revised Code and except as specifically 11483
provided in section 2929.20, ~~divisions (C) to (I) of section~~ 11484
~~2967.19,~~ or section 2967.191 of the Revised Code or when parole 11485

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. 11515
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(ii) The offense was committed on or after August 3, 2006. 11518

(4) A felony violation of section 2903.04, 2903.06, 11519
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 11520
or 2923.132 of the Revised Code if the section requires the 11521
imposition of a prison term; 11522

(5) A first, second, or third degree felony drug offense 11523
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 11524
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 11525
or 4729.99 of the Revised Code, whichever is applicable 11526
regarding the violation, requires the imposition of a mandatory 11527
prison term; 11528

(6) Any offense that is a first or second degree felony 11529
and that is not set forth in division (F) (1), (2), (3), or (4) 11530
of this section, if the offender previously was convicted of or 11531
pleaded guilty to aggravated murder, murder, any first or second 11532
degree felony, or an offense under an existing or former law of 11533
this state, another state, or the United States that is or was 11534
substantially equivalent to one of those offenses; 11535

(7) Any offense that is a third degree felony and either 11536
is a violation of section 2903.04 of the Revised Code or an 11537
attempt to commit a felony of the second degree that is an 11538
offense of violence and involved an attempt to cause serious 11539
physical harm to a person or that resulted in serious physical 11540
harm to a person if the offender previously was convicted of or 11541
pleaded guilty to any of the following offenses: 11542

(a) Aggravated murder, murder, involuntary manslaughter, 11543

rape, felonious sexual penetration as it existed under section 11544
2907.12 of the Revised Code prior to September 3, 1996, a felony 11545
of the first or second degree that resulted in the death of a 11546
person or in physical harm to a person, or complicity in or an 11547
attempt to commit any of those offenses; 11548

(b) An offense under an existing or former law of this 11549
state, another state, or the United States that is or was 11550
substantially equivalent to an offense listed in division (F) (7) 11551
(a) of this section that resulted in the death of a person or in 11552
physical harm to a person. 11553

(8) Any offense, other than a violation of section 2923.12 11554
of the Revised Code, that is a felony, if the offender had a 11555
firearm on or about the offender's person or under the 11556
offender's control while committing the felony, with respect to 11557
a portion of the sentence imposed pursuant to division (B) (1) (a) 11558
of section 2929.14 of the Revised Code for having the firearm; 11559

(9) Any offense of violence that is a felony, if the 11560
offender wore or carried body armor while committing the felony 11561
offense of violence, with respect to the portion of the sentence 11562
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 11563
Revised Code for wearing or carrying the body armor; 11564

(10) Corrupt activity in violation of section 2923.32 of 11565
the Revised Code when the most serious offense in the pattern of 11566
corrupt activity that is the basis of the offense is a felony of 11567
the first degree; 11568

(11) Any violent sex offense or designated homicide, 11569
assault, or kidnapping offense if, in relation to that offense, 11570
the offender is adjudicated a sexually violent predator; 11571

(12) A violation of division (A) (1) or (2) of section 11572

2921.36 of the Revised Code, or a violation of division (C) of 11573
that section involving an item listed in division (A) (1) or (2) 11574
of that section, if the offender is an officer or employee of 11575
the department of rehabilitation and correction; 11576

(13) A violation of division (A) (1) or (2) of section 11577
2903.06 of the Revised Code if the victim of the offense is a 11578
peace officer, as defined in section 2935.01 of the Revised 11579
Code, or an investigator of the bureau of criminal 11580
identification and investigation, as defined in section 2903.11 11581
of the Revised Code, with respect to the portion of the sentence 11582
imposed pursuant to division (B) (5) of section 2929.14 of the 11583
Revised Code; 11584

(14) A violation of division (A) (1) or (2) of section 11585
2903.06 of the Revised Code if the offender has been convicted 11586
of or pleaded guilty to three or more violations of division (A) 11587
~~or (B)~~ of section 4511.19 of the Revised Code or an equivalent 11588
offense, as defined in section 2941.1415 of the Revised Code, or 11589
three or more violations of any combination of those ~~divisions~~ 11590
~~and~~ offenses, with respect to the portion of the sentence 11591
imposed pursuant to division (B) (6) of section 2929.14 of the 11592
Revised Code; 11593

(15) Kidnapping, in the circumstances specified in section 11594
2971.03 of the Revised Code and when no other provision of 11595
division (F) of this section applies; 11596

(16) Kidnapping, abduction, compelling prostitution, 11597
promoting prostitution, engaging in a pattern of corrupt 11598
activity, a violation of division (A) (1) or (2) of section 11599
2907.323 of the Revised Code that involves a minor, or 11600
endangering children in violation of division (B) (1), (2), (3), 11601
(4), or (5) of section 2919.22 of the Revised Code, if the 11602

offender is convicted of or pleads guilty to a specification as 11603
described in section 2941.1422 of the Revised Code that was 11604
included in the indictment, count in the indictment, or 11605
information charging the offense; 11606

(17) A felony violation of division (A) or (B) of section 11607
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 11608
that section, and division (D) (6) of that section, require the 11609
imposition of a prison term; 11610

(18) A felony violation of section 2903.11, 2903.12, or 11611
2903.13 of the Revised Code, if the victim of the offense was a 11612
woman that the offender knew was pregnant at the time of the 11613
violation, with respect to a portion of the sentence imposed 11614
pursuant to division (B) (8) of section 2929.14 of the Revised 11615
Code; 11616

(19) (a) Any violent felony offense if the offender is a 11617
violent career criminal and had a firearm on or about the 11618
offender's person or under the offender's control during the 11619
commission of the violent felony offense and displayed or 11620
brandished the firearm, indicated that the offender possessed a 11621
firearm, or used the firearm to facilitate the offense, with 11622
respect to the portion of the sentence imposed under division 11623
(K) of section 2929.14 of the Revised Code. 11624

(b) As used in division (F) (19) (a) of this section, 11625
"violent career criminal" and "violent felony offense" have the 11626
same meanings as in section 2923.132 of the Revised Code. 11627

(20) Any violation of division (A) (1) of section 2903.11 11628
of the Revised Code if the offender used an accelerant in 11629
committing the violation and the serious physical harm to 11630
another or another's unborn caused by the violation resulted in 11631

a permanent, serious disfigurement or permanent, substantial 11632
incapacity or any violation of division (A) (2) of that section 11633
if the offender used an accelerant in committing the violation, 11634
the violation caused physical harm to another or another's 11635
unborn, and the physical harm resulted in a permanent, serious 11636
disfigurement or permanent, substantial incapacity, with respect 11637
to a portion of the sentence imposed pursuant to division (B) (9) 11638
of section 2929.14 of the Revised Code. The provisions of this 11639
division and of division (D) (2) of section 2903.11, divisions 11640
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 11641
the Revised Code shall be known as "Judy's Law." 11642

(21) Any violation of division (A) of section 2903.11 of 11643
the Revised Code if the victim of the offense suffered permanent 11644
disabling harm as a result of the offense and the victim was 11645
under ten years of age at the time of the offense, with respect 11646
to a portion of the sentence imposed pursuant to division (B) 11647
(10) of section 2929.14 of the Revised Code. 11648

(22) A felony violation of section 2925.03, 2925.05, or 11649
2925.11 of the Revised Code, if the drug involved in the 11650
violation is a fentanyl-related compound or a compound, mixture, 11651
preparation, or substance containing a fentanyl-related compound 11652
and the offender is convicted of or pleads guilty to a 11653
specification of the type described in division (B) of section 11654
2941.1410 of the Revised Code that was included in the 11655
indictment, count in the indictment, or information charging the 11656
offense, with respect to the portion of the sentence imposed 11657
under division (B) (11) of section 2929.14 of the Revised Code. 11658

(G) Notwithstanding divisions (A) to (E) of this section, 11659
if an offender is being sentenced for a fourth degree felony OVI 11660
offense or for a third degree felony OVI offense, the court 11661

shall impose upon the offender a mandatory term of local 11662
incarceration or a mandatory prison term in accordance with the 11663
following: 11664

(1) If the offender is being sentenced for a fourth degree 11665
felony OVI offense and if the offender has not been convicted of 11666
and has not pleaded guilty to a specification of the type 11667
described in section 2941.1413 of the Revised Code, the court 11668
may impose upon the offender a mandatory term of local 11669
incarceration of sixty days or one hundred twenty days as 11670
specified in division (G) (1) (d) of section 4511.19 of the 11671
Revised Code. The court shall not reduce the term pursuant to 11672
section 2929.20, division (A) (1) or (2) of section 2967.193, or 11673
any other provision of the Revised Code. The court that imposes 11674
a mandatory term of local incarceration under this division 11675
shall specify whether the term is to be served in a jail, a 11676
community-based correctional facility, a halfway house, or an 11677
alternative residential facility, and the offender shall serve 11678
the term in the type of facility specified by the court. A 11679
mandatory term of local incarceration imposed under division (G) 11680
(1) of this section is not subject to any other Revised Code 11681
provision that pertains to a prison term except as provided in 11682
division (A) (1) of this section. 11683

(2) If the offender is being sentenced for a third degree 11684
felony OVI offense, or if the offender is being sentenced for a 11685
fourth degree felony OVI offense and the court does not impose a 11686
mandatory term of local incarceration under division (G) (1) of 11687
this section, the court shall impose upon the offender a 11688
mandatory prison term of one, two, three, four, or five years if 11689
the offender also is convicted of or also pleads guilty to a 11690
specification of the type described in section 2941.1413 of the 11691
Revised Code or shall impose upon the offender a mandatory 11692

prison term of sixty days or one hundred twenty days as 11693
specified in division (G) (1) (d) or (e) of section 4511.19 of the 11694
Revised Code if the offender has not been convicted of and has 11695
not pleaded guilty to a specification of that type. ~~Subject to~~ 11696
~~divisions (C) to (I) of section 2967.19 of the Revised Code, the~~ 11697
The court shall not reduce the term pursuant to section 2929.20, 11698
~~2967.19, division (A) (1) or (2) of section 2967.193, or any~~ 11699
other provision of the Revised Code. The offender shall serve 11700
the one-, two-, three-, four-, or five-year mandatory prison 11701
term consecutively to and prior to the prison term imposed for 11702
the underlying offense and consecutively to any other mandatory 11703
prison term imposed in relation to the offense. In no case shall 11704
an offender who once has been sentenced to a mandatory term of 11705
local incarceration pursuant to division (G) (1) of this section 11706
for a fourth degree felony OVI offense be sentenced to another 11707
mandatory term of local incarceration under that division for 11708
any violation of division (A) of section 4511.19 of the Revised 11709
Code. In addition to the mandatory prison term described in 11710
division (G) (2) of this section, the court may sentence the 11711
offender to a community control sanction under section 2929.16 11712
or 2929.17 of the Revised Code, but the offender shall serve the 11713
prison term prior to serving the community control sanction. The 11714
department of rehabilitation and correction may place an 11715
offender sentenced to a mandatory prison term under this 11716
division in an intensive program prison established pursuant to 11717
section 5120.033 of the Revised Code if the department gave the 11718
sentencing judge prior notice of its intent to place the 11719
offender in an intensive program prison established under that 11720
section and if the judge did not notify the department that the 11721
judge disapproved the placement. Upon the establishment of the 11722
initial intensive program prison pursuant to section 5120.033 of 11723
the Revised Code that is privately operated and managed by a 11724

contractor pursuant to a contract entered into under section 11725
9.06 of the Revised Code, both of the following apply: 11726

(a) The department of rehabilitation and correction shall 11727
make a reasonable effort to ensure that a sufficient number of 11728
offenders sentenced to a mandatory prison term under this 11729
division are placed in the privately operated and managed prison 11730
so that the privately operated and managed prison has full 11731
occupancy. 11732

(b) Unless the privately operated and managed prison has 11733
full occupancy, the department of rehabilitation and correction 11734
shall not place any offender sentenced to a mandatory prison 11735
term under this division in any intensive program prison 11736
established pursuant to section 5120.033 of the Revised Code 11737
other than the privately operated and managed prison. 11738

(H) If an offender is being sentenced for a sexually 11739
oriented offense or child-victim oriented offense that is a 11740
felony committed on or after January 1, 1997, the judge shall 11741
require the offender to submit to a DNA specimen collection 11742
procedure pursuant to section 2901.07 of the Revised Code. 11743

(I) If an offender is being sentenced for a sexually 11744
oriented offense or a child-victim oriented offense committed on 11745
or after January 1, 1997, the judge shall include in the 11746
sentence a summary of the offender's duties imposed under 11747
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 11748
Code and the duration of the duties. The judge shall inform the 11749
offender, at the time of sentencing, of those duties and of 11750
their duration. If required under division (A) (2) of section 11751
2950.03 of the Revised Code, the judge shall perform the duties 11752
specified in that section, or, if required under division (A) (6) 11753
of section 2950.03 of the Revised Code, the judge shall perform 11754

the duties specified in that division. 11755

(J) (1) Except as provided in division (J) (2) of this 11756
section, when considering sentencing factors under this section 11757
in relation to an offender who is convicted of or pleads guilty 11758
to an attempt to commit an offense in violation of section 11759
2923.02 of the Revised Code, the sentencing court shall consider 11760
the factors applicable to the felony category of the violation 11761
of section 2923.02 of the Revised Code instead of the factors 11762
applicable to the felony category of the offense attempted. 11763

(2) When considering sentencing factors under this section 11764
in relation to an offender who is convicted of or pleads guilty 11765
to an attempt to commit a drug abuse offense for which the 11766
penalty is determined by the amount or number of unit doses of 11767
the controlled substance involved in the drug abuse offense, the 11768
sentencing court shall consider the factors applicable to the 11769
felony category that the drug abuse offense attempted would be 11770
if that drug abuse offense had been committed and had involved 11771
an amount or number of unit doses of the controlled substance 11772
that is within the next lower range of controlled substance 11773
amounts than was involved in the attempt. 11774

(K) As used in this section: 11775

(1) "Community addiction services provider" has the same 11776
meaning as in section 5119.01 of the Revised Code. 11777

(2) "Drug abuse offense" has the same meaning as in 11778
section 2925.01 of the Revised Code. 11779

(3) "Minor drug possession offense" has the same meaning 11780
as in section 2925.11 of the Revised Code. 11781

(4) "Qualifying assault offense" means a violation of 11782
section 2903.13 of the Revised Code for which the penalty 11783

provision in division (C) (8) (b) or (C) (9) (b) of that section 11784
applies. 11785

(L) At the time of sentencing an offender for any sexually 11786
oriented offense, if the offender is a tier III sex 11787
offender/child-victim offender relative to that offense and the 11788
offender does not serve a prison term or jail term, the court 11789
may require that the offender be monitored by means of a global 11790
positioning device. If the court requires such monitoring, the 11791
cost of monitoring shall be borne by the offender. If the 11792
offender is indigent, the cost of compliance shall be paid by 11793
the crime victims reparations fund. 11794

Sec. 2929.14. (A) Except as provided in division (B) (1), 11795
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 11796
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 11797
in division (D) (6) of section 2919.25 of the Revised Code and 11798
except in relation to an offense for which a sentence of death 11799
or life imprisonment is to be imposed, if the court imposing a 11800
sentence upon an offender for a felony elects or is required to 11801
impose a prison term on the offender pursuant to this chapter, 11802
the court shall impose a prison term that shall be one of the 11803
following: 11804

(1) (a) For a felony of the first degree committed on or 11805
~~after the effective date of this amendment~~ March 22, 2019, the 11806
prison term shall be an indefinite prison term with a stated 11807
minimum term selected by the court of three, four, five, six, 11808
seven, eight, nine, ten, or eleven years and a maximum term that 11809
is determined pursuant to section 2929.144 of the Revised Code, 11810
except that if the section that criminalizes the conduct 11811
constituting the felony specifies a different minimum term or 11812
penalty for the offense, the specific language of that section 11813

shall control in determining the minimum term or otherwise 11814
sentencing the offender but the minimum term or sentence imposed 11815
under that specific language shall be considered for purposes of 11816
the Revised Code as if it had been imposed under this division. 11817

(b) For a felony of the first degree committed prior to 11818
~~the effective date of this amendment~~ March 22, 2019, the prison 11819
term shall be a definite prison term of three, four, five, six, 11820
seven, eight, nine, ten, or eleven years. 11821

(2) (a) For a felony of the second degree committed on or 11822
~~after the effective date of this amendment~~ March 22, 2019, the 11823
prison term shall be an indefinite prison term with a stated 11824
minimum term selected by the court of two, three, four, five, 11825
six, seven, or eight years and a maximum term that is determined 11826
pursuant to section 2929.144 of the Revised Code, except that if 11827
the section that criminalizes the conduct constituting the 11828
felony specifies a different minimum term or penalty for the 11829
offense, the specific language of that section shall control in 11830
determining the minimum term or otherwise sentencing the 11831
offender but the minimum term or sentence imposed under that 11832
specific language shall be considered for purposes of the 11833
Revised Code as if it had been imposed under this division. 11834

(b) For a felony of the second degree committed prior to 11835
~~the effective date of this amendment~~ March 22, 2019, the prison 11836
term shall be a definite term of two, three, four, five, six, 11837
seven, or eight years. 11838

(3) (a) For a felony of the third degree that is a 11839
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 11840
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 11841
Code, that is a violation of division (A) of section 4511.19 of 11842
the Revised Code if the offender previously has been convicted 11843

of or pleaded guilty to a violation of division (A) of that 11844
section that was a felony, or that is a violation of section 11845
2911.02 or 2911.12 of the Revised Code if the offender 11846
previously has been convicted of or pleaded guilty in two or 11847
more separate proceedings to two or more violations of section 11848
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 11849
prison term shall be a definite term of twelve, eighteen, 11850
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 11851
four, or sixty months. 11852

(b) For a felony of the third degree that is not an 11853
offense for which division (A) (3) (a) of this section applies, 11854
the prison term shall be a definite term of nine, twelve, 11855
eighteen, twenty-four, thirty, or thirty-six months. 11856

(4) For a felony of the fourth degree, the prison term 11857
shall be a definite term of six, seven, eight, nine, ten, 11858
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 11859
or eighteen months. 11860

(5) For a felony of the fifth degree, the prison term 11861
shall be a definite term of six, seven, eight, nine, ten, 11862
eleven, or twelve months. 11863

(B) (1) (a) Except as provided in division (B) (1) (e) of this 11864
section, if an offender who is convicted of or pleads guilty to 11865
a felony also is convicted of or pleads guilty to a 11866
specification of the type described in section 2941.141, 11867
2941.144, or 2941.145 of the Revised Code, the court shall 11868
impose on the offender one of the following prison terms: 11869

(i) A prison term of six years if the specification is of 11870
the type described in division (A) of section 2941.144 of the 11871
Revised Code that charges the offender with having a firearm 11872

that is an automatic firearm or that was equipped with a firearm 11873
muffler or suppressor on or about the offender's person or under 11874
the offender's control while committing the offense; 11875

(ii) A prison term of three years if the specification is 11876
of the type described in division (A) of section 2941.145 of the 11877
Revised Code that charges the offender with having a firearm on 11878
or about the offender's person or under the offender's control 11879
while committing the offense and displaying the firearm, 11880
brandishing the firearm, indicating that the offender possessed 11881
the firearm, or using it to facilitate the offense; 11882

(iii) A prison term of one year if the specification is of 11883
the type described in division (A) of section 2941.141 of the 11884
Revised Code that charges the offender with having a firearm on 11885
or about the offender's person or under the offender's control 11886
while committing the offense; 11887

(iv) A prison term of nine years if the specification is 11888
of the type described in division (D) of section 2941.144 of the 11889
Revised Code that charges the offender with having a firearm 11890
that is an automatic firearm or that was equipped with a firearm 11891
muffler or suppressor on or about the offender's person or under 11892
the offender's control while committing the offense and 11893
specifies that the offender previously has been convicted of or 11894
pleaded guilty to a specification of the type described in 11895
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 11896
the Revised Code; 11897

(v) A prison term of fifty-four months if the 11898
specification is of the type described in division (D) of 11899
section 2941.145 of the Revised Code that charges the offender 11900
with having a firearm on or about the offender's person or under 11901
the offender's control while committing the offense and 11902

displaying the firearm, brandishing the firearm, indicating that 11903
the offender possessed the firearm, or using the firearm to 11904
facilitate the offense and that the offender previously has been 11905
convicted of or pleaded guilty to a specification of the type 11906
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 11907
2941.1412 of the Revised Code; 11908

(vi) A prison term of eighteen months if the specification 11909
is of the type described in division (D) of section 2941.141 of 11910
the Revised Code that charges the offender with having a firearm 11911
on or about the offender's person or under the offender's 11912
control while committing the offense and that the offender 11913
previously has been convicted of or pleaded guilty to a 11914
specification of the type described in section 2941.141, 11915
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 11916

(b) If a court imposes a prison term on an offender under 11917
division (B) (1) (a) of this section, the prison term shall not be 11918
reduced pursuant to ~~section 2967.19,~~ section 2929.20, division 11919
(A) (1) or (2) of section 2967.193, or any other provision of 11920
Chapter 2967. or Chapter 5120. of the Revised Code. Except as 11921
provided in division (B) (1) (g) of this section, a court shall 11922
not impose more than one prison term on an offender under 11923
division (B) (1) (a) of this section for felonies committed as 11924
part of the same act or transaction. 11925

(c) (i) Except as provided in division (B) (1) (e) of this 11926
section, if an offender who is convicted of or pleads guilty to 11927
a violation of section 2923.161 of the Revised Code or to a 11928
felony that includes, as an essential element, purposely or 11929
knowingly causing or attempting to cause the death of or 11930
physical harm to another, also is convicted of or pleads guilty 11931
to a specification of the type described in division (A) of 11932

section 2941.146 of the Revised Code that charges the offender 11933
with committing the offense by discharging a firearm from a 11934
motor vehicle other than a manufactured home, the court, after 11935
imposing a prison term on the offender for the violation of 11936
section 2923.161 of the Revised Code or for the other felony 11937
offense under division (A), (B) (2), or (B) (3) of this section, 11938
shall impose an additional prison term of five years upon the 11939
offender that shall not be reduced pursuant to section 2929.20, 11940
~~section 2967.19, division (A) (1) or (2) of section 2967.193~~, or 11941
any other provision of Chapter 2967. or Chapter 5120. of the 11942
Revised Code. 11943

(ii) Except as provided in division (B) (1) (e) of this 11944
section, if an offender who is convicted of or pleads guilty to 11945
a violation of section 2923.161 of the Revised Code or to a 11946
felony that includes, as an essential element, purposely or 11947
knowingly causing or attempting to cause the death of or 11948
physical harm to another, also is convicted of or pleads guilty 11949
to a specification of the type described in division (C) of 11950
section 2941.146 of the Revised Code that charges the offender 11951
with committing the offense by discharging a firearm from a 11952
motor vehicle other than a manufactured home and that the 11953
offender previously has been convicted of or pleaded guilty to a 11954
specification of the type described in section 2941.141, 11955
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 11956
the court, after imposing a prison term on the offender for the 11957
violation of section 2923.161 of the Revised Code or for the 11958
other felony offense under division (A), (B) (2), or (3) of this 11959
section, shall impose an additional prison term of ninety months 11960
upon the offender that shall not be reduced pursuant to section 11961
2929.20, ~~2967.19, division (A) (1) or (2) of section 2967.193~~, or 11962
any other provision of Chapter 2967. or Chapter 5120. of the 11963

Revised Code. 11964

(iii) A court shall not impose more than one additional 11965
prison term on an offender under division (B) (1) (c) of this 11966
section for felonies committed as part of the same act or 11967
transaction. If a court imposes an additional prison term on an 11968
offender under division (B) (1) (c) of this section relative to an 11969
offense, the court also shall impose a prison term under 11970
division (B) (1) (a) of this section relative to the same offense, 11971
provided the criteria specified in that division for imposing an 11972
additional prison term are satisfied relative to the offender 11973
and the offense. 11974

(d) If an offender who is convicted of or pleads guilty to 11975
an offense of violence that is a felony also is convicted of or 11976
pleads guilty to a specification of the type described in 11977
section 2941.1411 of the Revised Code that charges the offender 11978
with wearing or carrying body armor while committing the felony 11979
offense of violence, the court shall impose on the offender an 11980
additional prison term of two years. The prison term so imposed, 11981
~~subject to divisions (C) to (I) of section 2967.19 of the~~ 11982
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 11983
~~section 2967.19, division (A) (1) or (2) of section 2967.193,~~ or 11984
any other provision of Chapter 2967. or Chapter 5120. of the 11985
Revised Code. A court shall not impose more than one prison term 11986
on an offender under division (B) (1) (d) of this section for 11987
felonies committed as part of the same act or transaction. If a 11988
court imposes an additional prison term under division (B) (1) (a) 11989
or (c) of this section, the court is not precluded from imposing 11990
an additional prison term under division (B) (1) (d) of this 11991
section. 11992

(e) The court shall not impose any of the prison terms 11993

described in division (B) (1) (a) of this section or any of the 11994
additional prison terms described in division (B) (1) (c) of this 11995
section upon an offender for a violation of section 2923.12 or 11996
2923.123 of the Revised Code. The court shall not impose any of 11997
the prison terms described in division (B) (1) (a) or (b) of this 11998
section upon an offender for a violation of section 2923.122 11999
that involves a deadly weapon that is a firearm other than a 12000
dangerous ordnance, section 2923.16, or section 2923.121 of the 12001
Revised Code. The court shall not impose any of the prison terms 12002
described in division (B) (1) (a) of this section or any of the 12003
additional prison terms described in division (B) (1) (c) of this 12004
section upon an offender for a violation of section 2923.13 of 12005
the Revised Code unless all of the following apply: 12006

(i) The offender previously has been convicted of 12007
aggravated murder, murder, or any felony of the first or second 12008
degree. 12009

(ii) Less than five years have passed since the offender 12010
was released from prison or post-release control, whichever is 12011
later, for the prior offense. 12012

(f) (i) If an offender is convicted of or pleads guilty to 12013
a felony that includes, as an essential element, causing or 12014
attempting to cause the death of or physical harm to another and 12015
also is convicted of or pleads guilty to a specification of the 12016
type described in division (A) of section 2941.1412 of the 12017
Revised Code that charges the offender with committing the 12018
offense by discharging a firearm at a peace officer as defined 12019
in section 2935.01 of the Revised Code or a corrections officer, 12020
as defined in section 2941.1412 of the Revised Code, the court, 12021
after imposing a prison term on the offender for the felony 12022
offense under division (A), (B) (2), or (B) (3) of this section, 12023

shall impose an additional prison term of seven years upon the 12024
offender that shall not be reduced pursuant to section 2929.20, 12025
~~section 2967.19, division (A) (1) or (2) of section 2967.193,~~ or 12026
any other provision of Chapter 2967. or Chapter 5120. of the 12027
Revised Code. 12028

(ii) If an offender is convicted of or pleads guilty to a 12029
felony that includes, as an essential element, causing or 12030
attempting to cause the death of or physical harm to another and 12031
also is convicted of or pleads guilty to a specification of the 12032
type described in division (B) of section 2941.1412 of the 12033
Revised Code that charges the offender with committing the 12034
offense by discharging a firearm at a peace officer, as defined 12035
in section 2935.01 of the Revised Code, or a corrections 12036
officer, as defined in section 2941.1412 of the Revised Code, 12037
and that the offender previously has been convicted of or 12038
pleaded guilty to a specification of the type described in 12039
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 12040
the Revised Code, the court, after imposing a prison term on the 12041
offender for the felony offense under division (A), (B) (2), or 12042
(3) of this section, shall impose an additional prison term of 12043
one hundred twenty-six months upon the offender that shall not 12044
be reduced pursuant to section 2929.20, ~~2967.19,~~ division (A) (1) 12045
or (2) of section 2967.193, or any other provision of Chapter 12046
2967. or 5120. of the Revised Code. 12047

(iii) If an offender is convicted of or pleads guilty to 12048
two or more felonies that include, as an essential element, 12049
causing or attempting to cause the death or physical harm to 12050
another and also is convicted of or pleads guilty to a 12051
specification of the type described under division (B) (1) (f) of 12052
this section in connection with two or more of the felonies of 12053
which the offender is convicted or to which the offender pleads 12054

guilty, the sentencing court shall impose on the offender the 12055
prison term specified under division (B) (1) (f) of this section 12056
for each of two of the specifications of which the offender is 12057
convicted or to which the offender pleads guilty and, in its 12058
discretion, also may impose on the offender the prison term 12059
specified under that division for any or all of the remaining 12060
specifications. If a court imposes an additional prison term on 12061
an offender under division (B) (1) (f) of this section relative to 12062
an offense, the court shall not impose a prison term under 12063
division (B) (1) (a) or (c) of this section relative to the same 12064
offense. 12065

(g) If an offender is convicted of or pleads guilty to two 12066
or more felonies, if one or more of those felonies are 12067
aggravated murder, murder, attempted aggravated murder, 12068
attempted murder, aggravated robbery, felonious assault, or 12069
rape, and if the offender is convicted of or pleads guilty to a 12070
specification of the type described under division (B) (1) (a) of 12071
this section in connection with two or more of the felonies, the 12072
sentencing court shall impose on the offender the prison term 12073
specified under division (B) (1) (a) of this section for each of 12074
the two most serious specifications of which the offender is 12075
convicted or to which the offender pleads guilty and, in its 12076
discretion, also may impose on the offender the prison term 12077
specified under that division for any or all of the remaining 12078
specifications. 12079

(2) (a) If division (B) (2) (b) of this section does not 12080
apply, the court may impose on an offender, in addition to the 12081
longest prison term authorized or required for the offense or, 12082
for offenses for which division (A) (1) (a) or (2) (a) of this 12083
section applies, in addition to the longest minimum prison term 12084
authorized or required for the offense, an additional definite 12085

prison term of one, two, three, four, five, six, seven, eight, 12086
nine, or ten years if all of the following criteria are met: 12087

(i) The offender is convicted of or pleads guilty to a 12088
specification of the type described in section 2941.149 of the 12089
Revised Code that the offender is a repeat violent offender. 12090

(ii) The offense of which the offender currently is 12091
convicted or to which the offender currently pleads guilty is 12092
aggravated murder and the court does not impose a sentence of 12093
death or life imprisonment without parole, murder, terrorism and 12094
the court does not impose a sentence of life imprisonment 12095
without parole, any felony of the first degree that is an 12096
offense of violence and the court does not impose a sentence of 12097
life imprisonment without parole, or any felony of the second 12098
degree that is an offense of violence and the trier of fact 12099
finds that the offense involved an attempt to cause or a threat 12100
to cause serious physical harm to a person or resulted in 12101
serious physical harm to a person. 12102

(iii) The court imposes the longest prison term for the 12103
offense or the longest minimum prison term for the offense, 12104
whichever is applicable, that is not life imprisonment without 12105
parole. 12106

(iv) The court finds that the prison terms imposed 12107
pursuant to division (B) (2) (a) (iii) of this section and, if 12108
applicable, division (B) (1) or (3) of this section are 12109
inadequate to punish the offender and protect the public from 12110
future crime, because the applicable factors under section 12111
2929.12 of the Revised Code indicating a greater likelihood of 12112
recidivism outweigh the applicable factors under that section 12113
indicating a lesser likelihood of recidivism. 12114

(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 12145
currently is convicted or to which the offender currently pleads 12146
guilty is aggravated murder and the court does not impose a 12147
sentence of death or life imprisonment without parole, murder, 12148
terrorism and the court does not impose a sentence of life 12149
imprisonment without parole, any felony of the first degree that 12150
is an offense of violence and the court does not impose a 12151
sentence of life imprisonment without parole, or any felony of 12152
the second degree that is an offense of violence and the trier 12153
of fact finds that the offense involved an attempt to cause or a 12154
threat to cause serious physical harm to a person or resulted in 12155
serious physical harm to a person. 12156

(c) For purposes of division (B) (2) (b) of this section, 12157
two or more offenses committed at the same time or as part of 12158
the same act or event shall be considered one offense, and that 12159
one offense shall be the offense with the greatest penalty. 12160

(d) A sentence imposed under division (B) (2) (a) or (b) of 12161
this section shall not be reduced pursuant to section 2929.20, 12162
~~section 2967.19, or division (A) (1) or (2) of section 2967.193,~~ 12163
or any other provision of Chapter 2967. or Chapter 5120. of the 12164
Revised Code. The offender shall serve an additional prison term 12165
imposed under division (B) (2) (a) or (b) of this section 12166
consecutively to and prior to the prison term imposed for the 12167
underlying offense. 12168

(e) When imposing a sentence pursuant to division (B) (2) 12169
(a) or (b) of this section, the court shall state its findings 12170
explaining the imposed sentence. 12171

(3) Except when an offender commits a violation of section 12172
2903.01 or 2907.02 of the Revised Code and the penalty imposed 12173
for the violation is life imprisonment or commits a violation of 12174

section 2903.02 of the Revised Code, if the offender commits a 12175
violation of section 2925.03 or 2925.11 of the Revised Code and 12176
that section classifies the offender as a major drug offender, 12177
if the offender commits a violation of section 2925.05 of the 12178
Revised Code and division (E)(1) of that section classifies the 12179
offender as a major drug offender, if the offender commits a 12180
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 12181
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 12182
division (C) or (D) of section 3719.172, division (E) of section 12183
4729.51, or division (J) of section 4729.54 of the Revised Code 12184
that includes the sale, offer to sell, or possession of a 12185
schedule I or II controlled substance, with the exception of 12186
marihuana, and the court imposing sentence upon the offender 12187
finds that the offender is guilty of a specification of the type 12188
described in division (A) of section 2941.1410 of the Revised 12189
Code charging that the offender is a major drug offender, if the 12190
court imposing sentence upon an offender for a felony finds that 12191
the offender is guilty of corrupt activity with the most serious 12192
offense in the pattern of corrupt activity being a felony of the 12193
first degree, or if the offender is guilty of an attempted 12194
violation of section 2907.02 of the Revised Code and, had the 12195
offender completed the violation of section 2907.02 of the 12196
Revised Code that was attempted, the offender would have been 12197
subject to a sentence of life imprisonment or life imprisonment 12198
without parole for the violation of section 2907.02 of the 12199
Revised Code, the court shall impose upon the offender for the 12200
felony violation a mandatory prison term determined as described 12201
in this division that, ~~subject to divisions (C) to (I) of~~ 12202
~~section 2967.19 of the Revised Code,~~ cannot be reduced pursuant 12203
to section 2929.20, ~~section 2967.19,~~ division (A)(1) or (2) of 12204
section 2967.193, or any other provision of Chapter 2967. or 12205
5120. of the Revised Code. The mandatory prison term shall be 12206

the maximum definite prison term prescribed in division (A) (1) 12207
(b) of this section for a felony of the first degree, except 12208
that for offenses for which division (A) (1) (a) of this section 12209
applies, the mandatory prison term shall be the longest minimum 12210
prison term prescribed in that division for the offense. 12211

(4) If the offender is being sentenced for a third or 12212
fourth degree felony OVI offense under division (G) (2) of 12213
section 2929.13 of the Revised Code, the sentencing court shall 12214
impose upon the offender a mandatory prison term in accordance 12215
with that division. In addition to the mandatory prison term, if 12216
the offender is being sentenced for a fourth degree felony OVI 12217
offense, the court, notwithstanding division (A) (4) of this 12218
section, may sentence the offender to a definite prison term of 12219
not less than six months and not more than thirty months, and if 12220
the offender is being sentenced for a third degree felony OVI 12221
offense, the sentencing court may sentence the offender to an 12222
additional prison term of any duration specified in division (A) 12223
(3) of this section. In either case, the additional prison term 12224
imposed shall be reduced by the sixty or one hundred twenty days 12225
imposed upon the offender as the mandatory prison term. The 12226
total of the additional prison term imposed under division (B) 12227
(4) of this section plus the sixty or one hundred twenty days 12228
imposed as the mandatory prison term shall equal a definite term 12229
in the range of six months to thirty months for a fourth degree 12230
felony OVI offense and shall equal one of the authorized prison 12231
terms specified in division (A) (3) of this section for a third 12232
degree felony OVI offense. If the court imposes an additional 12233
prison term under division (B) (4) of this section, the offender 12234
shall serve the additional prison term after the offender has 12235
served the mandatory prison term required for the offense. In 12236
addition to the mandatory prison term or mandatory and 12237

additional prison term imposed as described in division (B) (4) 12238
of this section, the court also may sentence the offender to a 12239
community control sanction under section 2929.16 or 2929.17 of 12240
the Revised Code, but the offender shall serve all of the prison 12241
terms so imposed prior to serving the community control 12242
sanction. 12243

If the offender is being sentenced for a fourth degree 12244
felony OVI offense under division (G) (1) of section 2929.13 of 12245
the Revised Code and the court imposes a mandatory term of local 12246
incarceration, the court may impose a prison term as described 12247
in division (A) (1) of that section. 12248

(5) If an offender is convicted of or pleads guilty to a 12249
violation of division (A) (1) or (2) of section 2903.06 of the 12250
Revised Code and also is convicted of or pleads guilty to a 12251
specification of the type described in section 2941.1414 of the 12252
Revised Code that charges that the victim of the offense is a 12253
peace officer, as defined in section 2935.01 of the Revised 12254
Code, or an investigator of the bureau of criminal 12255
identification and investigation, as defined in section 2903.11 12256
of the Revised Code, the court shall impose on the offender a 12257
prison term of five years. If a court imposes a prison term on 12258
an offender under division (B) (5) of this section, the prison 12259
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 12260
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 12261
~~section 2967.19, division (A) (1) or (2) of section 2967.193, or~~ 12262
any other provision of Chapter 2967. or Chapter 5120. of the 12263
Revised Code. A court shall not impose more than one prison term 12264
on an offender under division (B) (5) of this section for 12265
felonies committed as part of the same act. 12266

(6) If an offender is convicted of or pleads guilty to a 12267

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~~ 12299
~~amendment~~ March 22, 2019, the court shall impose as the minimum 12300
prison term a mandatory term of not less than five years and not 12301
greater than eleven years; 12302

(ii) If the offense is a felony of the second or third 12303
degree, a definite prison term of not less than three years and 12304
not greater than the maximum prison term allowed for the offense 12305
by division (A) (2) (b) or (3) of this section, except that if the 12306
offense is a felony of the second degree committed on or after 12307
~~the effective date of this amendment~~ March 22, 2019, the court 12308
shall impose as the minimum prison term a mandatory term of not 12309
less than three years and not greater than eight years; 12310

(iii) If the offense is a felony of the fourth or fifth 12311
degree, a definite prison term that is the maximum prison term 12312
allowed for the offense by division (A) of section 2929.14 of 12313
the Revised Code. 12314

(b) ~~Subject to divisions (C) to (I) of section 2967.19 of~~ 12315
~~the Revised Code, the~~ The prison term imposed under division (B) 12316
(7) (a) of this section shall not be reduced pursuant to section 12317
2929.20, ~~section 2967.19,~~ division (A) (1) or (2) of section 12318
2967.193, or any other provision of Chapter 2967. of the Revised 12319
Code. A court shall not impose more than one prison term on an 12320
offender under division (B) (7) (a) of this section for felonies 12321
committed as part of the same act, scheme, or plan. 12322

(8) If an offender is convicted of or pleads guilty to a 12323
felony violation of section 2903.11, 2903.12, or 2903.13 of the 12324
Revised Code and also is convicted of or pleads guilty to a 12325
specification of the type described in section 2941.1423 of the 12326
Revised Code that charges that the victim of the violation was a 12327
woman whom the offender knew was pregnant at the time of the 12328

violation, notwithstanding the range prescribed in division (A) 12329
of this section as the definite prison term or minimum prison 12330
term for felonies of the same degree as the violation, the court 12331
shall impose on the offender a mandatory prison term that is 12332
either a definite prison term of six months or one of the prison 12333
terms prescribed in division (A) of this section for felonies of 12334
the same degree as the violation, except that if the violation 12335
is a felony of the first or second degree committed on or after 12336
~~the effective date of this amendment~~ March 22, 2019, the court 12337
shall impose as the minimum prison term under division (A) (1) (a) 12338
or (2) (a) of this section a mandatory term that is one of the 12339
terms prescribed in that division, whichever is applicable, for 12340
the offense. 12341

(9) (a) If an offender is convicted of or pleads guilty to 12342
a violation of division (A) (1) or (2) of section 2903.11 of the 12343
Revised Code and also is convicted of or pleads guilty to a 12344
specification of the type described in section 2941.1425 of the 12345
Revised Code, the court shall impose on the offender a mandatory 12346
prison term of six years if either of the following applies: 12347

(i) The violation is a violation of division (A) (1) of 12348
section 2903.11 of the Revised Code and the specification 12349
charges that the offender used an accelerant in committing the 12350
violation and the serious physical harm to another or to 12351
another's unborn caused by the violation resulted in a 12352
permanent, serious disfigurement or permanent, substantial 12353
incapacity; 12354

(ii) The violation is a violation of division (A) (2) of 12355
section 2903.11 of the Revised Code and the specification 12356
charges that the offender used an accelerant in committing the 12357
violation, that the violation caused physical harm to another or 12358

to another's unborn, and that the physical harm resulted in a 12359
permanent, serious disfigurement or permanent, substantial 12360
incapacity. 12361

(b) If a court imposes a prison term on an offender under 12362
division (B) (9) (a) of this section, the prison term shall not be 12363
reduced pursuant to section 2929.20, ~~section 2967.19, division~~ 12364
(A) (1) or (2) of section 2967.193, or any other provision of 12365
Chapter 2967. or Chapter 5120. of the Revised Code. A court 12366
shall not impose more than one prison term on an offender under 12367
division (B) (9) of this section for felonies committed as part 12368
of the same act. 12369

(c) The provisions of divisions (B) (9) and (C) (6) of this 12370
section and of division (D) (2) of section 2903.11, division (F) 12371
(20) of section 2929.13, and section 2941.1425 of the Revised 12372
Code shall be known as "Judy's Law." 12373

(10) If an offender is convicted of or pleads guilty to a 12374
violation of division (A) of section 2903.11 of the Revised Code 12375
and also is convicted of or pleads guilty to a specification of 12376
the type described in section 2941.1426 of the Revised Code that 12377
charges that the victim of the offense suffered permanent 12378
disabling harm as a result of the offense and that the victim 12379
was under ten years of age at the time of the offense, 12380
regardless of whether the offender knew the age of the victim, 12381
the court shall impose upon the offender an additional definite 12382
prison term of six years. A prison term imposed on an offender 12383
under division (B) (10) of this section shall not be reduced 12384
pursuant to section 2929.20, division (A) (1) or (2) of section 12385
2967.193, or any other provision of Chapter 2967. or Chapter 12386
5120. of the Revised Code. If a court imposes an additional 12387
prison term on an offender under this division relative to a 12388

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 12420
discharging a firearm from a motor vehicle, or if both types of 12421
mandatory prison terms are imposed, the offender shall serve any 12422
mandatory prison term imposed under either division 12423
consecutively to any other mandatory prison term imposed under 12424
either division or under division (B) (1) (d) of this section, 12425
consecutively to and prior to any prison term imposed for the 12426
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 12427
this section or any other section of the Revised Code, and 12428
consecutively to any other prison term or mandatory prison term 12429
previously or subsequently imposed upon the offender. 12430

(b) If a mandatory prison term is imposed upon an offender 12431
pursuant to division (B) (1) (d) of this section for wearing or 12432
carrying body armor while committing an offense of violence that 12433
is a felony, the offender shall serve the mandatory term so 12434
imposed consecutively to any other mandatory prison term imposed 12435
under that division or under division (B) (1) (a) or (c) of this 12436
section, consecutively to and prior to any prison term imposed 12437
for the underlying felony under division (A), (B) (2), or (B) (3) 12438
of this section or any other section of the Revised Code, and 12439
consecutively to any other prison term or mandatory prison term 12440
previously or subsequently imposed upon the offender. 12441

(c) If a mandatory prison term is imposed upon an offender 12442
pursuant to division (B) (1) (f) of this section, the offender 12443
shall serve the mandatory prison term so imposed consecutively 12444
to and prior to any prison term imposed for the underlying 12445
felony under division (A), (B) (2), or (B) (3) of this section or 12446
any other section of the Revised Code, and consecutively to any 12447
other prison term or mandatory prison term previously or 12448
subsequently imposed upon the offender. 12449

(d) If a mandatory prison term is imposed upon an offender 12450
pursuant to division (B) (7) or (8) of this section, the offender 12451
shall serve the mandatory prison term so imposed consecutively 12452
to any other mandatory prison term imposed under that division 12453
or under any other provision of law and consecutively to any 12454
other prison term or mandatory prison term previously or 12455
subsequently imposed upon the offender. 12456

(e) If a mandatory prison term is imposed upon an offender 12457
pursuant to division (B) (11) of this section, the offender shall 12458
serve the mandatory prison term consecutively to any other 12459
mandatory prison term imposed under that division, consecutively 12460
to and prior to any prison term imposed for the underlying 12461
felony, and consecutively to any other prison term or mandatory 12462
prison term previously or subsequently imposed upon the 12463
offender. 12464

(2) If an offender who is an inmate in a jail, prison, or 12465
other residential detention facility violates section 2917.02, 12466
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 12467
(2) of section 2921.34 of the Revised Code, if an offender who 12468
is under detention at a detention facility commits a felony 12469
violation of section 2923.131 of the Revised Code, or if an 12470
offender who is an inmate in a jail, prison, or other 12471
residential detention facility or is under detention at a 12472
detention facility commits another felony while the offender is 12473
an escapee in violation of division (A) (1) or (2) of section 12474
2921.34 of the Revised Code, any prison term imposed upon the 12475
offender for one of those violations shall be served by the 12476
offender consecutively to the prison term or term of 12477
imprisonment the offender was serving when the offender 12478
committed that offense and to any other prison term previously 12479
or subsequently imposed upon the offender. 12480

(3) If a prison term is imposed for a violation of 12481
division (B) of section 2911.01 of the Revised Code, a violation 12482
of division (A) of section 2913.02 of the Revised Code in which 12483
the stolen property is a firearm or dangerous ordnance, or a 12484
felony violation of division (B) of section 2921.331 of the 12485
Revised Code, the offender shall serve that prison term 12486
consecutively to any other prison term or mandatory prison term 12487
previously or subsequently imposed upon the offender. 12488

(4) If multiple prison terms are imposed on an offender 12489
for convictions of multiple offenses, the court may require the 12490
offender to serve the prison terms consecutively if the court 12491
finds that the consecutive service is necessary to protect the 12492
public from future crime or to punish the offender and that 12493
consecutive sentences are not disproportionate to the 12494
seriousness of the offender's conduct and to the danger the 12495
offender poses to the public, and if the court also finds any of 12496
the following: 12497

(a) The offender committed one or more of the multiple 12498
offenses while the offender was awaiting trial or sentencing, 12499
was under a sanction imposed pursuant to section 2929.16, 12500
2929.17, or 2929.18 of the Revised Code, or was under post- 12501
release control for a prior offense. 12502

(b) At least two of the multiple offenses were committed 12503
as part of one or more courses of conduct, and the harm caused 12504
by two or more of the multiple offenses so committed was so 12505
great or unusual that no single prison term for any of the 12506
offenses committed as part of any of the courses of conduct 12507
adequately reflects the seriousness of the offender's conduct. 12508

(c) The offender's history of criminal conduct 12509
demonstrates that consecutive sentences are necessary to protect 12510

the public from future crime by the offender. 12511

(5) If a mandatory prison term is imposed upon an offender 12512
pursuant to division (B) (5) or (6) of this section, the offender 12513
shall serve the mandatory prison term consecutively to and prior 12514
to any prison term imposed for the underlying violation of 12515
division (A) (1) or (2) of section 2903.06 of the Revised Code 12516
pursuant to division (A) of this section or section 2929.142 of 12517
the Revised Code. If a mandatory prison term is imposed upon an 12518
offender pursuant to division (B) (5) of this section, and if a 12519
mandatory prison term also is imposed upon the offender pursuant 12520
to division (B) (6) of this section in relation to the same 12521
violation, the offender shall serve the mandatory prison term 12522
imposed pursuant to division (B) (5) of this section 12523
consecutively to and prior to the mandatory prison term imposed 12524
pursuant to division (B) (6) of this section and consecutively to 12525
and prior to any prison term imposed for the underlying 12526
violation of division (A) (1) or (2) of section 2903.06 of the 12527
Revised Code pursuant to division (A) of this section or section 12528
2929.142 of the Revised Code. 12529

(6) If a mandatory prison term is imposed on an offender 12530
pursuant to division (B) (9) of this section, the offender shall 12531
serve the mandatory prison term consecutively to and prior to 12532
any prison term imposed for the underlying violation of division 12533
(A) (1) or (2) of section 2903.11 of the Revised Code and 12534
consecutively to and prior to any other prison term or mandatory 12535
prison term previously or subsequently imposed on the offender. 12536

(7) If a mandatory prison term is imposed on an offender 12537
pursuant to division (B) (10) of this section, the offender shall 12538
serve that mandatory prison term consecutively to and prior to 12539
any prison term imposed for the underlying felonious assault. 12540

Except as otherwise provided in division (C) of this section, 12541
any other prison term or mandatory prison term previously or 12542
subsequently imposed upon the offender may be served 12543
concurrently with, or consecutively to, the prison term imposed 12544
pursuant to division (B)(10) of this section. 12545

(8) Any prison term imposed for a violation of section 12546
2903.04 of the Revised Code that is based on a violation of 12547
section 2925.03 or 2925.11 of the Revised Code or on a violation 12548
of section 2925.05 of the Revised Code that is not funding of 12549
marihuana trafficking shall run consecutively to any prison term 12550
imposed for the violation of section 2925.03 or 2925.11 of the 12551
Revised Code or for the violation of section 2925.05 of the 12552
Revised Code that is not funding of marihuana trafficking. 12553

(9) When consecutive prison terms are imposed pursuant to 12554
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 12555
division (H)(1) or (2) of this section, subject to division (C) 12556
(10) of this section, the term to be served is the aggregate of 12557
all of the terms so imposed. 12558

(10) When a court sentences an offender to a non-life 12559
felony indefinite prison term, any definite prison term or 12560
mandatory definite prison term previously or subsequently 12561
imposed on the offender in addition to that indefinite sentence 12562
that is required to be served consecutively to that indefinite 12563
sentence shall be served prior to the indefinite sentence. 12564

(11) If a court is sentencing an offender for a felony of 12565
the first or second degree, if division (A)(1)(a) or (2)(a) of 12566
this section applies with respect to the sentencing for the 12567
offense, and if the court is required under the Revised Code 12568
section that sets forth the offense or any other Revised Code 12569
provision to impose a mandatory prison term for the offense, the 12570

court shall impose the required mandatory prison term as the 12571
minimum term imposed under division (A) (1) (a) or (2) (a) of this 12572
section, whichever is applicable. 12573

(D) (1) If a court imposes a prison term, other than a term 12574
of life imprisonment, for a felony of the first degree, for a 12575
felony of the second degree, for a felony sex offense, or for a 12576
felony of the third degree that is an offense of violence and 12577
that is not a felony sex offense, it shall include in the 12578
sentence a requirement that the offender be subject to a period 12579
of post-release control after the offender's release from 12580
imprisonment, in accordance with section 2967.28 of the Revised 12581
Code. If a court imposes a sentence including a prison term of a 12582
type described in this division on or after July 11, 2006, the 12583
failure of a court to include a post-release control requirement 12584
in the sentence pursuant to this division does not negate, 12585
limit, or otherwise affect the mandatory period of post-release 12586
control that is required for the offender under division (B) of 12587
section 2967.28 of the Revised Code. Section 2929.191 of the 12588
Revised Code applies if, prior to July 11, 2006, a court imposed 12589
a sentence including a prison term of a type described in this 12590
division and failed to include in the sentence pursuant to this 12591
division a statement regarding post-release control. 12592

(2) If a court imposes a prison term for a felony of the 12593
third, fourth, or fifth degree that is not subject to division 12594
(D) (1) of this section, it shall include in the sentence a 12595
requirement that the offender be subject to a period of post- 12596
release control after the offender's release from imprisonment, 12597
in accordance with that division, if the parole board determines 12598
that a period of post-release control is necessary. Section 12599
2929.191 of the Revised Code applies if, prior to July 11, 2006, 12600
a court imposed a sentence including a prison term of a type 12601

described in this division and failed to include in the sentence 12602
pursuant to this division a statement regarding post-release 12603
control. 12604

(E) The court shall impose sentence upon the offender in 12605
accordance with section 2971.03 of the Revised Code, and Chapter 12606
2971. of the Revised Code applies regarding the prison term or 12607
term of life imprisonment without parole imposed upon the 12608
offender and the service of that term of imprisonment if any of 12609
the following apply: 12610

(1) A person is convicted of or pleads guilty to a violent 12611
sex offense or a designated homicide, assault, or kidnapping 12612
offense, and, in relation to that offense, the offender is 12613
adjudicated a sexually violent predator. 12614

(2) A person is convicted of or pleads guilty to a 12615
violation of division (A) (1) (b) of section 2907.02 of the 12616
Revised Code committed on or after January 2, 2007, and either 12617
the court does not impose a sentence of life without parole when 12618
authorized pursuant to division (B) of section 2907.02 of the 12619
Revised Code, or division (B) of section 2907.02 of the Revised 12620
Code provides that the court shall not sentence the offender 12621
pursuant to section 2971.03 of the Revised Code. 12622

(3) A person is convicted of or pleads guilty to attempted 12623
rape committed on or after January 2, 2007, and a specification 12624
of the type described in section 2941.1418, 2941.1419, or 12625
2941.1420 of the Revised Code. 12626

(4) A person is convicted of or pleads guilty to a 12627
violation of section 2905.01 of the Revised Code committed on or 12628
after January 1, 2008, and that section requires the court to 12629
sentence the offender pursuant to section 2971.03 of the Revised 12630

Code. 12631

(5) A person is convicted of or pleads guilty to 12632
aggravated murder committed on or after January 1, 2008, and 12633
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 12634
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 12635
(a) (iv) of section 2929.03, or division (A) or (B) of section 12636
2929.06 of the Revised Code requires the court to sentence the 12637
offender pursuant to division (B) (3) of section 2971.03 of the 12638
Revised Code. 12639

(6) A person is convicted of or pleads guilty to murder 12640
committed on or after January 1, 2008, and division (B) (2) of 12641
section 2929.02 of the Revised Code requires the court to 12642
sentence the offender pursuant to section 2971.03 of the Revised 12643
Code. 12644

(F) If a person who has been convicted of or pleaded 12645
guilty to a felony is sentenced to a prison term or term of 12646
imprisonment under this section, sections 2929.02 to 2929.06 of 12647
the Revised Code, section 2929.142 of the Revised Code, section 12648
2971.03 of the Revised Code, or any other provision of law, 12649
section 5120.163 of the Revised Code applies regarding the 12650
person while the person is confined in a state correctional 12651
institution. 12652

(G) If an offender who is convicted of or pleads guilty to 12653
a felony that is an offense of violence also is convicted of or 12654
pleads guilty to a specification of the type described in 12655
section 2941.142 of the Revised Code that charges the offender 12656
with having committed the felony while participating in a 12657
criminal gang, the court shall impose upon the offender an 12658
additional prison term of one, two, or three years. 12659

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H) (2) (a) (ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (H) (2) (a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(I) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or

5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code

and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(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. 12781

(L) If an offender receives or received a sentence of life 12782
imprisonment without parole, a sentence of life imprisonment, a 12783
definite sentence, or a sentence to an indefinite prison term 12784
under this chapter for a felony offense that was committed when 12785
the offender was under eighteen years of age, the offender's 12786
parole eligibility shall be determined under section 2967.132 of 12787
the Revised Code. 12788

Sec. 2929.141. (A) Upon the conviction of or plea of 12789
guilty to a felony by a person on post-release control at the 12790
time of the commission of the felony, the court may terminate 12791
the term of post-release control, and the court may do either of 12792
the following regardless of whether the sentencing court or 12793
another court of this state imposed the original prison term for 12794
which the person is on post-release control: 12795

(1) In addition to any prison term for the new felony, 12796
impose a prison term for the post-release control violation. The 12797
maximum prison term for the violation shall be the greater of 12798
twelve months or the period of post-release control for the 12799
earlier felony minus any time the person has spent under post- 12800
release control for the earlier felony. In all cases, any prison 12801
term imposed for the violation shall be reduced by any prison 12802
term that is administratively imposed by the parole board as a 12803
post-release control sanction. A prison term imposed for the 12804
violation shall be served consecutively to any prison term 12805
imposed for the new felony. The imposition of a prison term for 12806
the post-release control violation shall terminate the period of 12807
post-release control for the earlier felony. 12808

(2) Impose a sanction under sections 2929.15 to 2929.18 of 12809
the Revised Code for the violation that shall be served 12810

concurrently or consecutively, as specified by the court, with 12811
any community control sanctions for the new felony. 12812

(B) If a person on post-release control was acting 12813
pursuant to division (B) (2) (b) of section 2925.11 or a related 12814
provision under section 2925.12, 2925.14, or 2925.141 of the 12815
Revised Code and in so doing violated the conditions of a post- 12816
release control sanction based on a minor drug possession 12817
offense, as defined in section 2925.11 of the Revised Code, or 12818
violated section 2925.12, division (C) (1) of section 2925.14, or 12819
section 2925.141 of the Revised Code, the court ~~may consider the~~ 12820
~~person's conduct in seeking or obtaining medical assistance for~~ 12821
~~another in good faith or for self or may consider the person~~ 12822
~~being the subject of another person seeking or obtaining medical~~ 12823
~~assistance in accordance with that division as a mitigating~~ 12824
~~factor before imposing shall not impose any of the penalties~~ 12825
described in division (A) of this section based on the 12826
violation. 12827

(C) Upon the conviction of or plea of guilty to a felony 12828
by a person on transitional control under section 2967.26 of the 12829
Revised Code at the time of the commission of the felony, the 12830
court may, in addition to any prison term for the new felony, 12831
impose a prison term not exceeding twelve months for having 12832
committed the felony while on transitional control. An 12833
additional prison term imposed pursuant to this section shall be 12834
served consecutively to any prison term imposed for the new 12835
felony. The sentencing court may impose the additional prison 12836
term authorized by this section regardless of whether the 12837
sentencing court or another court of this state imposed the 12838
original prison term for which the person is on transitional 12839
control. 12840

Sec. 2929.142. (A) Notwithstanding the definite prison 12841
terms and minimum prison terms specified in divisions (A) (1) (a) 12842
and (b) of section 2929.14 of the Revised Code for a felony of 12843
the first degree, if an offender is convicted of or pleads 12844
guilty to aggravated vehicular homicide in violation of division 12845
(A) (1) of section 2903.06 of the Revised Code, the court shall 12846
impose upon the offender a mandatory prison term of ten, eleven, 12847
twelve, thirteen, fourteen, or fifteen years, determined as 12848
specified in division (B) of this section, if any of the 12849
following apply: 12850

(1) The offender previously has been convicted of or 12851
pleaded guilty to three or more prior violations of division (A) 12852
of section 4511.19 of the Revised Code or of a substantially 12853
equivalent municipal ordinance within the previous ten years. 12854

(2) The offender previously has been convicted of or 12855
pleaded guilty to three or more prior violations of division (A) 12856
of section 1547.11 of the Revised Code or of a substantially 12857
equivalent municipal ordinance within the previous ten years. 12858

(3) The offender previously has been convicted of or 12859
pleaded guilty to three or more prior violations of division (A) 12860
(3) of section 4561.15 of the Revised Code or of a substantially 12861
equivalent municipal ordinance within the previous ten years. 12862

(4) The offender previously has been convicted of or 12863
pleaded guilty to three or more prior violations of division (A) 12864
(1) of section 2903.06 of the Revised Code. 12865

(5) The offender previously has been convicted of or 12866
pleaded guilty to three or more prior violations of division (A) 12867
(1) of section 2903.08 of the Revised Code. 12868

(6) The offender previously has been convicted of or 12869

pleaded guilty to three or more prior violations of section 12870
2903.04 of the Revised Code in circumstances in which division 12871
(D) of that section applied regarding the violations. 12872

(7) The offender previously has been convicted of or 12873
pleaded guilty to three or more violations of any combination of 12874
the offenses listed in division (A) (1), (2), (3), (4), (5), or 12875
(6) of this section. 12876

(8) The offender previously has been convicted of or 12877
pleaded guilty to a second or subsequent felony violation of 12878
division (A) of section 4511.19 of the Revised Code. 12879

(B) The mandatory prison term required under division (A) 12880
of this section shall be a definite term of ten, eleven, twelve, 12881
thirteen, fourteen, or fifteen years, except that if the 12882
aggravated vehicular homicide is committed on or after ~~the~~ 12883
~~effective date of this amendment~~ March 22, 2019, the court shall 12884
impose as the minimum prison term for the offense under division 12885
(A) (1) (a) of section 2929.14 of the Revised Code a mandatory 12886
prison term that is ten, eleven, twelve, thirteen, fourteen, or 12887
fifteen years. 12888

Sec. 2929.143. (A) When a court sentences an offender who 12889
is convicted of a felony to a term of incarceration in a state 12890
correctional institution, the court may recommend that the 12891
offender serve a risk reduction sentence under section 5120.036 12892
of the Revised Code if the court determines that a risk 12893
reduction sentence is appropriate, and all of the following 12894
apply: 12895

(1) The offense for which the offender is being sentenced 12896
is not aggravated murder, murder, complicity in committing 12897
aggravated murder or murder, an offense of violence that is a 12898

felony of the first or second degree, a sexually oriented 12899
offense, or an attempt or conspiracy to commit or complicity in 12900
committing any offense otherwise identified in this division if 12901
the attempt, conspiracy, or complicity is a felony of the first 12902
or second degree. 12903

(2) The offender's sentence to the term of incarceration 12904
does not consist solely of one or more mandatory prison terms. 12905

(3) The offender agrees to cooperate with an assessment of 12906
the offender's needs and risk of reoffending that the department 12907
of rehabilitation and correction conducts under section 5120.036 12908
of the Revised Code. 12909

(4) The offender agrees to participate in any programming 12910
or treatment that the department of rehabilitation and 12911
correction orders to address any issues raised in the assessment 12912
described in division (A) (3) of this section. 12913

(B) An offender who is serving a risk reduction sentence 12914
is not entitled to any earned credit under division (A) (1) or 12915
(2) of section 2967.193 of the Revised Code. 12916

Sec. 2929.15. (A) (1) If in sentencing an offender for a 12917
felony the court is not required to impose a prison term, a 12918
mandatory prison term, or a term of life imprisonment upon the 12919
offender, the court may directly impose a sentence that consists 12920
of one or more community control sanctions authorized pursuant 12921
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 12922
the court is sentencing an offender for a fourth degree felony 12923
OVI offense under division (G) (1) of section 2929.13 of the 12924
Revised Code, in addition to the mandatory term of local 12925
incarceration imposed under that division and the mandatory fine 12926
required by division (B) (3) of section 2929.18 of the Revised 12927

Code, the court may impose upon the offender a community control 12928
sanction or combination of community control sanctions in 12929
accordance with sections 2929.16 and 2929.17 of the Revised 12930
Code. If the court is sentencing an offender for a third or 12931
fourth degree felony OVI offense under division (G) (2) of 12932
section 2929.13 of the Revised Code, in addition to the 12933
mandatory prison term or mandatory prison term and additional 12934
prison term imposed under that division, the court also may 12935
impose upon the offender a community control sanction or 12936
combination of community control sanctions under section 2929.16 12937
or 2929.17 of the Revised Code, but the offender shall serve all 12938
of the prison terms so imposed prior to serving the community 12939
control sanction. 12940

The duration of all community control sanctions imposed on 12941
an offender under this division shall not exceed five years. If 12942
the offender absconds or otherwise leaves the jurisdiction of 12943
the court in which the offender resides without obtaining 12944
permission from the court or the offender's probation officer to 12945
leave the jurisdiction of the court, or if the offender is 12946
confined in any institution for the commission of any offense 12947
while under a community control sanction, the period of the 12948
community control sanction ceases to run until the offender is 12949
brought before the court for its further action. If the court 12950
sentences the offender to one or more nonresidential sanctions 12951
under section 2929.17 of the Revised Code, the court shall 12952
impose as a condition of the nonresidential sanctions that, 12953
during the period of the sanctions, the offender must abide by 12954
the law and must not leave the state without the permission of 12955
the court or the offender's probation officer. The court may 12956
impose any other conditions of release under a community control 12957
sanction that the court considers appropriate, including, but 12958

not limited to, requiring that the offender not ingest or be 12959
injected with a drug of abuse and submit to random drug testing 12960
as provided in division (D) of this section to determine whether 12961
the offender ingested or was injected with a drug of abuse and 12962
requiring that the results of the drug test indicate that the 12963
offender did not ingest or was not injected with a drug of 12964
abuse. 12965

(2) (a) If a court sentences an offender to any community 12966
control sanction or combination of community control sanctions 12967
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 12968
the Revised Code, the court shall place the offender under the 12969
general control and supervision of a department of probation in 12970
the county that serves the court for purposes of reporting to 12971
the court a violation of any condition of the sanctions, any 12972
condition of release under a community control sanction imposed 12973
by the court, a violation of law, or the departure of the 12974
offender from this state without the permission of the court or 12975
the offender's probation officer. Alternatively, if the offender 12976
resides in another county and a county department of probation 12977
has been established in that county or that county is served by 12978
a multicounty probation department established under section 12979
2301.27 of the Revised Code, the court may request the court of 12980
common pleas of that county to receive the offender into the 12981
general control and supervision of that county or multicounty 12982
department of probation for purposes of reporting to the court a 12983
violation of any condition of the sanctions, any condition of 12984
release under a community control sanction imposed by the court, 12985
a violation of law, or the departure of the offender from this 12986
state without the permission of the court or the offender's 12987
probation officer, subject to the jurisdiction of the trial 12988
judge over and with respect to the person of the offender, and 12989

to the rules governing that department of probation. 12990

If there is no department of probation in the county that 12991
serves the court, the court shall place the offender, regardless 12992
of the offender's county of residence, under the general control 12993
and supervision of the adult parole authority, unless the court 12994
has entered into an agreement with the authority as described in 12995
division (B) or (C) of section 2301.32 of the Revised Code, or 12996
under an entity authorized under division (B) of section 2301.27 12997
of the Revised Code to provide probation and supervisory 12998
services to counties for purposes of reporting to the court a 12999
violation of any of the sanctions, any condition of release 13000
under a community control sanction imposed by the court, a 13001
violation of law, or the departure of the offender from this 13002
state without the permission of the court or the offender's 13003
probation officer. 13004

(b) If the court imposing sentence on an offender 13005
sentences the offender to any community control sanction or 13006
combination of community control sanctions authorized pursuant 13007
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 13008
if the offender violates any condition of the sanctions, 13009
violates any condition of release under a community control 13010
sanction imposed by the court, violates any law, or departs the 13011
state without the permission of the court or the offender's 13012
probation officer, the public or private person or entity that 13013
operates or administers the sanction or the program or activity 13014
that comprises the sanction shall report the violation or 13015
departure directly to the sentencing court, or shall report the 13016
violation or departure to the county or multicounty department 13017
of probation with general control and supervision over the 13018
offender under division (A) (2) (a) of this section or the officer 13019
of that department who supervises the offender, or, if there is 13020

no such department with general control and supervision over the 13021
offender under that division, to the adult parole authority 13022
unless the court has entered into an agreement with the 13023
authority as described in division (B) or (C) of section 2301.32 13024
of the Revised Code, or to an entity authorized under division 13025
(B) of section 2301.27 of the Revised Code to provide probation 13026
and supervisory services to the county. If the public or private 13027
person or entity that operates or administers the sanction or 13028
the program or activity that comprises the sanction reports the 13029
violation or departure to the county or multicounty department 13030
of probation, the adult parole authority, or any other entity 13031
providing probation and supervisory services to the county, the 13032
department's, authority's, or other entity's officers may treat 13033
the offender as if the offender were on probation and in 13034
violation of the probation, and shall report the violation of 13035
the condition of the sanction, any condition of release under a 13036
community control sanction imposed by the court, the violation 13037
of law, or the departure from the state without the required 13038
permission to the sentencing court. 13039

(3) If an offender who is eligible for community control 13040
sanctions under this section admits to being drug addicted or 13041
the court has reason to believe that the offender is drug 13042
addicted, and if the offense for which the offender is being 13043
sentenced was related to the addiction, the court may require 13044
that the offender be assessed by a properly credentialed 13045
professional within a specified period of time and shall require 13046
the professional to file a written assessment of the offender 13047
with the court. If a court imposes treatment and recovery 13048
support services as a community control sanction, the court 13049
shall direct the level and type of treatment and recovery 13050
support services after consideration of the written assessment, 13051

if available at the time of sentencing, and recommendations of 13052
the professional and other treatment and recovery support 13053
services providers. 13054

(4) If an assessment completed pursuant to division (A) (3) 13055
of this section indicates that the offender is addicted to drugs 13056
or alcohol, the court may include in any community control 13057
sanction imposed for a violation of section 2925.02, 2925.03, 13058
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 13059
2925.36, or 2925.37 of the Revised Code a requirement that the 13060
offender participate in alcohol and drug addiction services and 13061
recovery supports certified under section 5119.36 of the Revised 13062
Code or offered by a properly credentialed community addiction 13063
services provider. 13064

(B) (1) ~~If~~ Except as provided in division (B) (2) of this 13065
section, if the conditions of a community control sanction 13066
imposed for a felony are violated or if the offender violates a 13067
law or leaves the state without the permission of the court or 13068
the offender's probation officer, the sentencing court may 13069
impose on the violator one or more of the following penalties: 13070

(a) A longer time under the same sanction if the total 13071
time under the sanctions does not exceed the five-year limit 13072
specified in division (A) of this section; 13073

(b) A more restrictive sanction under section 2929.16, 13074
2929.17, or 2929.18 of the Revised Code, including but not 13075
limited to, a new term in a community-based correctional 13076
facility, halfway house, or jail pursuant to division (A) (6) of 13077
section 2929.16 of the Revised Code; 13078

(c) A prison term on the offender pursuant to section 13079
2929.14 of the Revised Code and division (B) (3) of this section, 13080

provided that a prison term imposed under this division is 13081
subject to the following limitations and rules, as applicable: 13082

(i) If the prison term is imposed for any technical 13083
violation of the conditions of a community control sanction 13084
imposed for a felony of the fifth degree, the prison term shall 13085
not exceed ninety days, provided that if the remaining period of 13086
community control at the time of the violation or the remaining 13087
period of the reserved prison sentence at that time is less than 13088
ninety days, the prison term shall not exceed the length of the 13089
remaining period of community control or the remaining period of 13090
the reserved prison sentence. If the court imposes a prison term 13091
as described in this division, division (B) (2) (b) of this 13092
section applies. 13093

(ii) If the prison term is imposed for any technical 13094
violation of the conditions of a community control sanction 13095
imposed for a felony of the fourth degree that is not an offense 13096
of violence and is not a sexually oriented offense, the prison 13097
term shall not exceed one hundred eighty days, provided that if 13098
the remaining period of the community control at the time of the 13099
violation or the remaining period of the reserved prison 13100
sentence at that time is less than one hundred eighty days, the 13101
prison term shall not exceed the length of the remaining period 13102
of community control or the remaining period of the reserved 13103
prison sentence. If the court imposes a prison term as described 13104
in this division, division (B) (2) (b) of this section applies. 13105

(iii) A court is not limited in the number of times it may 13106
sentence an offender to a prison term under division (B) (1) (c) 13107
of this section for a violation of the conditions of a community 13108
control sanction or for a violation of a law or leaving the 13109
state without the permission of the court or the offender's 13110

probation officer. If an offender who is under a community 13111
control sanction violates the conditions of the sanction or 13112
violates a law or leaves the state without the permission of the 13113
court or the offender's probation officer, is sentenced to a 13114
prison term for the violation or conduct, is released from the 13115
term after serving it, and subsequently violates the conditions 13116
of the sanction or violates a law or leaves the state without 13117
the permission of the court or the offender's probation officer, 13118
the court may impose a new prison term sanction on the offender 13119
under division (B) (1) (c) of this section for the subsequent 13120
violation or conduct. 13121

(2) (a) If an offender was acting pursuant to division (B) 13122
(2) (b) of section 2925.11 or a related provision of section 13123
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 13124
doing violated the conditions of a community control sanction 13125
based on a minor drug possession offense, as defined in section 13126
2925.11 of the Revised Code, or violated section 2925.12, 13127
division (C) (1) of section 2925.14, or section 2925.141 of the 13128
Revised Code, the sentencing court ~~may consider the offender's~~ 13129
~~conduct in seeking or obtaining medical assistance for another~~ 13130
~~in good faith or for self or may consider the offender being the~~ 13131
~~subject of another person seeking or obtaining medical~~ 13132
~~assistance in accordance with that division as a mitigating~~ 13133
~~factor before imposing shall not impose any of the penalties~~ 13134
described in division (B) (1) of this section based on the 13135
violation. 13136

(b) If a court imposes a prison term on an offender under 13137
division (B) (1) (c) (i) or (ii) of this section for a technical 13138
violation of the conditions of a community control sanction, one 13139
of the following is applicable with respect to the time that the 13140
offender spends in prison under the term: 13141

(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 13173
longer sanction, the more restrictive sanction, or a prison term 13174
imposed pursuant to division (B)(1) of this section by the time 13175
the offender successfully spent under the sanction that was 13176
initially imposed. Except as otherwise specified in this 13177
division, the prison term imposed under this division and 13178
division (B)(1) of this section shall be within the range of 13179
prison terms available as a definite term for the offense for 13180
which the sanction that was violated was imposed. If the offense 13181
for which the sanction that was violated was imposed is a felony 13182
of the first or second degree committed on or after March 22, 13183
2019, the prison term so imposed under this division shall be 13184
within the range of prison terms available as a minimum term for 13185
the offense under division (A)(1)(a) or (2)(a) of section 13186
2929.14 of the Revised Code. 13187

(C) If an offender, for a significant period of time, 13188
fulfills the conditions of a sanction imposed pursuant to 13189
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 13190
exemplary manner, the court may reduce the period of time under 13191
the sanction or impose a less restrictive sanction, but the 13192
court shall not permit the offender to violate any law or permit 13193
the offender to leave the state without the permission of the 13194
court or the offender's probation officer. 13195

(D)(1) If a court under division (A)(1) of this section 13196
imposes a condition of release under a community control 13197
sanction that requires the offender to submit to random drug 13198
testing, the department of probation, the adult parole 13199
authority, or any other entity that has general control and 13200
supervision of the offender under division (A)(2)(a) of this 13201
section may cause the offender to submit to random drug testing 13202
performed by a laboratory or entity that has entered into a 13203

contract with any of the governmental entities or officers 13204
authorized to enter into a contract with that laboratory or 13205
entity under section 341.26, 753.33, or 5120.63 of the Revised 13206
Code. 13207

(2) If no laboratory or entity described in division (D) 13208
(1) of this section has entered into a contract as specified in 13209
that division, the department of probation, the adult parole 13210
authority, or any other entity that has general control and 13211
supervision of the offender under division (A)(2)(a) of this 13212
section shall cause the offender to submit to random drug 13213
testing performed by a reputable public laboratory to determine 13214
whether the individual who is the subject of the drug test 13215
ingested or was injected with a drug of abuse. 13216

(3) A laboratory or entity that has entered into a 13217
contract pursuant to section 341.26, 753.33, or 5120.63 of the 13218
Revised Code shall perform the random drug tests under division 13219
(D)(1) of this section in accordance with the applicable 13220
standards that are included in the terms of that contract. A 13221
public laboratory shall perform the random drug tests under 13222
division (D)(2) of this section in accordance with the standards 13223
set forth in the policies and procedures established by the 13224
department of rehabilitation and correction pursuant to section 13225
5120.63 of the Revised Code. An offender who is required under 13226
division (A)(1) of this section to submit to random drug testing 13227
as a condition of release under a community control sanction and 13228
whose test results indicate that the offender ingested or was 13229
injected with a drug of abuse shall pay the fee for the drug 13230
test if the department of probation, the adult parole authority, 13231
or any other entity that has general control and supervision of 13232
the offender requires payment of a fee. A laboratory or entity 13233
that performs the random drug testing on an offender under 13234

division (D) (1) or (2) of this section shall transmit the 13235
results of the drug test to the appropriate department of 13236
probation, the adult parole authority, or any other entity that 13237
has general control and supervision of the offender under 13238
division (A) (2) (a) of this section. 13239

(E) As used in this section, "technical violation" means a 13240
violation of the conditions of a community control sanction 13241
imposed for a felony of the fifth degree, or for a felony of the 13242
fourth degree that is not an offense of violence and is not a 13243
sexually oriented offense, and to which neither of the following 13244
applies: 13245

(1) The violation consists of a new criminal offense that 13246
is a felony or that is a misdemeanor other than a minor 13247
misdemeanor, and the violation is committed while under the 13248
community control sanction. 13249

(2) The violation consists of or includes the offender's 13250
articulated or demonstrated refusal to participate in the 13251
community control sanction imposed on the offender or any of its 13252
conditions, and the refusal demonstrates to the court that the 13253
offender has abandoned the objects of the community control 13254
sanction or condition. 13255

Sec. 2929.20. (A) As used in this section: 13256

(1) (a) Except as provided in division (A) (1) (b) of this 13257
section, "eligible offender" means any person who, on or after 13258
April 7, 2009, is serving a stated prison term that includes one 13259
or more nonmandatory prison terms. A person may be an eligible 13260
offender and also may be an eighty per cent-qualifying offender 13261
or, during a declared state of emergency, a state of emergency- 13262
qualifying offender. 13263

(b) "Eligible offender" does not include any person who, 13264
on or after April 7, 2009, is serving a stated prison term for 13265
any of the following criminal offenses that was a felony and was 13266
committed while the person held a public office in this state: 13267

(i) A violation of section 2921.02, 2921.03, 2921.05, 13268
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 13269
Code; 13270

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 13271
2921.12 of the Revised Code, when the conduct constituting the 13272
violation was related to the duties of the offender's public 13273
office or to the offender's actions as a public official holding 13274
that public office; 13275

(iii) A violation of an existing or former municipal 13276
ordinance or law of this or any other state or the United States 13277
that is substantially equivalent to any violation listed in 13278
division (A) (1) (b) (i) of this section; 13279

(iv) A violation of an existing or former municipal 13280
ordinance or law of this or any other state or the United States 13281
that is substantially equivalent to any violation listed in 13282
division (A) (1) (b) (ii) of this section, when the conduct 13283
constituting the violation was related to the duties of the 13284
offender's public office or to the offender's actions as a 13285
public official holding that public office; 13286

(v) A conspiracy to commit, attempt to commit, or 13287
complicity in committing any offense listed in division (A) (1) 13288
(b) (i) or described in division (A) (1) (b) (iii) of this section; 13289

(vi) A conspiracy to commit, attempt to commit, or 13290
complicity in committing any offense listed in division (A) (1) 13291
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 13292

if the conduct constituting the offense that was the subject of 13293
the conspiracy, that would have constituted the offense 13294
attempted, or constituting the offense in which the offender was 13295
complicit was or would have been related to the duties of the 13296
offender's public office or to the offender's actions as a 13297
public official holding that public office. 13298

(2) "State of emergency-qualifying offender" means any 13299
inmate to whom all of the following apply: 13300

(a) The inmate is serving a stated prison term during a 13301
state of emergency that is declared by the governor as a direct 13302
response to a pandemic or public health emergency. 13303

(b) The geographical area covered by the declared state of 13304
emergency includes the location at which the inmate is serving 13305
the stated prison term described in division (A)(2)(a) of this 13306
section. 13307

(c) There is a direct nexus between the emergency that is 13308
the basis of the governor's declaration of the state of 13309
emergency and the circumstances of, and need for release of, the 13310
inmate. 13311

(3)(a) "Eighty per cent-qualifying offender" means an 13312
offender who is serving a stated prison term of one year or 13313
more, who has commenced service of that stated prison term, who 13314
is not serving a stated prison term that includes a 13315
disqualifying prison term or a stated prison term that consists 13316
solely of one or more restricting prison terms, and to whom 13317
either of the following applies: 13318

(i) If the offender is serving a stated prison term of one 13319
year or more that includes one or more restricting prison terms 13320
and one or more eligible prison terms, the offender has fully 13321

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; 13322
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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. 13325
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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: 13329
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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. 13332
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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. 13338
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(4) "Nonmandatory prison term" means a prison term that is not a mandatory prison term. 13346
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~~(3)~~(5) "Public office" means any elected federal, state, or local government office in this state. 13348
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~~(4)~~(6) "Victim's representative" has the same meaning as 13350

in section 2930.01 of the Revised Code. 13351

~~(5)~~(7) "Imminent danger of death," "medically 13352
incapacitated," and "terminal illness" have the same meanings as 13353
in section 2967.05 of the Revised Code. 13354

~~(6)~~(8) "Aggregated nonmandatory prison term or terms" 13355
means the aggregate of the following: 13356

(a) All nonmandatory definite prison terms; 13357

(b) With respect to any non-life felony indefinite prison 13358
term, all nonmandatory minimum prison terms imposed as part of 13359
the non-life felony indefinite prison term or terms. 13360

(9) "Deadly weapon" and "dangerous ordnance" have the same 13361
meanings as in section 2923.11 of the Revised Code. 13362

(10) "Disqualifying prison term" means any of the 13363
following: 13364

(a) A prison term imposed for aggravated murder, murder, 13365
voluntary manslaughter, involuntary manslaughter, felonious 13366
assault, kidnapping, rape, aggravated arson, aggravated 13367
burglary, or aggravated robbery; 13368

(b) A prison term imposed for complicity in, an attempt to 13369
commit, or conspiracy to commit any offense listed in division 13370
(A) (10) (a) of this section; 13371

(c) A prison term of life imprisonment, including any term 13372
of life imprisonment that has parole eligibility; 13373

(d) A prison term imposed for any felony other than 13374
carrying a concealed weapon an essential element of which is any 13375
conduct or failure to act expressly involving any deadly weapon 13376
or dangerous ordnance; 13377

(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; 13378
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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; 13381
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(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 13384
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(h) A prison term imposed for any sexually oriented offense. 13386
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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. 13388
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(12) "Restricting prison term" means any of the following: 13391

(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; 13392
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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; 13396
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(c) A prison term imposed for trafficking in persons; 13402

(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: 13403
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(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. 13406
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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. 13416
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(13) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 13419
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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. 13421
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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. 13426
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(C) An eligible offender may file a motion for judicial 13434

release with the sentencing court, or a state of emergency- 13435
qualifying offender may file a motion for judicial release with 13436
the sentencing court during the declared state of emergency, 13437
within the following applicable periods: 13438

(1) If the aggregated nonmandatory prison term or terms is 13439
less than two years, the eligible offender or state of 13440
emergency-qualifying offender may file the motion at any time 13441
after the offender is delivered to a state correctional 13442
institution or, if the prison term includes a mandatory prison 13443
term or terms, at any time after the expiration of all mandatory 13444
prison terms. 13445

(2) If the aggregated nonmandatory prison term or terms is 13446
at least two years but less than five years, the eligible 13447
offender or state of emergency-qualifying offender may file the 13448
motion not earlier than one hundred eighty days after the 13449
offender is delivered to a state correctional institution or, if 13450
the prison term includes a mandatory prison term or terms, not 13451
earlier than one hundred eighty days after the expiration of all 13452
mandatory prison terms. 13453

(3) If the aggregated nonmandatory prison term or terms is 13454
five years, the eligible offender or state of emergency- 13455
qualifying offender may file the motion not earlier than the 13456
date on which the ~~eligible~~ offender has served four years of the 13457
offender's stated prison term or, if the prison term includes a 13458
mandatory prison term or terms, not earlier than four years 13459
after the expiration of all mandatory prison terms. 13460

(4) If the aggregated nonmandatory prison term or terms is 13461
more than five years but not more than ten years, the eligible 13462
offender or state of emergency-qualifying offender may file the 13463
motion not earlier than the date on which the ~~eligible~~ offender 13464

has served five years of the offender's stated prison term or, 13465
if the prison term includes a mandatory prison term or terms, 13466
not earlier than five years after the expiration of all 13467
mandatory prison terms. 13468

(5) If the aggregated nonmandatory prison term or terms is 13469
more than ten years, the eligible offender or state of 13470
emergency-qualifying offender may file the motion not earlier 13471
than the later of the date on which the offender has served one- 13472
half of the offender's stated prison term or the date specified 13473
in division (C) (4) of this section. 13474

~~(D)~~ (6) With respect to a state of emergency-qualifying 13475
offender, if the offender's prison term does not include a 13476
mandatory prison term or terms, or if the offender's prison term 13477
includes one or more mandatory prison terms and the offender has 13478
completed the mandatory prison term or terms, the state of 13479
emergency-qualifying offender may file the motion at any time 13480
during the offender's aggregated nonmandatory prison term or 13481
terms, provided that time also is during the declared state of 13482
emergency. 13483

(D) (1) (a) Upon receipt of a timely motion for judicial 13484
release filed by an eligible offender or a state of emergency- 13485
qualifying offender under division (C) of this section, or upon 13486
the sentencing court's own motion made within the appropriate 13487
time specified in that division, the court may deny the motion 13488
without a hearing or schedule a hearing on the motion. The court 13489
may grant the motion without a hearing for an offender under 13490
consideration for judicial release as a state of emergency- 13491
qualifying offender, but the court shall not grant the motion 13492
without a hearing for an offender under consideration as an 13493
eligible offender. If a court denies a motion without a hearing, 13494

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 13526
becomes an eligible offender, the denial does not limit or 13527
affect any right of the offender to file a motion under this 13528
section for consideration for judicial release as an eligible 13529
offender or for the court on its own motion to consider the 13530
offender for judicial release as an eligible offender. 13531

(2) (a) With respect to a motion for judicial release filed 13532
by an offender as an eligible offender or made by the court on 13533
its own motion for an offender as an eligible offender, a 13534
hearing under this section shall be conducted in open court not 13535
less than thirty or more than sixty days after the motion is 13536
filed, provided that the court may delay the hearing for one 13537
hundred eighty additional days. If the court holds a hearing, 13538
the court shall enter a ruling on the motion within ten days 13539
after the hearing. If the court denies the motion without a 13540
hearing, the court shall enter its ruling on the motion within 13541
sixty days after the motion is filed. 13542

(b) With respect to a motion for judicial release filed by 13543
an offender as a state of emergency-qualifying offender or made 13544
by the court on its own motion for an offender as a state of 13545
emergency-qualifying offender, the court shall notify the 13546
prosecuting attorney of the county in which the offender was 13547
indicted and may order the prosecuting attorney to respond to 13548
the motion in writing within ten days. The prosecuting attorney 13549
shall notify the victim pursuant to the Ohio Constitution. The 13550
prosecuting attorney shall include in the response any statement 13551
that the victim wants to be represented to the court. The court 13552
shall consider any response from the prosecuting attorney and 13553
any statement from the victim in its ruling on the motion. After 13554
receiving the response from the prosecuting attorney, the court 13555
either shall order a hearing consistent with divisions (E) to 13556

(I) of this section as soon as possible, or shall enter its 13557
ruling on the motion for judicial release as soon as possible. 13558
If the court conducts a hearing, the hearing shall be conducted 13559
in open court or by a virtual, telephonic, or other form of 13560
remote hearing. If the court holds a hearing, the court shall 13561
enter a ruling on the motion within ten days after the hearing. 13562
If the court denies the motion without a hearing, the court 13563
shall enter its ruling on the motion within ten days after the 13564
motion is filed or after it receives the response from the 13565
prosecuting attorney. 13566

(E) If a court schedules a hearing under ~~division (D)~~ 13567
divisions (D) (1) and (2) (a) of this section or under divisions 13568
(D) (1) and (2) (b) of this section, the court shall notify the 13569
subject eligible offender or state of emergency-qualifying 13570
offender and the head of the state correctional institution in 13571
which ~~the eligible~~ that subject offender is confined prior to 13572
the hearing. The head of the state correctional institution 13573
immediately shall notify the appropriate person at the 13574
department of rehabilitation and correction of the hearing, and 13575
the department within twenty-four hours after receipt of the 13576
notice, shall post on the database it maintains pursuant to 13577
section 5120.66 of the Revised Code the subject offender's name 13578
and all of the information specified in division (A) (1) (c) (i) of 13579
that section. If the court schedules a hearing for judicial 13580
release, the court promptly shall give notice of the hearing to 13581
the prosecuting attorney of the county in which the subject 13582
eligible offender or state of emergency-qualifying offender was 13583
indicted. Upon receipt of the notice from the court, the 13584
prosecuting attorney shall do whichever of the following is 13585
applicable: 13586

(1) Subject to division (E) (2) of this section, notify the 13587

victim of the offense or the victim's representative pursuant to 13588
the Ohio Constitution and division (B) of section 2930.16 of 13589
the Revised Code; 13590

(2) If the offense was an offense of violence that is a 13591
felony of the first, second, or third degree, except as 13592
otherwise provided in this division, pursuant to the Ohio 13593
Constitution, notify the victim or the victim's representative 13594
of the hearing regardless of whether the victim or victim's 13595
representative has requested the notification. ~~The Except when~~ 13596
notice to the victim is required under the Ohio Constitution, 13597
the notice of the hearing shall not be given under this division 13598
to a victim or victim's representative if the victim or victim's 13599
representative has requested pursuant to division (B) (2) of 13600
section 2930.03 of the Revised Code that the victim or the 13601
victim's representative not be provided the notice. If notice is 13602
to be provided to a victim or victim's representative under this 13603
division, the prosecuting attorney may give the notice by any 13604
reasonable means, including regular mail, telephone, and 13605
electronic mail, in accordance with division (D) (1) of section 13606
2930.16 of the Revised Code. If the notice is based on an 13607
offense committed prior to March 22, 2013, the notice also shall 13608
include the opt-out information described in division (D) (1) of 13609
section 2930.16 of the Revised Code. The prosecuting attorney, 13610
in accordance with division (D) (2) of section 2930.16 of the 13611
Revised Code, shall keep a record of all attempts to provide the 13612
notice, and of all notices provided, under this division. 13613
Division (E) (2) of this section, and the notice-related 13614
provisions of division (K) of this section, division (D) (1) of 13615
section 2930.16, division (H) of section 2967.12, division (E) 13616
(1) (b) of section 2967.19 as it existed prior to the effective 13617
date of this amendment, division (A) (3) (b) of section 2967.26, 13618

division (D)(1) of section 2967.28, and division (A)(2) of 13619
section 5149.101 of the Revised Code enacted in the act in which 13620
division (E)(2) of this section was enacted, shall be known as 13621
"Roberta's Law." 13622

(F) Upon an offender's successful completion of 13623
rehabilitative activities, the head of the state correctional 13624
institution may notify the sentencing court of the successful 13625
completion of the activities. 13626

(G) Prior to the date of the hearing on a motion for 13627
judicial release made by an eligible offender, by a state of 13628
emergency-qualifying offender, or by a court on its own under 13629
this section, the head of the state correctional institution in 13630
which the ~~eligible-subject~~ offender is confined shall send to 13631
the court an institutional summary report on the ~~eligible-~~ 13632
offender's conduct in the institution and in any institution 13633
from which the ~~eligible-~~ offender may have been transferred. Upon 13634
the request of the prosecuting attorney of the county in which 13635
the ~~eligible-subject~~ offender was indicted or of any law 13636
enforcement agency, the head of the state correctional 13637
institution, at the same time the person sends the institutional 13638
summary report to the court, also shall send a copy of the 13639
report to the requesting prosecuting attorney and law 13640
enforcement agencies. The institutional summary report shall 13641
cover the ~~eligible-subject~~ offender's participation in school, 13642
vocational training, work, treatment, and other rehabilitative 13643
activities and any disciplinary action taken against the 13644
~~eligible-subject~~ offender. The report shall be made part of the 13645
record of the hearing. A presentence investigation report is not 13646
required for judicial release. 13647

(H) If the court grants a hearing on a motion for judicial 13648

release made by an eligible offender, by a state of emergency- 13649
qualifying offender, or by a court on its own under this 13650
section, the ~~eligible-subject~~ offender shall attend the hearing 13651
if ordered to do so by the court. Upon receipt of a copy of the 13652
journal entry containing the order, the head of the state 13653
correctional institution in which the ~~eligible-subject~~ offender 13654
is incarcerated shall deliver the ~~eligible-subject~~ offender to 13655
the sheriff of the county in which the hearing is to be held. 13656
The sheriff shall convey the ~~eligible-subject~~ offender to and 13657
from the hearing. 13658

(I) At the hearing on a motion for judicial release under 13659
this section made by an eligible offender, by a state of 13660
emergency-qualifying offender, or by a court on its own, the 13661
court shall afford the ~~eligible-subject~~ offender and the 13662
~~eligible~~ offender's attorney an opportunity to present written 13663
and, if present, oral information relevant to the motion. The 13664
court shall afford a similar opportunity to the prosecuting 13665
attorney, the victim or the victim's representative, and any 13666
other person the court determines is likely to present 13667
additional relevant information. The court shall consider any 13668
statement of a victim made pursuant to section 2930.14 or 13669
2930.17 of the Revised Code, any victim impact statement 13670
prepared pursuant to section 2947.051 of the Revised Code, and 13671
any report made under division (G) of this section. The court 13672
may consider any written statement of any person submitted to 13673
the court pursuant to division (L) of this section. 13674

If the motion alleges that the offender who is the subject 13675
of the motion is an eligible offender and the court makes an 13676
initial determination that the offender satisfies the criteria 13677
for being an eligible offender, or if the motion alleges that 13678
the offender who is the subject of the motion is a state of 13679

emergency-qualifying offender and the court makes an initial 13680
determination that the offender satisfies the criteria for being 13681
a state of emergency-qualifying offender, the court shall 13682
determine whether to grant the motion. After ruling on the 13683
motion, the court shall notify the victim of the ruling in 13684
accordance with sections 2930.03 and 2930.16 of the Revised 13685
Code. 13686

(J) (1) A court shall not grant a judicial release under 13687
this section to an ~~eligible~~ offender who is imprisoned for a 13688
felony of the first or second degree and who is under 13689
consideration as an eligible offender, or to an ~~eligible~~ 13690
offender who committed an offense under Chapter 2925. or 3719. 13691
of the Revised Code, who is under consideration as an eligible 13692
offender, and for whom there was a presumption under section 13693
2929.13 of the Revised Code in favor of a prison term, unless 13694
the court, with reference to factors under section 2929.12 of 13695
the Revised Code, finds both of the following: 13696

(a) That a sanction other than a prison term would 13697
adequately punish the offender and protect the public from 13698
future criminal violations by the ~~eligible~~ offender because the 13699
applicable factors indicating a lesser likelihood of recidivism 13700
outweigh the applicable factors indicating a greater likelihood 13701
of recidivism; 13702

(b) That a sanction other than a prison term would not 13703
demean the seriousness of the offense because factors indicating 13704
that the ~~eligible~~ offender's conduct in committing the offense 13705
was less serious than conduct normally constituting the offense 13706
outweigh factors indicating that the eligible offender's conduct 13707
was more serious than conduct normally constituting the offense. 13708

(2) A court that grants a judicial release ~~to an eligible~~ 13709

~~offender~~ under division (J) (1) of this section to an offender 13710
who is under consideration as an eligible offender shall specify 13711
on the record both findings required in that division and also 13712
shall list all the factors described in that division that were 13713
presented at the hearing. 13714

(3) (a) Subject to division (J) (3) (b) of this section, a 13715
court shall grant a judicial release under this section to an 13716
offender who is under consideration as a state of emergency- 13717
qualifying offender if the court determines that the risks posed 13718
by incarceration to the health and safety of the offender, 13719
because of the nature of the declared state of emergency, 13720
outweigh the risk to public safety if the offender were to be 13721
released from incarceration. 13722

(b) A court shall not grant a judicial release under this 13723
section to an offender who is imprisoned for a felony of the 13724
first or second degree and is under consideration for judicial 13725
release as a state of emergency-qualifying offender unless the 13726
court, with reference to the factors specified under section 13727
2929.12 of the Revised Code, finds both of the criteria set 13728
forth in divisions (J) (1) (a) and (b) of this section. 13729

(K) If the court grants a motion for judicial release 13730
under this section, the court shall order the release of the 13731
eligible offender or state of emergency-qualifying offender, 13732
shall place the ~~eligible~~ offender under an appropriate community 13733
control sanction, under appropriate conditions, and under the 13734
supervision of the department of probation serving the court and 13735
shall reserve the right to reimpose the sentence that it reduced 13736
if the offender violates the sanction. If the court reimposes 13737
the reduced sentence, it may do so either concurrently with, or 13738
consecutive to, any new sentence imposed ~~upon~~ on the eligible 13739

offender or state of emergency-qualifying offender as a result 13740
of the violation that is a new offense. Except as provided in 13741
division ~~(R) (2)~~ (N) (5) (b) of this section, the period of 13742
community control shall be no longer than five years. The court, 13743
in its discretion, may reduce the period of community control by 13744
the amount of time the ~~eligible~~ offender spent in jail or prison 13745
for the offense and in prison. If the court made any findings 13746
pursuant to division (J) (1) of this section, the court shall 13747
serve a copy of the findings upon counsel for the parties within 13748
fifteen days after the date on which the court grants the motion 13749
for judicial release. 13750

If the court grants a motion for judicial release, the 13751
court shall notify the appropriate person at the department of 13752
rehabilitation and correction, and the department shall post 13753
notice of the release on the database it maintains pursuant to 13754
section 5120.66 of the Revised Code. The court also shall notify 13755
the prosecuting attorney of the county in which the eligible 13756
offender or state of emergency-qualifying offender was indicted 13757
that the motion has been granted. ~~Unless~~ When notice to the 13758
victim is required under the Ohio Constitution, the prosecuting 13759
attorney shall notify the victim of the judicial release. In all 13760
other cases, unless the victim or the victim's representative 13761
has requested pursuant to division (B) (2) of section 2930.03 of 13762
the Revised Code that the victim or victim's representative not 13763
be provided the notice, the prosecuting attorney shall notify 13764
the victim or the victim's representative of the judicial 13765
release in any manner, and in accordance with the same 13766
procedures, pursuant to which the prosecuting attorney is 13767
authorized to provide notice of the hearing pursuant to division 13768
(E) (2) of this section. If the notice is based on an offense 13769
committed prior to March 22, 2013, the notice to the victim or 13770

victim's representative also shall include the opt-out 13771
information described in division (D) (1) of section 2930.16 of 13772
the Revised Code. 13773

(L) In addition to and independent of the right of a 13774
victim to make a statement pursuant to section 2930.14, 2930.17, 13775
or 2946.051 of the Revised Code and any right of a person to 13776
present written information or make a statement pursuant to 13777
division (I) of this section, any person may submit to the 13778
court, at any time prior to the hearing on the ~~offender's~~ motion 13779
for judicial release of the eligible offender or state of 13780
emergency-qualifying offender, a written statement concerning 13781
the effects of the offender's crime or crimes, the circumstances 13782
surrounding the crime or crimes, the manner in which the crime 13783
or crimes were perpetrated, and the person's opinion as to 13784
whether the offender should be released. 13785

~~(M)~~ (M) (1) The changes to this section that are made on 13786
September 30, 2011, apply to any judicial release decision made 13787
on or after September 30, 2011, for any eligible offender, 13788
subject to division (M) (2) of this section. 13789

~~(N)~~ (2) The changes to this section that are made on the 13790
effective date of this amendment apply to any judicial release 13791
application, and any judicial release decision, made on or after 13792
the effective date of this amendment for any eligible offender 13793
or state of emergency-qualifying offender. 13794

(N) (1) Notwithstanding the eligibility requirements 13795
specified in ~~division (A)~~ divisions (A) (1) and (2) of this 13796
section and the filing time frames specified in division (C) of 13797
this section and notwithstanding the findings required under 13798
division ~~(J)~~ (J) (1) and the eligibility criteria specified in 13799
division (J) (3) of this section, the sentencing court, upon the 13800

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.

~~(0)~~(4) The court may request health care records from the

department of rehabilitation and correction to verify the 13830
certification made under division ~~(N)~~(N) (1) of this section. 13831

~~(R)~~(1)(5) (a) If the court grants judicial release under 13832
division ~~(N)~~(N) (1) of this section, the court shall do all of 13833
the following: 13834

~~(a)~~(i) Order the release of the offender; 13835

~~(b)~~(ii) Place the offender under an appropriate community 13836
control sanction, under appropriate conditions; 13837

~~(c)~~(iii) Place the offender under the supervision of the 13838
department of probation serving the court or under the 13839
supervision of the adult parole authority. 13840

~~(2)~~(b) The court, in its discretion, may revoke the 13841
judicial release if the offender violates the community control 13842
sanction described in division ~~(R)~~(1)(N) (5) (a) of this section. 13843
The period of that community control is not subject to the five- 13844
year limitation described in division (K) of this section and 13845
shall not expire earlier than the date on which all of the 13846
offender's mandatory prison terms expire. 13847

~~(S)~~(6) If the health of an offender who is released under 13848
division ~~(N)~~(N) (1) of this section improves so that the offender 13849
is no longer terminally ill, medically incapacitated, or in 13850
imminent danger of death, the court shall, upon the court's own 13851
motion, revoke the judicial release. The court shall not grant 13852
the motion without a hearing unless the offender waives a 13853
hearing. If a hearing is held, the court shall afford the 13854
offender and the offender's attorney an opportunity to present 13855
written and, if the offender or the offender's attorney is 13856
present, oral information relevant to the motion. The court 13857
shall afford a similar opportunity to the prosecuting attorney, 13858

the victim or the victim's representative, and any other person 13859
the court determines is likely to present additional relevant 13860
information. If a hearing is held, the prosecuting attorney 13861
shall notify the victim pursuant to the Ohio Constitution. A 13862
court that grants a motion under this division shall specify its 13863
findings on the record. 13864

(O) (1) Separate from and independent of the provisions of 13865
divisions (A) to (N) of this section, the director of the 13866
department of rehabilitation and correction may recommend in 13867
writing to the sentencing court that the court consider 13868
releasing from prison, through a judicial release, any offender 13869
who is confined in a state correctional institution and who is 13870
an eighty per cent-qualifying offender. The director may file 13871
such a recommendation for judicial release by submitting to the 13872
sentencing court a notice, in writing, of the recommendation 13873
within the applicable period specified in division (A) (3) of 13874
this section for qualifying as an eighty per cent-qualifying 13875
offender. 13876

The director shall include with any notice submitted to 13877
the sentencing court under this division an institutional 13878
summary report that covers the offender's participation while 13879
confined in a state correctional institution in school, 13880
training, work, treatment, and other rehabilitative activities 13881
and any disciplinary action taken against the offender while so 13882
confined. The director shall include with the notice any other 13883
documentation requested by the court, if available. 13884

If the director submits a notice under this division 13885
recommending judicial release, the department promptly shall 13886
provide to the prosecuting attorney of the county in which the 13887
offender was indicted a copy of the written notice and 13888

recommendation, a copy of the institutional summary report, and 13889
any other information provided to the court, and shall provide a 13890
copy of the institutional summary report to any law enforcement 13891
agency that requests the report. The department also shall 13892
provide written notice of the submission of the director's 13893
notice to any victim of the offender or victim's representative, 13894
in the same manner as is specified in divisions (E) (1) and (2) 13895
of this section with respect to notices of hearings. 13896

(2) A recommendation for judicial release in a notice 13897
submitted by the director under division (O) (1) of this section 13898
is subject to the notice, hearing, and other procedural 13899
requirements specified in divisions (E), (H), (I), and (L) of 13900
this section, including notice to the victim pursuant to the 13901
Ohio Constitution, except as otherwise specified in divisions 13902
(O) (3) to (5) of this section, provided that references in 13903
divisions (E), (H), (I), (K), and (L) of this section to "the 13904
motion" shall be construed for purposes of division (O) of this 13905
section as being references to the notice and recommendation 13906
specified in division (O) (1) of this section. 13907

(3) The director's submission of a notice under division 13908
(O) (1) of this section constitutes a recommendation by the 13909
director that the court strongly consider a judicial release of 13910
the offender consistent with the purposes and principles of 13911
sentencing set forth in sections 2929.11 and 2929.13 of the 13912
Revised Code and establishes a rebuttable presumption that the 13913
offender shall be released through a judicial release in 13914
accordance with the recommendation. The presumption of release 13915
may be rebutted only as described in division (O) (5) of this 13916
section. Only an offender recommended by the director under 13917
division (O) (1) of this section may be considered for a judicial 13918
release under division (O) of this section. 13919

(4) Upon receipt of a notice recommending judicial release 13920
submitted by the director under division (O)(1) of this section, 13921
the court shall schedule a hearing to consider the 13922
recommendation for the judicial release of the offender who is 13923
the subject of the notice. The hearing shall be conducted in 13924
open court not less than thirty or more than sixty days after 13925
the notice is submitted. The court shall inform the department 13926
and the prosecuting attorney of the county in which the offender 13927
who is the subject of the notice was indicted of the date, time, 13928
and location of the hearing. Upon receipt of the notice from the 13929
court, the prosecuting attorney shall comply with division (E) 13930
of this section, including providing notice to the victim 13931
pursuant to the Ohio Constitution, and the department shall post 13932
the information specified in that division. 13933

(5) When a court schedules a hearing under division (O)(4) 13934
of this section, at the hearing, the court shall consider all of 13935
the following in determining whether to grant the offender 13936
judicial release under division (O) of this section: 13937

(a) The institutional summary report submitted under 13938
division (O)(1) of this section; 13939

(b) The inmate's academic, vocational education programs, 13940
or alcohol or drug treatment programs; or involvement in 13941
meaningful activity; 13942

(c) The inmate's assignments and whether the inmate 13943
consistently performed each work assignment to the satisfaction 13944
of the department staff responsible for supervising the inmate's 13945
work; 13946

(d) The inmate transferred to and actively participated in 13947
core curriculum programming at a reintegration center prison; 13948

<u>(e) The inmate's disciplinary history;</u>	13949
<u>(f) The inmate's security level;</u>	13950
<u>(g) All other information, statements, reports, and</u> <u>documentation described in division (I) of this section.</u>	13951 13952
<u>(6) If the court that receives a notice recommending</u>	13953
<u>judicial release submitted by the director under division (O) (1)</u>	13954
<u>of this section makes an initial determination that the offender</u>	13955
<u>satisfies the criteria for being an eighty per cent-qualifying</u>	13956
<u>offender, the court then shall determine whether to grant the</u>	13957
<u>offender judicial release. In making the second determination,</u>	13958
<u>the court shall grant the offender judicial release unless the</u>	13959
<u>prosecuting attorney proves to the court, by a preponderance of</u>	13960
<u>the evidence, that the legitimate interests of the government in</u>	13961
<u>maintaining the offender's confinement outweigh the interests of</u>	13962
<u>the offender in being released from that confinement. If the</u>	13963
<u>court grants a judicial release under this division, division</u>	13964
<u>(K) of this section applies regarding the judicial release,</u>	13965
<u>including notice to the victim pursuant to the Ohio</u>	13966
<u>Constitution, provided that references in division (K) of this</u>	13967
<u>section to "the motion" shall be construed for purposes of the</u>	13968
<u>judicial release granted under this division as being references</u>	13969
<u>to the notice and recommendation specified in division (O) (1) of</u>	13970
<u>this section.</u>	13971
<u>The court shall enter its ruling on the notice</u>	13972
<u>recommending judicial release submitted by the director under</u>	13973
<u>division (O) (1) of this section within ten days after the</u>	13974
<u>hearing is conducted. After ruling on whether to grant the</u>	13975
<u>offender judicial release under division (O) of this section,</u>	13976
<u>the court shall notify the offender, the prosecuting attorney,</u>	13977
<u>and the department of rehabilitation and correction of its</u>	13978

decision, and shall notify the victim of its decision in 13979
accordance with the Ohio Constitution and sections 2930.03 and 13980
2930.16 of the Revised Code. If the court does not enter a 13981
ruling on the notice within ten days after the hearing is 13982
conducted as required under this division, the court shall enter 13983
an order granting the judicial release and shall proceed as if 13984
the court, within the ten-day period, had entered a ruling on 13985
the notice granting the judicial release. 13986

(P) All notices to a victim of an offense provided under 13987
division (D), (E), (K), (N), or (O) of this section shall be 13988
provided in accordance with the Ohio Constitution. 13989

Sec. 2929.24. (A) Except as provided in section 2929.22 or 13990
2929.23 of the Revised Code or division (E) ~~or (F)~~ of this 13991
section and unless another term is required or authorized 13992
pursuant to law, if the sentencing court imposing a sentence 13993
upon an offender for a misdemeanor elects or is required to 13994
impose a jail term on the offender pursuant to this chapter, the 13995
court shall impose a definite jail term that shall be one of the 13996
following: 13997

(1) For a misdemeanor of the first degree, not more than 13998
one hundred eighty days; 13999

(2) For a misdemeanor of the second degree, not more than 14000
ninety days; 14001

(3) For a misdemeanor of the third degree, not more than 14002
sixty days; 14003

(4) For a misdemeanor of the fourth degree, not more than 14004
thirty days. 14005

(B) (1) A court that sentences an offender to a jail term 14006
under this section may permit the offender to serve the sentence 14007

in intermittent confinement or may authorize a limited release 14008
of the offender as provided in division (B) of section 2929.26 14009
of the Revised Code. The court retains jurisdiction over every 14010
offender sentenced to jail to modify the jail sentence imposed 14011
at any time, but the court shall not reduce any mandatory jail 14012
term. 14013

(2) (a) If a prosecutor, as defined in section 2935.01 of 14014
the Revised Code, has filed a notice with the court that the 14015
prosecutor wants to be notified about a particular case and if 14016
the court is considering modifying the jail sentence of the 14017
offender in that case, the court shall notify the prosecutor 14018
that the court is considering modifying the jail sentence of the 14019
offender in that case. The prosecutor may request a hearing 14020
regarding the court's consideration of modifying the jail 14021
sentence of the offender in that case, and, if the prosecutor 14022
requests a hearing, the court shall notify the eligible offender 14023
of the hearing. 14024

(b) If the prosecutor requests a hearing regarding the 14025
court's consideration of modifying the jail sentence of the 14026
offender in that case, the court shall hold the hearing before 14027
considering whether or not to release the offender from the 14028
offender's jail sentence. 14029

(c) If a court sentences an offender to a jail term under 14030
this section and the court assigns the offender to a county jail 14031
that has established a county jail industry program pursuant to 14032
section 5147.30 of the Revised Code, the court shall specify, as 14033
part of the sentence, whether the offender may be considered for 14034
participation in the program. During the offender's term in the 14035
county jail, the court retains jurisdiction to modify its 14036
specification regarding the offender's participation in the 14037

county jail industry program. 14038

(D) If a person is sentenced to a jail term pursuant to 14039
this section, the court may impose as part of the sentence 14040
pursuant to section 2929.28 of the Revised Code a reimbursement 14041
sanction, and, if the local detention facility in which the term 14042
is to be served is covered by a policy adopted pursuant to 14043
section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 14044
753.16, 2301.56, or 2947.19 of the Revised Code and section 14045
2929.37 of the Revised Code, both of the following apply: 14046

(1) The court shall specify both of the following as part 14047
of the sentence: 14048

(a) If the person is presented with an itemized bill 14049
pursuant to section 2929.37 of the Revised Code for payment of 14050
the costs of confinement, the person is required to pay the bill 14051
in accordance with that section. 14052

(b) If the person does not dispute the bill described in 14053
division (D)(1)(a) of this section and does not pay the bill by 14054
the times specified in section 2929.37 of the Revised Code, the 14055
clerk of the court may issue a certificate of judgment against 14056
the person as described in that section. 14057

(2) The sentence automatically includes any certificate of 14058
judgment issued as described in division (D)(1)(b) of this 14059
section. 14060

~~(E) If an offender who is convicted of or pleads guilty to 14061
a violation of division (B) of section 4511.19 of the Revised 14062
Code also is convicted of or also pleads guilty to a 14063
specification of the type described in section 2941.1416 of the 14064
Revised Code and if the court imposes a jail term on the 14065
offender for the underlying offense, the court shall impose upon 14066~~

~~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.

(2) In lieu of imposing an additional definite jail term
under division ~~(F) (1)~~ (E) (1) of this section, the court may
directly impose on the offender a sanction that requires the
offender to wear a real-time processing, continual tracking
electronic monitoring device during the period of time specified

by the court. The period of time specified by the court shall 14097
equal the duration of an additional jail term that the court 14098
could have imposed upon the offender under division ~~(F) (1)~~ (E) 14099
(1) of this section. A sanction imposed under this division 14100
shall commence on the date specified by the court, provided that 14101
the sanction shall not commence until after the offender has 14102
served the jail term imposed for the misdemeanor violation of 14103
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 14104
Code and any residential sanction imposed for the violation 14105
under section 2929.26 of the Revised Code. A sanction imposed 14106
under this division shall be considered to be a community 14107
control sanction for purposes of section 2929.25 of the Revised 14108
Code, and all provisions of the Revised Code that pertain to 14109
community control sanctions shall apply to a sanction imposed 14110
under this division, except to the extent that they would by 14111
their nature be clearly inapplicable. The offender shall pay all 14112
costs associated with a sanction imposed under this division, 14113
including the cost of the use of the monitoring device. 14114

~~(G)~~ (F) If an offender is convicted of or pleads guilty to 14115
a misdemeanor violation of section 2903.13 of the Revised Code 14116
and also is convicted of or pleads guilty to a specification of 14117
the type described in section 2941.1423 of the Revised Code that 14118
charges that the victim of the violation was a woman whom the 14119
offender knew was pregnant at the time of the violation, the 14120
court shall impose on the offender a mandatory jail term that is 14121
a definite term of at least thirty days. 14122

~~(H)~~ (G) If a court sentences an offender to a jail term 14123
under this section, the sentencing court retains jurisdiction 14124
over the offender and the jail term. Upon motion of either party 14125
or upon the court's own motion, the court, in the court's sole 14126
discretion and as the circumstances warrant, may substitute one 14127

or more community control sanctions under section 2929.26 or 14128
2929.27 of the Revised Code for any jail days that are not 14129
mandatory jail days. 14130

Sec. 2929.25. (A) (1) Except as provided in sections 14131
2929.22 and 2929.23 of the Revised Code or when a jail term is 14132
required by law, in sentencing an offender for a misdemeanor, 14133
other than a minor misdemeanor, the sentencing court may do 14134
either of the following: 14135

(a) Directly impose a sentence that consists of one or 14136
more community control sanctions authorized by section 2929.26, 14137
2929.27, or 2929.28 of the Revised Code. The court may impose 14138
any other conditions of release under a community control 14139
sanction that the court considers appropriate. If the court 14140
imposes a jail term upon the offender, the court may impose any 14141
community control sanction or combination of community control 14142
sanctions in addition to the jail term. 14143

(b) Impose a jail term under section 2929.24 of the 14144
Revised Code from the range of jail terms authorized under that 14145
section for the offense, suspend all or a portion of the jail 14146
term imposed, and place the offender under a community control 14147
sanction or combination of community control sanctions 14148
authorized under section 2929.26, 2929.27, or 2929.28 of the 14149
Revised Code. 14150

(2) The duration of all community control sanctions 14151
imposed upon an offender and in effect for an offender at any 14152
time shall not exceed five years. 14153

(3) At sentencing, if a court directly imposes a community 14154
control sanction or combination of community control sanctions 14155
pursuant to division (A) (1) (a) or (B) of this section, the court 14156

shall state the duration of the community control sanctions 14157
imposed and shall notify the offender that if any of the 14158
conditions of the community control sanctions are violated the 14159
court may do any of the following: 14160

(a) Impose a longer time under the same community control 14161
sanction if the total time under all of the offender's community 14162
control sanctions does not exceed the five-year limit specified 14163
in division (A) (2) of this section; 14164

(b) Impose a more restrictive community control sanction 14165
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 14166
but the court is not required to impose any particular sanction 14167
or sanctions; 14168

(c) Impose a definite jail term from the range of jail 14169
terms authorized for the offense under section 2929.24 of the 14170
Revised Code. 14171

(B) If a court sentences an offender to any community 14172
control sanction or combination of community control sanctions 14173
pursuant to division (A) (1) (a) of this section, the sentencing 14174
court retains jurisdiction over the offender and the period of 14175
community control for the duration of the period of community 14176
control. Upon the motion of either party or on the court's own 14177
motion, the court, in the court's sole discretion and as the 14178
circumstances warrant, may modify the community control 14179
sanctions or conditions of release previously imposed, 14180
substitute a community control sanction or condition of release 14181
for another community control sanction or condition of release 14182
previously imposed, or impose an additional community control 14183
sanction or condition of release. 14184

(C) (1) If a court sentences an offender to any community 14185

control sanction or combination of community control sanctions 14186
authorized under section 2929.26, 2929.27, or 2929.28 of the 14187
Revised Code, the court shall place the offender under the 14188
general control and supervision of the court or of a department 14189
of probation in the jurisdiction that serves the court for 14190
purposes of reporting to the court a violation of any of the 14191
conditions of the sanctions imposed. If the offender resides in 14192
another jurisdiction and a department of probation has been 14193
established to serve the municipal court or county court in that 14194
jurisdiction, the sentencing court may request the municipal 14195
court or the county court to receive the offender into the 14196
general control and supervision of that department of probation 14197
for purposes of reporting to the sentencing court a violation of 14198
any of the conditions of the sanctions imposed. The sentencing 14199
court retains jurisdiction over any offender whom it sentences 14200
for the duration of the sanction or sanctions imposed. 14201

(2) The sentencing court shall require as a condition of 14202
any community control sanction that the offender abide by the 14203
law and not leave the state without the permission of the court 14204
or the offender's probation officer. In the interests of doing 14205
justice, rehabilitating the offender, and ensuring the 14206
offender's good behavior, the court may impose additional 14207
requirements on the offender. The offender's compliance with the 14208
additional requirements also shall be a condition of the 14209
community control sanction imposed upon the offender. 14210

(D) (1) If the court imposing sentence upon an offender 14211
sentences the offender to any community control sanction or 14212
combination of community control sanctions authorized under 14213
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 14214
the offender violates any of the conditions of the sanctions, 14215
the public or private person or entity that supervises or 14216

administers the program or activity that comprises the sanction 14217
shall report the violation directly to the sentencing court or 14218
to the department of probation or probation officer with general 14219
control and supervision over the offender. If the public or 14220
private person or entity reports the violation to the department 14221
of probation or probation officer, the department or officer 14222
shall report the violation to the sentencing court. 14223

(2) ~~If Except as provided in division (D) (3) of this~~ 14224
~~section, if~~ an offender violates any condition of a community 14225
control sanction, the sentencing court may impose upon the 14226
violator one or more of the following penalties: 14227

(a) A longer time under the same community control 14228
sanction if the total time under all of the community control 14229
sanctions imposed on the violator does not exceed the five-year 14230
limit specified in division (A) (2) of this section; 14231

(b) A more restrictive community control sanction; 14232

(c) A combination of community control sanctions, 14233
including a jail term. 14234

(3) If an offender was acting pursuant to division (B) (2) 14235
(b) of section 2925.11 or a related provision under section 14236
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 14237
doing violated the conditions of a community control sanction 14238
based on a minor drug possession offense, as defined in section 14239
2925.11 of the Revised Code, or violated section 2925.12, 14240
division (C) (1) of section 2925.14, or section 2925.141 of the 14241
Revised Code, the sentencing court ~~may consider the offender's~~ 14242
~~conduct in seeking or obtaining medical assistance for another~~ 14243
~~in good faith or for self or may consider the offender being the~~ 14244
~~subject of another person seeking or obtaining medical~~ 14245

~~assistance in accordance with that division as a mitigating-~~ 14246
~~factor before imposing shall not impose any of the penalties~~ 14247
described in division (D) (2) of this section based on the 14248
violation. 14249

(4) If the court imposes a jail term upon a violator 14250
pursuant to division (D) (2) of this section, the total time 14251
spent in jail for the misdemeanor offense and the violation of a 14252
condition of the community control sanction shall not exceed the 14253
maximum jail term available for the offense for which the 14254
sanction that was violated was imposed. The court may reduce the 14255
longer period of time that the violator is required to spend 14256
under the longer sanction or the more restrictive sanction 14257
imposed under division (D) (2) of this section by all or part of 14258
the time the violator successfully spent under the sanction that 14259
was initially imposed. 14260

(E) Except as otherwise provided in this division, if an 14261
offender, for a significant period of time, fulfills the 14262
conditions of a community control sanction imposed pursuant to 14263
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 14264
exemplary manner, the court may reduce the period of time under 14265
the community control sanction or impose a less restrictive 14266
community control sanction. Fulfilling the conditions of a 14267
community control sanction does not relieve the offender of a 14268
duty to make restitution under section 2929.28 of the Revised 14269
Code. 14270

Sec. 2930.03. (A) A person or entity required or 14271
authorized under this chapter to give notice to a victim shall 14272
give the notice to the victim by any means reasonably calculated 14273
to provide prompt actual notice. Except when a provision 14274
requires that notice is to be given in a specific manner, a 14275

notice may be oral or written. 14276

(B) (1) Except for receipt of the initial information and 14277
notice required to be given to a victim under divisions (A) and 14278
(B) of section 2930.04, section 2930.05, and divisions (A) and 14279
(B) of section 2930.06 of the Revised Code and the notice 14280
required to be given to a victim under division (D) of section 14281
2930.16 of the Revised Code, a victim who wishes to receive any 14282
notice authorized by this chapter shall make a request for the 14283
notice to the prosecutor or the custodial agency that is to 14284
provide the notice, as specified in this chapter. If the victim 14285
does not make a request as described in this division, the 14286
prosecutor or custodial agency is not required to provide any 14287
notice described in this chapter other than the initial 14288
information and notice required to be given to a victim under 14289
divisions (A) and (B) of section 2930.04, section 2930.05, and 14290
divisions (A) and (B) of section 2930.06 of the Revised Code and 14291
the notice required to be given to a victim under division (D) 14292
of section 2930.16 of the Revised Code. 14293

(2) A victim who does not wish to receive any of the 14294
notices required to be given to a victim under division (E) (2) 14295
or (K) of section 2929.20, division (D) of section 2930.16, 14296
division (H) of section 2967.12, ~~division (E) (1) (b) of section~~ 14297
~~2967.19,~~ division (A) (3) (b) of section 2967.26, division (D) (1) 14298
of section 2967.28, or division (A) (2) of section 5149.101 of 14299
the Revised Code shall make a request to the prosecutor or 14300
custodial agency that is to provide the particular notice that 14301
the notice not be provided to the victim. Unless the victim 14302
makes a request as described in this division, the prosecutor or 14303
custodial agency shall provide the notices required to be given 14304
to a victim under division (E) (2) or (K) of section 2929.20, 14305
division (D) of section 2930.16, division (H) of section 14306

2967.12, ~~division (E) (1) (b) of section 2967.19,~~ division (A) (3) 14307
(b) of section 2967.26, division (D) (1) of section 2967.28, or 14308
division (A) (2) of section 5149.101 of the Revised Code in any 14309
manner, and in accordance with the procedures, specified in the 14310
particular division. This division also applies to a victim's 14311
representative or a member of a victim's immediate family that 14312
is authorized to receive any of the notices specified in this 14313
division. 14314

(C) A person or agency that is required to furnish notice 14315
under this chapter shall give the notice to the victim at the 14316
address or telephone number provided to the person or agency by 14317
the victim. A victim who requests to receive notice under this 14318
chapter as described in division (B) of this section shall 14319
inform the person or agency of the name, address, or telephone 14320
number of the victim and of any change to that information. 14321

(D) A person or agency that has furnished information to a 14322
victim in accordance with any requirement or authorization under 14323
this chapter shall notify the victim promptly of any significant 14324
changes to that information. 14325

(E) Divisions (A) to (D) of this section do not apply 14326
regarding a notice that a prosecutor is required to provide 14327
under section 2930.061 of the Revised Code. A prosecutor 14328
required to provide notice under that section shall provide the 14329
notice as specified in that section. 14330

Sec. 2930.06. (A) The prosecutor in a case, to the extent 14331
practicable, shall confer with the victim in the case before 14332
pretrial diversion is granted to the defendant or alleged 14333
juvenile offender in the case, before amending or dismissing an 14334
indictment, information, or complaint against that defendant or 14335
alleged juvenile offender, before agreeing to a negotiated plea 14336

for that defendant or alleged juvenile offender, before a trial 14337
of that defendant by judge or jury, or before the juvenile court 14338
conducts an adjudicatory hearing for that alleged juvenile 14339
offender. If the juvenile court disposes of a case prior to the 14340
prosecutor's involvement in the case, the court or a court 14341
employee shall notify the victim in the case that the alleged 14342
juvenile offender will be granted pretrial diversion, the 14343
complaint against that alleged juvenile offender will be amended 14344
or dismissed, or the court will conduct an adjudicatory hearing 14345
for that alleged juvenile offender. If the prosecutor fails to 14346
confer with the victim at any of those times, the court, if 14347
informed of the failure, shall note on the record the failure 14348
and the prosecutor's reasons for the failure. A prosecutor's 14349
failure to confer with a victim as required by this division and 14350
a court's failure to provide the notice as required by this 14351
division do not affect the validity of an agreement between the 14352
prosecutor and the defendant or alleged juvenile offender in the 14353
case, a pretrial diversion of the defendant or alleged juvenile 14354
offender, an amendment or dismissal of an indictment, 14355
information, or complaint filed against the defendant or alleged 14356
juvenile offender, a plea entered by the defendant or alleged 14357
juvenile defender, an admission entered by the defendant or 14358
alleged juvenile offender, or any other disposition in the case. 14359
A court shall not dismiss a criminal complaint, charge, 14360
information, or indictment or a delinquent child complaint 14361
solely at the request of the victim and over the objection of 14362
the prosecuting attorney, village solicitor, city director of 14363
law, or other chief legal officer responsible for the 14364
prosecution of the case. 14365

(B) After a prosecution in a case has been commenced, the 14366
prosecutor or a designee of the prosecutor other than a court or 14367

court employee, to the extent practicable, promptly shall give 14368
the victim all of the following information, except that, if the 14369
juvenile court disposes of a case prior to the prosecutor's 14370
involvement in the case, the court or a court employee, to the 14371
extent practicable, promptly shall give the victim all of the 14372
following information: 14373

(1) The name of the crime or specified delinquent act with 14374
which the defendant or alleged juvenile offender in the case has 14375
been charged and the name of the defendant or alleged juvenile 14376
offender; 14377

(2) The file number of the case; 14378

(3) A brief statement regarding the procedural steps in a 14379
criminal prosecution or delinquency proceeding involving a crime 14380
or specified delinquent act similar to the crime or specified 14381
delinquent act with which the defendant or alleged juvenile 14382
offender has been charged and the right of the victim to be 14383
present during all proceedings held throughout the prosecution 14384
of the case; 14385

(4) A summary of the rights of a victim under this 14386
chapter; 14387

(5) Procedures the victim or the prosecutor may follow if 14388
the victim becomes subject to threats or intimidation by the 14389
defendant, alleged juvenile offender, or any other person; 14390

(6) The name and business telephone number of a person to 14391
contact for further information with respect to the case; 14392

(7) The right of the victim to have a victim's 14393
representative exercise the victim's rights under this chapter 14394
in accordance with section 2930.02 of the Revised Code and the 14395
procedure by which a victim's representative may be designated; 14396

(8) Notice that any notification under division (C) of 14397
this section, sections 2930.07 to 2930.15, division (A), (B), or 14398
(C) of section 2930.16, sections 2930.17 to 2930.19, and section 14399
5139.56 of the Revised Code will be given to the victim only if 14400
the victim asks to receive the notification and that notice 14401
under division (E) (2) or (K) of section 2929.20, division (D) of 14402
section 2930.16, division (H) of section 2967.12, ~~division (E)~~ 14403
~~(1) (b) of section 2967.19,~~ division (A) (3) (b) of section 14404
2967.26, division (D) (1) of section 2967.28, or division (A) (2) 14405
of section 5149.101 of the Revised Code will be given unless the 14406
victim asks that the notification not be provided. 14407

(C) Upon the request of the victim, the prosecutor or, if 14408
it is a delinquency proceeding and a prosecutor is not involved 14409
in the case, the court shall give the victim notice of the date, 14410
time, and place of any scheduled criminal or juvenile 14411
proceedings in the case and notice of any changes in those 14412
proceedings or in the schedule in the case. 14413

(D) A victim who requests notice under division (C) of 14414
this section and who elects pursuant to division (B) of section 14415
2930.03 of the Revised Code to receive any further notice from 14416
the prosecutor or, if it is a delinquency proceeding and a 14417
prosecutor is not involved in the case, the court under this 14418
chapter shall keep the prosecutor or the court informed of the 14419
victim's current address and telephone number until the case is 14420
dismissed or terminated, the defendant is acquitted or 14421
sentenced, the delinquent child complaint is dismissed, the 14422
defendant is adjudicated a delinquent child, or the appellate 14423
process is completed, whichever is the final disposition in the 14424
case. 14425

(E) If a defendant is charged with the commission of a 14426

misdemeanor offense that is not identified in division (A) (2) of 14427
section 2930.01 of the Revised Code and if a police report or a 14428
complaint, indictment, or information that charges the 14429
commission of that offense and provides the basis for a criminal 14430
prosecution of that defendant identifies one or more individuals 14431
as individuals against whom that offense was committed, after a 14432
prosecution in the case has been commenced, the prosecutor or a 14433
designee of the prosecutor other than a court or court employee, 14434
to the extent practicable, promptly shall notify each of the 14435
individuals so identified in the report, complaint, indictment, 14436
or information that, if the defendant is convicted of or pleads 14437
guilty to the offense, the individual may make an oral or 14438
written statement to the court hearing the case regarding the 14439
sentence to be imposed upon the defendant and that the court 14440
must consider any statement so made that is relevant. Before 14441
imposing sentence in the case, the court shall permit the 14442
individuals so identified in the report, complaint, indictment, 14443
or information to make an oral or written statement. Division 14444
(A) of section 2930.14 of the Revised Code applies regarding any 14445
statement so made. The court shall consider a statement so made, 14446
in accordance with division (B) of that section and division (D) 14447
of section 2929.22 of the Revised Code. 14448

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 14449
in a case who has requested to receive notice under this section 14450
shall be given notice of the incarceration of the defendant. If 14451
an alleged juvenile offender is committed to the temporary 14452
custody of a school, camp, institution, or other facility 14453
operated for the care of delinquent children or to the legal 14454
custody of the department of youth services, a victim in a case 14455
who has requested to receive notice under this section shall be 14456
given notice of the commitment. Promptly after sentence is 14457

imposed upon the defendant or the commitment of the alleged 14458
juvenile offender is ordered, the prosecutor in the case shall 14459
notify the victim of the date on which the defendant will be 14460
released, or initially will be eligible for release, from 14461
confinement or the prosecutor's reasonable estimate of that date 14462
or the date on which the alleged juvenile offender will have 14463
served the minimum period of commitment or the prosecutor's 14464
reasonable estimate of that date. The prosecutor also shall 14465
notify the victim of the name of the custodial agency of the 14466
defendant or alleged juvenile offender and tell the victim how 14467
to contact that custodial agency. If the custodial agency is the 14468
department of rehabilitation and correction, the prosecutor 14469
shall notify the victim of the services offered by the office of 14470
victims' services pursuant to section 5120.60 of the Revised 14471
Code. If the custodial agency is the department of youth 14472
services, the prosecutor shall notify the victim of the services 14473
provided by the office of victims' services within the release 14474
authority of the department pursuant to section 5139.55 of the 14475
Revised Code and the victim's right pursuant to section 5139.56 14476
of the Revised Code to submit a written request to the release 14477
authority to be notified of actions the release authority takes 14478
with respect to the alleged juvenile offender. The victim shall 14479
keep the custodial agency informed of the victim's current 14480
address and telephone number. 14481

(B) (1) Upon the victim's request or in accordance with 14482
division (D) of this section, the prosecutor promptly shall 14483
notify the victim of any hearing for judicial release of the 14484
defendant pursuant to section 2929.20 of the Revised Code, ~~of~~ 14485
~~any hearing for release of the defendant pursuant to section~~ 14486
~~2967.19 of the Revised Code,~~ or of any hearing for judicial 14487
release or early release of the alleged juvenile offender 14488

pursuant to section 2151.38 of the Revised Code and of the 14489
victim's right to make a statement under those sections. The 14490
court shall notify the victim of its ruling in each of those 14491
hearings and on each of those applications. 14492

(2) If an offender is sentenced to a prison term pursuant 14493
to division (A) (3) or (B) of section 2971.03 of the Revised 14494
Code, upon the request of the victim of the crime or in 14495
accordance with division (D) of this section, the prosecutor 14496
promptly shall notify the victim of any hearing to be conducted 14497
pursuant to section 2971.05 of the Revised Code to determine 14498
whether to modify the requirement that the offender serve the 14499
entire prison term in a state correctional facility in 14500
accordance with division (C) of that section, whether to 14501
continue, revise, or revoke any existing modification of that 14502
requirement, or whether to terminate the prison term in 14503
accordance with division (D) of that section. The court shall 14504
notify the victim of any order issued at the conclusion of the 14505
hearing. 14506

(C) Upon the victim's request made at any time before the 14507
particular notice would be due or in accordance with division 14508
(D) of this section, the custodial agency of a defendant or 14509
alleged juvenile offender shall give the victim any of the 14510
following notices that is applicable: 14511

(1) At least sixty days before the adult parole authority 14512
recommends a pardon or commutation of sentence for the defendant 14513
or at least sixty days prior to a hearing before the adult 14514
parole authority regarding a grant of parole to the defendant, 14515
notice of the victim's right to submit a statement regarding the 14516
impact of the defendant's release in accordance with section 14517
2967.12 of the Revised Code and, if applicable, of the victim's 14518

right to appear at a full board hearing of the parole board to 14519
give testimony as authorized by section 5149.101 of the Revised 14520
Code; and at least sixty days prior to a hearing before the 14521
department regarding a determination of whether the inmate must 14522
be released under division (C) or (D) (2) of section 2967.271 of 14523
the Revised Code if the inmate is serving a non-life felony 14524
indefinite prison term, notice of the fact that the inmate will 14525
be having a hearing regarding a possible grant of release, the 14526
date of any hearing regarding a possible grant of release, and 14527
the right of any person to submit a written statement regarding 14528
the pending action; 14529

(2) At least sixty days before the defendant is 14530
transferred to transitional control under section 2967.26 of the 14531
Revised Code, notice of the pendency of the transfer and of the 14532
victim's right under that section to submit a statement 14533
regarding the impact of the transfer; 14534

(3) At least sixty days before the release authority of 14535
the department of youth services holds a release review, release 14536
hearing, or discharge review for the alleged juvenile offender, 14537
notice of the pendency of the review or hearing, of the victim's 14538
right to make an oral or written statement regarding the impact 14539
of the crime upon the victim or regarding the possible release 14540
or discharge, and, if the notice pertains to a hearing, of the 14541
victim's right to attend and make statements or comments at the 14542
hearing as authorized by section 5139.56 of the Revised Code; 14543

(4) Prompt notice of the defendant's or alleged juvenile 14544
offender's escape from a facility of the custodial agency in 14545
which the defendant was incarcerated or in which the alleged 14546
juvenile offender was placed after commitment, of the 14547
defendant's or alleged juvenile offender's absence without leave 14548

from a mental health or developmental disabilities facility or 14549
from other custody, and of the capture of the defendant or 14550
alleged juvenile offender after an escape or absence; 14551

(5) Notice of the defendant's or alleged juvenile 14552
offender's death while in confinement or custody; 14553

(6) Notice of the filing of a petition by the director of 14554
rehabilitation and correction pursuant to section ~~2967.19~~ 14555
2929.20 of the Revised Code requesting the early release of the 14556
defendant pursuant to a judicial release under that section ~~of~~ 14557
~~the defendant~~; 14558

(7) Notice of the defendant's or alleged juvenile 14559
offender's release from confinement or custody and the terms and 14560
conditions of the release. 14561

(D) (1) If a defendant is incarcerated for the commission 14562
of aggravated murder, murder, or an offense of violence that is 14563
a felony of the first, second, or third degree or is under a 14564
sentence of life imprisonment or if an alleged juvenile offender 14565
has been charged with the commission of an act that would be 14566
aggravated murder, murder, or an offense of violence that is a 14567
felony of the first, second, or third degree or be subject to a 14568
sentence of life imprisonment if committed by an adult, except 14569
as otherwise provided in this division, the notices described in 14570
divisions (B) and (C) of this section shall be given regardless 14571
of whether the victim has requested the notification. The 14572
notices described in divisions (B) and (C) of this section shall 14573
not be given under this division to a victim if the victim has 14574
requested pursuant to division (B) (2) of section 2930.03 of the 14575
Revised Code that the victim not be provided the notice. 14576
Regardless of whether the victim has requested that the notices 14577
described in division (C) of this section be provided or not be 14578

provided, the custodial agency shall give notice similar to 14579
those notices to the prosecutor in the case, to the sentencing 14580
court, to the law enforcement agency that arrested the defendant 14581
or alleged juvenile offender if any officer of that agency was a 14582
victim of the offense, and to any member of the victim's 14583
immediate family who requests notification. If the notice given 14584
under this division to the victim is based on an offense 14585
committed prior to March 22, 2013, and if the prosecutor or 14586
custodial agency has not previously successfully provided any 14587
notice to the victim under this division or division (B) or (C) 14588
of this section with respect to that offense and the offender 14589
who committed it, the notice also shall inform the victim that 14590
the victim may request that the victim not be provided any 14591
further notices with respect to that offense and the offender 14592
who committed it and shall describe the procedure for making 14593
that request. If the notice given under this division to the 14594
victim pertains to a hearing regarding a grant of a parole to 14595
the defendant, the notice also shall inform the victim that the 14596
victim, a member of the victim's immediate family, or the 14597
victim's representative may request a victim conference, as 14598
described in division (E) of this section, and shall provide an 14599
explanation of a victim conference. 14600

The prosecutor or custodial agency may give the notices to 14601
which this division applies by any reasonable means, including 14602
regular mail, telephone, and electronic mail. If the prosecutor 14603
or custodial agency attempts to provide notice to a victim under 14604
this division but the attempt is unsuccessful because the 14605
prosecutor or custodial agency is unable to locate the victim, 14606
is unable to provide the notice by its chosen method because it 14607
cannot determine the mailing address, telephone number, or 14608
electronic mail address at which to provide the notice, or, if 14609

the notice is sent by mail, the notice is returned, the 14610
prosecutor or custodial agency shall make another attempt to 14611
provide the notice to the victim. If the second attempt is 14612
unsuccessful, the prosecutor or custodial agency shall make at 14613
least one more attempt to provide the notice. If the notice is 14614
based on an offense committed prior to March 22, 2013, in each 14615
attempt to provide the notice to the victim, the notice shall 14616
include the opt-out information described in the preceding 14617
paragraph. The prosecutor or custodial agency, in accordance 14618
with division (D) (2) of this section, shall keep a record of all 14619
attempts to provide the notice, and of all notices provided, 14620
under this division. 14621

Division (D) (1) of this section, and the notice-related 14622
provisions of divisions (E) (2) and (K) of section 2929.20, 14623
division (H) of section 2967.12, division (E) (1) (b) of section 14624
2967.19 as it existed prior to the effective date of this 14625
amendment, division (A) (3) (b) of section 2967.26, division (D) 14626
(1) of section 2967.28, and division (A) (2) of section 5149.101 14627
of the Revised Code enacted in the act in which division (D) (1) 14628
of this section was enacted, shall be known as "Roberta's Law." 14629

(2) Each prosecutor and custodial agency that attempts to 14630
give any notice to which division (D) (1) of this section applies 14631
shall keep a record of all attempts to give the notice. The 14632
record shall indicate the person who was to be the recipient of 14633
the notice, the date on which the attempt was made, the manner 14634
in which the attempt was made, and the person who made the 14635
attempt. If the attempt is successful and the notice is given, 14636
the record shall indicate that fact. The record shall be kept in 14637
a manner that allows public inspection of attempts and notices 14638
given to persons other than victims without revealing the names, 14639
addresses, or other identifying information relating to victims. 14640

The record of attempts and notices given to victims is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims is a public record. A record kept under this division may be indexed by offender name, or in any other manner determined by the prosecutor or the custodial agency. Each prosecutor or custodial agency that is required to keep a record under this division shall determine the procedures for keeping the record and the manner in which it is to be kept, subject to the requirements of this division.

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who 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. The rules shall provide for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by the victim, members of the victim's immediate family, the victim's representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, if limited by the department pursuant to division (F) of this section.

(F) The department may limit the number of persons 14670
specified in division (E) (1) of this section who may be present 14671
at any single victim conference, provided that the department 14672
shall not limit the number of persons who may be present at any 14673
single conference to fewer than three. If the department limits 14674
the number of persons who may be present at any single victim 14675
conference, the department shall permit and schedule, upon 14676
request of the victim, a member of the victim's immediate 14677
family, or the victim's representative, multiple victim 14678
conferences for the persons specified in division (E) (1) of this 14679
section. 14680

(G) As used in this section, "victim's immediate family" 14681
has the same meaning as in section 2967.12 of the Revised Code. 14682

Sec. 2930.17. (A) In determining whether to grant a 14683
judicial release to a defendant from a prison term pursuant to 14684
section 2929.20 of the Revised Code at a time before the 14685
defendant's stated prison term expires, ~~in determining whether~~ 14686
~~to grant a release to an offender from a prison term pursuant to~~ 14687
~~section 2967.19 of the Revised Code at a time before the~~ 14688
~~offender's stated prison term expires,~~ or in determining whether 14689
to grant a judicial release or early release to an alleged 14690
juvenile offender from a commitment to the department of youth 14691
services pursuant to section 2151.38 of the Revised Code, the 14692
court shall permit a victim of a crime or specified delinquent 14693
act for which the defendant or alleged juvenile offender was 14694
incarcerated or committed to make a statement, in addition to 14695
any other statement made under this chapter, concerning the 14696
effects of that crime or specified delinquent act on the victim, 14697
the circumstances surrounding the crime or specified delinquent 14698
act, the manner in which the crime or specified delinquent act 14699
was perpetrated, and the victim's opinion whether the defendant 14700

or alleged juvenile offender should be released. The victim may 14701
make the statement in writing or orally, at the court's 14702
discretion. The court shall give the defendant or alleged 14703
juvenile offender and either the adult parole authority or the 14704
department of youth services, whichever is applicable, a copy of 14705
any written impact statement made by the victim under this 14706
division. 14707

(B) In deciding whether to grant a judicial release or 14708
early release to the defendant or alleged juvenile offender, the 14709
court shall consider a statement made by the victim under 14710
division (A) of this section or section 2930.14 or 2947.051 of 14711
the Revised Code. 14712

Sec. 2935.01. As used in this chapter: 14713

(A) "Magistrate" has the same meaning as in section 14714
2931.01 of the Revised Code. 14715

(B) "Peace officer" includes, except as provided in 14716
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 14717
marshal; deputy marshal; member of the organized police 14718
department of any municipal corporation, including a member of 14719
the organized police department of a municipal corporation in an 14720
adjoining state serving in Ohio under a contract pursuant to 14721
section 737.04 of the Revised Code; member of a police force 14722
employed by a metropolitan housing authority under division (D) 14723
of section 3735.31 of the Revised Code; member of a police force 14724
employed by a regional transit authority under division (Y) of 14725
section ~~306.05~~ 306.35 of the Revised Code; state university law 14726
enforcement officer appointed under section 3345.04 of the 14727
Revised Code; enforcement agent of the department of public 14728
safety designated under section 5502.14 of the Revised Code; 14729
employee of the department of taxation to whom investigation 14730

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 senate sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer

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training commission attesting to the officer's or employee's 14763
satisfactory completion of an approved state, county, municipal, 14764
or department of natural resources peace officer basic training 14765
program and who is providing assistance upon request to a law 14766
enforcement officer or emergency assistance to a peace officer 14767
pursuant to section 109.54 or 109.541 of the Revised Code; a 14768
state fire marshal law enforcement officer described in division 14769
(A) (23) of section 109.71 of the Revised Code; a gaming agent, 14770
as defined in section 3772.01 of the Revised Code; and, for the 14771
purpose of arrests within those areas, for the purposes of 14772
Chapter 5503. of the Revised Code, and the filing of and service 14773
of process relating to those offenses witnessed or investigated 14774
by them, the superintendent and troopers of the state highway 14775
patrol. 14776

(C) "Prosecutor" includes the county prosecuting attorney 14777
and any assistant prosecutor designated to assist the county 14778
prosecuting attorney, and, in the case of courts inferior to 14779
courts of common pleas, includes the village solicitor, city 14780
director of law, or similar chief legal officer of a municipal 14781
corporation, any such officer's assistants, or any attorney 14782
designated by the prosecuting attorney of the county to appear 14783
for the prosecution of a given case. 14784

(D) "Offense," except where the context specifically 14785
indicates otherwise, includes felonies, misdemeanors, and 14786
violations of ordinances of municipal corporations and other 14787
public bodies authorized by law to adopt penal regulations. 14788

(E) "Tier one offense" means a violation of section 14789
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 14790
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 14791
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 14792

2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 14793
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 14794
Code. 14795

Sec. 2935.10. (A) Upon the filing of an affidavit or 14796
complaint as provided by section 2935.09 of the Revised Code, if 14797
it charges the commission of a felony, such judge, clerk, or 14798
magistrate, ~~unless he the judge, clerk, or magistrate~~ has reason 14799
to believe that it was not filed in good faith, or the claim is 14800
not meritorious, shall forthwith issue a warrant for the arrest 14801
of the person charged in the affidavit, and directed to a peace 14802
officer; ~~otherwise he the judge, clerk, or magistrate~~ shall 14803
forthwith refer the matter to the prosecuting attorney or other 14804
attorney charged by law with prosecution for investigation prior 14805
to the issuance of warrant. 14806

(B) If the offense charged is a misdemeanor or violation 14807
of a municipal ordinance, such judge, clerk, or magistrate may: 14808

(1) Issue a warrant for the arrest of such person, 14809
directed to any officer named in section 2935.03 of the Revised 14810
Code but in cases of ordinance violation only to a police 14811
officer or marshal or deputy marshal of the municipal 14812
corporation; 14813

(2) Issue summons, to be served by a peace officer, 14814
bailiff, or court constable, commanding the person against whom 14815
the affidavit or complaint was filed to appear forthwith, or at 14816
a fixed time in the future, before such court or magistrate. 14817
Such summons shall be served in the same manner as in civil 14818
cases. 14819

(C) If the affidavit is filed by, or the complaint is 14820
filed pursuant to an affidavit executed by, a peace officer who 14821

has, at ~~his~~ the officer's discretion, at the time of commission 14822
of the alleged offense, notified the person to appear before the 14823
court or magistrate at a specific time set by such officer, no 14824
process need be issued unless the defendant fails to appear at 14825
the scheduled time. 14826

(D) Any person charged with a misdemeanor or violation of 14827
a municipal ordinance may give bail as provided in sections 14828
2937.22 to 2937.46 of the Revised Code, for ~~his~~ the person's 14829
appearance, regardless of whether a warrant, summons, or notice 14830
to appear has been issued. 14831

(E) Any warrant, summons, or any notice issued by the 14832
peace officer shall state the substance of the charge against 14833
the person arrested or directed to appear. 14834

(F) When the offense charged is a misdemeanor, and the 14835
warrant or summons issued pursuant to this section is not served 14836
within two years of the date of issue, a judge or magistrate may 14837
order such warrant or summons withdrawn and the case closed, 14838
when it does not appear that the ends of justice require keeping 14839
the case open. 14840

(G) (1) Any warrant issued for a tier one offense shall be 14841
entered, by the law enforcement agency requesting the warrant 14842
and within forty-eight hours of receipt of the warrant, into the 14843
law enforcement automated data system created by section 5503.10 14844
of the Revised Code, and known as LEADS, and the appropriate 14845
database of the national crime information center (NCIC) 14846
maintained by the federal bureau of investigation. 14847

(2) All warrants issued for tier one offenses shall be 14848
entered, by the law enforcement agency that receives the warrant 14849
with a full extradition radius as defined by the Ohio LEADS 14850

administrator, into the law enforcement automated data system 14851
created by section 5503.10 of the Revised Code, and known as 14852
LEADS. 14853

Sec. 2939.21. (A) Once every three months, the grand 14854
jurors shall visit the county jail, examine its condition, and 14855
inquire into the discipline and treatment of the prisoners, 14856
their habits, diet, and accommodations. ~~They~~ 14857

(B) (1) If a multicounty correctional center or 14858
multicounty-municipal correctional center is established as 14859
described in section 307.93 of the Revised Code to serve two or 14860
more counties, once every three months, the grand jurors of any 14861
or all of the counties served by the center may visit the 14862
facility, examine its contents, and inquire into the discipline 14863
and treatment of the prisoners, their habits, diet, and 14864
accommodations. Only one visit by grand jurors may be made under 14865
this division during any three-month period. 14866

(2) If a municipal-county correctional center is 14867
established as described in section 307.93 of the Revised Code 14868
to serve a county, once every three months, the grand jurors of 14869
the county may visit the facility, examine its contents, and 14870
inquire into the discipline and treatment of the prisoners, 14871
their habits, diet, and accommodations. 14872

(C) When grand jurors visit a jail under division (A), (B) 14873
(1), or (B) (2) of this section, they shall report on these—the 14874
matters specified in the particular division to the court of 14875
common pleas of the county served by the grand jurors in 14876
writing. The clerk of the court of common pleas shall forward a 14877
copy of the report to the department of rehabilitation and 14878
correction. 14879

Sec. 2941.1413. (A) Imposition of a mandatory additional 14880
prison term of one, two, three, four, or five years upon an 14881
offender under division (G) (2) of section 2929.13 of the Revised 14882
Code is precluded unless the indictment, count in the 14883
indictment, or information charging a felony violation of 14884
division (A) of section 4511.19 of the Revised Code specifies 14885
that ~~the~~ either: 14886

(1) The offender, within twenty years of the offense, 14887
previously has been convicted of or pleaded guilty to five or 14888
more equivalent offenses; 14889

(2) The offender previously has been convicted of or 14890
pleaded guilty to a specification of the type described in this 14891
section. The 14892

(B) The specification shall be stated at the end of the 14893
body of the indictment, count, or information and shall be 14894
stated in substantially the following form: 14895

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 14896
Grand Jurors (or insert the person's or the prosecuting 14897
attorney's name when appropriate) further find and specify that 14898
(set forth that the offender, within twenty years of committing 14899
the offense, previously had been convicted of or pleaded guilty 14900
to five or more equivalent offenses or previously has been 14901
convicted of or pleaded guilty to a specification of the type 14902
described in section 2941.1413 of the Revised Code)." 14903

~~(B)~~ (C) As used in ~~division (A) of this section,~~ 14904
"equivalent offense" has the same meaning as in section 4511.181 14905
of the Revised Code. 14906

Sec. 2941.1415. (A) Imposition of a three-year mandatory 14907
prison term upon an offender under division (B) (6) of section 14908

2929.14 of the Revised Code is precluded unless the offender is 14909
convicted of or pleads guilty to violating division (A) (1) or 14910
(2) of section 2903.06 of the Revised Code and unless the 14911
indictment, count in the indictment, or information charging the 14912
offense specifies that the offender previously has been 14913
convicted of or pleaded guilty to three or more violations of 14914
division (A) ~~or (B)~~ of section 4511.19 of the Revised Code or an 14915
equivalent offense, or three or more violations of any 14916
combination of those ~~divisions and~~ offenses. The specification 14917
shall be stated at the end of the body of the indictment, count, 14918
or information and shall be stated in substantially the 14919
following form: 14920

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 14921
Grand Jurors (or insert the person's or the prosecuting 14922
attorney's name when appropriate) further find and specify that 14923
(set forth that the offender previously has been convicted of or 14924
pleaded guilty to three or more violations of division (A) ~~or~~ 14925
~~(B)~~ of section 4511.19 of the Revised Code or an equivalent 14926
offense, or three or more violations of any combination of those 14927
~~divisions and~~ offenses)." 14928

(B) The specification described in division (A) of this 14929
section may be used in a delinquent child proceeding in the 14930
manner and for the purpose described in section 2152.17 of the 14931
Revised Code. 14932

(C) As used in this section, "equivalent offense" has the 14933
same meaning as in section 4511.181 of the Revised Code. 14934

Sec. 2941.1421. (A) Imposition of an additional prison 14935
term of one, two, three, four, five, or six months under 14936
division (H) (2) (a) (i) of section 2929.14 of the Revised Code, an 14937
additional prison term of one, two, three, four, five, six, 14938

seven, eight, nine, ten, eleven, or twelve months under division 14939
(H) (2) (a) (ii) of section 2929.14 of the Revised Code, an 14940
additional definite jail term of not more than sixty days under 14941
division ~~(F) (1) (a)~~ (E) (1) (a) of section 2929.24 of the Revised 14942
Code, or an additional definite jail term of not more than one 14943
hundred twenty days under division ~~(F) (1) (b)~~ (E) (1) (b) of 14944
section 2929.24 of the Revised Code is precluded unless the 14945
indictment, count in the indictment, or information charging a 14946
felony violation of section 2907.22, 2907.24, 2907.241, or 14947
2907.25 of the Revised Code or a misdemeanor violation of 14948
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 14949
Code, whichever is applicable, specifies that the violation was 14950
committed in proximity to a school. The specification shall be 14951
stated at the end of the body of the indictment, count, or 14952
information and shall be in substantially the following form: 14953

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 14954
Grand Jurors (or insert the person's or the prosecuting 14955
attorney's name when appropriate) further find and specify that 14956
(set forth that the specified offense was committed in proximity 14957
to a school). 14958

(B) As used in this section, "committed in proximity to a 14959
school" has the same meaning as in section 2929.01 of the 14960
Revised Code. 14961

Sec. 2941.1423. Imposition of a mandatory prison term 14962
under division (B) (8) of section 2929.14 of the Revised Code or 14963
a mandatory jail term under division ~~(F)~~ (E) of section 2929.24 14964
of the Revised Code is precluded unless the offender is 14965
convicted of or pleads guilty to a violation of section 2903.11, 14966
2903.12, or 2903.13 of the Revised Code and unless the 14967
indictment, count in the indictment, or information charging the 14968

offense specifies the victim of the offense was a woman whom the
offender knew was pregnant at the time of the offense. The
specification shall be stated at the end of the body of the
indictment, count, or information and shall be stated in
substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or prosecuting attorney's
name when appropriate) further find and specify that (set forth
that the victim of the offense was a woman whom the defendant
knew was pregnant at the time of the offense)."

Sec. 2945.71. (A) Subject to division (D) of this section,
a person against whom a charge is pending in a court not of
record, or against whom a charge of minor misdemeanor is pending
in a court of record, shall be brought to trial within thirty
days after the person's arrest or the service of summons.

(B) Subject to division (D) of this section, a person
against whom a charge of misdemeanor, other than a minor
misdemeanor, is pending in a court of record, shall be brought
to trial as follows:

(1) Within forty-five days after the person's arrest or
the service of summons, if the offense charged is a misdemeanor
of the third or fourth degree, or other misdemeanor for which
the maximum penalty is imprisonment for not more than sixty
days;

(2) Within ninety days after the person's arrest or the
service of summons, if the offense charged is a misdemeanor of
the first or second degree, or other misdemeanor for which the
maximum penalty is imprisonment for more than sixty days.

(C) A person against whom a charge of felony is pending:

(1) Notwithstanding any provisions to the contrary in Criminal Rule 5(B), shall be accorded a preliminary hearing within fifteen consecutive days after the person's arrest if the accused is not held in jail in lieu of bail on the pending charge or within ten consecutive days after the person's arrest if the accused is held in jail in lieu of bail on the pending charge;

(2) ~~Shall Except as provided in division (C) of section 2945.73 of the Revised Code, shall~~ be brought to trial within two hundred seventy days after the person's arrest.

(D) A person against whom one or more charges of different degrees, whether felonies, misdemeanors, or combinations of felonies and misdemeanors, all of which arose out of the same act or transaction, are pending shall be brought to trial on all of the charges within the time period required for the highest degree of offense charged, as determined under divisions (A), (B), and (C) of this section.

(E) For purposes of computing time under divisions (A), (B), (C) (2), and (D) of this section, each day during which the accused is held in jail in lieu of bail on the pending charge shall be counted as three days. This division does not apply for purposes of computing time under division (C) (1) of this section or for purposes of computing the fourteen-day period specified in section 2945.73 of the Revised Code.

(F) This section shall not be construed to modify in any way section 2941.401 or sections 2963.30 to 2963.35 of the Revised Code.

Sec. 2945.73. (A) A charge of felony shall be dismissed if the accused is not accorded a preliminary hearing within the

time required by sections 2945.71 and 2945.72 of the Revised Code. Such a dismissal has the same effect as a nolle prosequi. 15027
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(B) (1) Upon motion made at or prior to the commencement of trial, a person charged with ~~an offense a misdemeanor~~ shall be discharged if ~~he~~ the person is not brought to trial within the time required by sections 2945.71 and 2945.72 of the Revised Code. Such a discharge is a bar to any further criminal proceedings against the person based on the same conduct. 15029
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~~(C)~~ (2) Regardless of whether a longer time limit may be provided by sections 2945.71 and 2945.72 of the Revised Code, a person charged with misdemeanor shall be discharged if ~~he~~ the person is held in jail in lieu of bond awaiting trial on the pending charge: 15035
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~~(1)~~ (a) For a total period equal to the maximum term of imprisonment which may be imposed for the most serious misdemeanor charged; 15040
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~~(2)~~ (b) For a total period equal to the term of imprisonment allowed in lieu of payment of the maximum fine which may be imposed for the most serious misdemeanor charged, when the offense or offenses charged constitute minor misdemeanors. 15043
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~~(D)~~ When a charge of (3) A discharge under division (B) (2) of this section is a bar to any further criminal proceedings against the person based on the same conduct. 15048
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~~(C) (1) A person charged with a felony is dismissed pursuant to division (A) of this section, such dismissal has the same effect as a nolle prosequi. When an accused is discharged pursuant to division (B) or (C) of this section, such discharge is a bar to any further criminal proceedings against him based~~ 15051
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on the same conduct, who is not brought to trial within the time 15056
required by sections 2945.71 and 2945.72 of the Revised Code, is 15057
eligible for release from detention. The court may release the 15058
person from any detention in connection with the charges pending 15059
trial and may impose any terms or conditions on the release that 15060
the court considers appropriate. 15061

(2) Upon motion made at or before the commencement of 15062
trial, but not sooner than fourteen days before the day the 15063
person would become eligible for release pursuant to division 15064
(C) (1) of this section, the charges shall be dismissed with 15065
prejudice unless the person is brought to trial on those charges 15066
within fourteen days after the motion is filed and served on the 15067
prosecuting attorney. If no motion is filed, the charges shall 15068
be dismissed with prejudice unless the person is brought to 15069
trial on those charges within fourteen days after it is 15070
determined by the court that the time for trial required by 15071
sections 2945.71 and 2945.72 of the Revised Code has expired. If 15072
it is determined by the court that the time for trial required 15073
by sections 2945.71 and 2945.73 of the Revised Code has expired, 15074
no additional charges arising from the same facts and 15075
circumstances as the original charges may be added during the 15076
fourteen-day period specified under this division. The fourteen- 15077
day period specified under this division may be extended at the 15078
request of the accused or on account of the fault or misconduct 15079
of the accused. 15080

Sec. 2950.151. (A) As used in this section, "eligible 15081
offender" means either of the following: 15082

(1) An offender who was convicted of or pleaded guilty to 15083
a violation of section 2907.04 of the Revised Code to whom all 15084
of the following apply: 15085

(a) The sentencing court found the offender to be at low risk of reoffending based on a presentence investigation report that included a risk assessment, assessed by the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code;

(b) The sentencing court imposed a community control sanction or combination of community control sanctions instead of a prison term and the offender has fulfilled every condition of every community control sanction imposed by the sentencing court;

(c) The offender was under twenty-one years of age at the time of committing the offense;

(d) The offender has not otherwise been convicted of or pleaded guilty to another violation of section 2907.04 of the Revised Code or any sexually oriented offense or child-victim oriented offense other than the violation of section 2907.04 of the Revised Code;

(e) The minor with whom the offender engaged in sexual conduct was at least fourteen years of age at the time of the offense and consented to the sexual conduct, with no evidence of coercion, force, or threat of force;

(f) The offender was not in a position of authority, including a position of a type described in divisions (A) (5) to (13) of section 2907.03 of the Revised Code, over the minor with whom the offender engaged in sexual conduct.

(2) An offender who was convicted of or pleaded guilty to a violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United

States, any existing or former law applicable in a military 15115
court or in an Indian trial court, or any existing or former law 15116
of any nation other than the United States that is or was 15117
substantially equivalent to a violation of section 2907.04 of 15118
the Revised Code and to whom all of the factors described in 15119
divisions (A) (1) (a) to (f) of this section apply. For purposes 15120
of this division: 15121

(a) The reference in division (A) (1) (b) of this section to 15122
a community control sanction shall be construed as including ~~non-~~ 15123
~~prison~~ nonprison sanctions under the law of the jurisdiction in 15124
which the offender was convicted of or pleaded guilty to the 15125
violation that is or was substantially equivalent to a violation 15126
of section 2907.04 of the Revised Code; 15127

(b) The reference in division (A) (1) (d) of this section to 15128
the violations specified in that division shall be construed as 15129
including substantially equivalent violations under the law of 15130
the jurisdiction in which the offender was convicted of or 15131
pleaded guilty to the violation that is or was substantially 15132
equivalent to a violation of section 2907.04 of the Revised 15133
Code. 15134

(B) Upon completion of all community control sanctions 15135
imposed by the sentencing court for the violation of section 15136
2907.04 of the Revised Code or the violation of the 15137
substantially equivalent law or ordinance, whichever is 15138
applicable, an eligible offender may petition the appropriate 15139
court specified in division (C) of this section to review the 15140
effectiveness of the offender's participation in community 15141
control sanctions and to determine whether to terminate the 15142
offender's duty to comply with sections 2950.04, 2950.05, and 15143
2950.06 of the Revised Code, reclassify the offender as a tier I 15144

sex offender/child-victim offender, or continue the offender's 15145
current classification. 15146

(C) Except as otherwise provided in this division, the 15147
eligible offender shall file the petition described in division 15148
(B) of this section in the court in which the eligible offender 15149
was convicted of or pleaded guilty to the offense. If the 15150
eligible offender was convicted of or pleaded guilty to the 15151
offense in a jurisdiction other than this state, the eligible 15152
offender shall file the petition in whichever of the following 15153
courts is applicable: 15154

(1) If the eligible offender is a resident of this state, 15155
in the court of common pleas of the county in which the offender 15156
resides; 15157

(2) If the eligible offender is not a resident of this 15158
state, in the court of common pleas of the county in which the 15159
offender has registered pursuant to section 2950.04 of the 15160
Revised Code. If the offender has registered addresses of that 15161
nature in more than one county, the offender may file a petition 15162
in the court of only one of those counties. 15163

(D) An eligible offender who files a petition under 15164
division (B) of this section shall include all of the following 15165
with the petition: 15166

(1) A certified copy of the judgment entry and any other 15167
documentation of the sentence given for the offense for which 15168
the eligible offender was convicted or pleaded guilty; 15169

(2) Documentation of the date of discharge from probation 15170
supervision or other supervision, if applicable; 15171

(3) Evidence that the eligible offender has completed a 15172
sex offender treatment program certified by the department of 15173

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 15204
and serve a copy of the objection to the petition on the 15205
eligible offender or the eligible offender's attorney. In 15206
addition to considering the evidence and information included 15207
with the petition as described in division (D) of this section 15208
and any risk assessment or professional opinion submitted as 15209
described in division (E) of this section, in determining the 15210
type of order to enter in response to the petition, the court 15211
shall consider any objections submitted by the prosecutor and 15212
any written statement submitted by the victim. After the 15213
hearing, the court shall enter one of the following orders: 15214

(1) An order to terminate the offender's duty to comply 15215
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 15216

(2) If the offender is classified a tier II sex 15217
offender/child-victim offender, an order to reclassify the 15218
offender from a tier II sex offender/child-victim offender 15219
classification to a tier I sex offender/child-victim offender 15220
classification; 15221

(3) If the offender is classified a tier I sex 15222
offender/child-victim offender or a tier II sex offender/child- 15223
victim offender, an order to continue the offender's 15224
classification as a tier I sex offender/child-victim offender or 15225
tier II sex offender/child-victim offender, whichever is 15226
applicable, required to comply with sections 2950.04, 2950.05, 15227
and 2950.06 of the Revised Code. 15228

(G) After issuing an order pursuant to division (F) of 15229
this section, the court shall provide a copy of the order to the 15230
eligible offender and the bureau of criminal identification and 15231
investigation. The bureau, upon receipt of the copy, shall 15232
promptly notify the sheriff with whom the offender most recently 15233

registered under section 2950.04 or 2950.05 of the Revised Code 15234
of the court's order. 15235

(H) (1) An order issued under division (F) (2) or (3) of 15236
this section shall remain in effect for the duration of the 15237
eligible offender's duty to comply with sections 2950.04, 15238
2950.05, and 2950.06 of the Revised Code under the 15239
reclassification or continuation, whichever is applicable, as 15240
specified in section 2950.07 of the Revised Code, except that an 15241
eligible offender may refile a petition under this section at 15242
the time prescribed under division (H) (2) of this section. An 15243
order issued under division (F) (2) or (3) of this section shall 15244
not increase the duration of the offender's duty to comply with 15245
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 15246

(2) After the eligible offender's initial petition filed 15247
under this section, if the court entered an order continuing the 15248
offender's classification or reclassifying the offender, the 15249
offender may file a second petition not earlier than three years 15250
after the court entered the first order. After the second 15251
petition, the offender may file one subsequent petition not 15252
earlier than five years after the most recent order continuing 15253
the offender's classification or reclassifying the offender. A 15254
petition filed under this division shall comply with the 15255
requirements described in divisions (C), (D), and (E) of this 15256
section. 15257

(3) Upon the filing of a second or subsequent petition by 15258
an eligible offender pursuant to division (H) (2) of this 15259
section, the court shall schedule a hearing to review any 15260
previous order entered under this section, consider all of the 15261
documents previously submitted, and evaluate any new evidence of 15262
rehabilitation presented with the petition. The court shall 15263

notify the offender and the prosecutor of the county in which 15264
the petition is filed of the date, time, and place of the 15265
hearing. Upon receipt of the notice, the prosecutor shall notify 15266
the victim of the date, time, and place of the hearing. The 15267
victim may submit a written statement to the prosecutor 15268
regarding any knowledge the victim has of the eligible 15269
offender's conduct while subject to the duties imposed by 15270
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At 15271
least seven days before the hearing date, the prosecutor may 15272
file an objection to the petition with the court and serve a 15273
copy of the objection to the petition on the eligible offender 15274
or the eligible offender's attorney. In addition to reviewing 15275
any previous order, considering the documents previously 15276
submitted, and evaluating any new evidence of rehabilitation 15277
presented with the petition as described in this division, in 15278
determining whether to deny the petition or the type of order to 15279
enter in response to the petition, the court shall consider any 15280
objections submitted by the prosecutor and any written statement 15281
submitted by the victim. After the hearing on the petition, the 15282
court may deny the petition or enter either of the following 15283
orders: 15284

(a) If the previous order continued the offender's 15285
classification as a tier II sex offender/child-victim offender, 15286
an order to reclassify the offender as a tier I sex 15287
offender/child-victim offender or terminate the offender's duty 15288
to comply with sections 2950.04, 2950.05, and 2950.06 of the 15289
Revised Code; 15290

(b) If the previous order reclassified the offender as a 15291
tier I sex offender/child-victim offender or continued the 15292
offender's classification as a tier I sex offender/child-victim 15293
offender, an order to terminate the offender's duty to comply 15294

with sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 15295

Sec. 2950.99. (A) (1) (a) Except as otherwise provided in 15296
division (A) (1) (b) of this section, whoever violates a 15297
prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of 15298
the Revised Code shall be punished as follows: 15299

(i) If the most serious sexually oriented offense that was 15300
the basis of the registration, notice of intent to reside, 15301
change of address notification, or address verification 15302
requirement that was violated under the prohibition is 15303
aggravated murder or murder if committed by an adult or a 15304
comparable category of offense committed in another 15305
jurisdiction, the offender is guilty of a felony of the first 15306
degree. 15307

(ii) If the most serious sexually oriented offense or 15308
child-victim oriented offense that was the basis of the 15309
registration, notice of intent to reside, change of address 15310
notification, or address verification requirement that was 15311
violated under the prohibition is a felony of the first, second, 15312
third, or fourth degree if committed by an adult or a comparable 15313
category of offense committed in another jurisdiction, the 15314
offender is guilty of a felony of the same degree as the most 15315
serious sexually oriented offense or child-victim oriented 15316
offense that was the basis of the registration, notice of intent 15317
to reside, change of address, or address verification 15318
requirement that was violated under the prohibition, or, if the 15319
most serious sexually oriented offense or child-victim oriented 15320
offense that was the basis of the registration, notice of intent 15321
to reside, change of address, or address verification 15322
requirement that was violated under the prohibition is a 15323
comparable category of offense committed in another 15324

jurisdiction, the offender is guilty of a felony of the same 15325
degree as that offense committed in the other jurisdiction would 15326
constitute if committed in this state. 15327

(iii) If the most serious sexually oriented offense or 15328
child-victim oriented offense that was the basis of the 15329
registration, notice of intent to reside, change of address 15330
notification, or address verification requirement that was 15331
violated under the prohibition is a felony of the fifth degree 15332
or a misdemeanor if committed by an adult or a comparable 15333
category of offense committed in another jurisdiction, the 15334
offender is guilty of a felony of the fourth degree. 15335

(b) If the offender previously has been convicted of or 15336
pleaded guilty to, or previously has been adjudicated a 15337
delinquent child for committing, a violation of a prohibition in 15338
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 15339
Code, whoever violates a prohibition in section 2950.04, 15340
2950.041, 2950.05, or 2950.06 of the Revised Code shall be 15341
punished as follows: 15342

(i) If the most serious sexually oriented offense that was 15343
the basis of the registration, notice of intent to reside, 15344
change of address notification, or address verification 15345
requirement that was violated under the prohibition is 15346
aggravated murder or murder if committed by an adult or a 15347
comparable category of offense committed in another 15348
jurisdiction, the offender is guilty of a felony of the first 15349
degree. 15350

(ii) If the most serious sexually oriented offense or 15351
child-victim oriented offense that was the basis of the 15352
registration, notice of intent to reside, change of address 15353
notification, or address verification requirement that was 15354

violated under the prohibition is a felony of the first, second, 15355
or third degree if committed by an adult or a comparable 15356
category of offense committed in another jurisdiction, the 15357
offender is guilty of a felony of the same degree as the most 15358
serious sexually oriented offense or child-victim oriented 15359
offense that was the basis of the registration, notice of intent 15360
to reside, change of address, or address verification 15361
requirement that was violated under the prohibition, or, if the 15362
most serious sexually oriented offense or child-victim oriented 15363
offense that was the basis of the registration, notice of intent 15364
to reside, change of address, or address verification 15365
requirement that was violated under the prohibition is a 15366
comparable category of offense committed in another 15367
jurisdiction, the offender is guilty of a felony of the same 15368
degree as that offense committed in the other jurisdiction would 15369
constitute if committed in this state. 15370

(iii) If the most serious sexually oriented offense or 15371
child-victim oriented offense that was the basis of the 15372
registration, notice of intent to reside, change of address 15373
notification, or address verification requirement that was 15374
violated under the prohibition is a felony of the fourth or 15375
fifth degree if committed by an adult or a comparable category 15376
of offense committed in another jurisdiction, the offender is 15377
guilty of a felony of the third degree. 15378

(iv) If the most serious sexually oriented offense or 15379
child-victim oriented offense that was the basis of the 15380
registration, notice of intent to reside, change of address 15381
notification, or address verification requirement that was 15382
violated under the prohibition is a misdemeanor if committed by 15383
an adult or a comparable category of offense committed in 15384
another jurisdiction, the offender is guilty of a felony of the 15385

fourth degree. 15386

(2) (a) In addition to any penalty or sanction imposed 15387
under division (A) (1) of this section or any other provision of 15388
law for a violation of a prohibition in section 2950.04, 15389
2950.041, 2950.05, or 2950.06 of the Revised Code, if the 15390
offender or delinquent child is subject to a community control 15391
sanction, is on parole, is subject to one or more post-release 15392
control sanctions, or is subject to any other type of supervised 15393
release at the time of the violation, the violation shall 15394
constitute a violation of the terms and conditions of the 15395
community control sanction, parole, post-release control 15396
sanction, or other type of supervised release. 15397

(b) In addition to any penalty or sanction imposed under 15398
division (A) (1) (b) (i), (ii), or (iii) of this section or any 15399
other provision of law for a violation of a prohibition in 15400
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 15401
Code, if the offender previously has been convicted of or 15402
pleaded guilty to, or previously has been adjudicated a 15403
delinquent child for committing, a violation of a prohibition in 15404
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 15405
Code when the most serious sexually oriented offense or child- 15406
victim oriented offense that was the basis of the requirement 15407
that was violated under the prohibition is a felony if committed 15408
by an adult or a comparable category of offense committed in 15409
another jurisdiction, the court imposing a sentence upon the 15410
offender shall impose a definite prison term of no less than 15411
three years. The definite prison term imposed under this 15412
section, ~~subject to divisions (C) to (I) of section 2967.19 of~~ 15413
~~the Revised Code,~~ shall not be reduced to less than three years 15414
pursuant to any provision of Chapter 2967. or any other 15415
provision of the Revised Code. 15416

(3) As used in division (A) (1) of this section, 15417
"comparable category of offense committed in another 15418
jurisdiction" means a sexually oriented offense or child-victim 15419
oriented offense that was the basis of the registration, notice 15420
of intent to reside, change of address notification, or address 15421
verification requirement that was violated, that is a violation 15422
of an existing or former law of another state or the United 15423
States, an existing or former law applicable in a military court 15424
or in an Indian tribal court, or an existing or former law of 15425
any nation other than the United States, and that, if it had 15426
been committed in this state, would constitute or would have 15427
constituted aggravated murder or murder for purposes of division 15428
(A) (1) (a) (i) of this section, a felony of the first, second, 15429
third, or fourth degree for purposes of division (A) (1) (a) (ii) 15430
of this section, a felony of the fifth degree or a misdemeanor 15431
for purposes of division (A) (1) (a) (iii) of this section, 15432
aggravated murder or murder for purposes of division (A) (1) (b) 15433
(i) of this section, a felony of the first, second, or third 15434
degree for purposes of division (A) (1) (b) (ii) of this section, a 15435
felony of the fourth or fifth degree for purposes of division 15436
(A) (1) (b) (iii) of this section, or a misdemeanor for purposes of 15437
division (A) (1) (b) (iv) of this section. 15438

(B) If a person violates a prohibition in section 2950.04, 15439
2950.041, 2950.05, or 2950.06 of the Revised Code that applies 15440
to the person as a result of the person being adjudicated a 15441
delinquent child and being classified a juvenile offender 15442
registrant or an out-of-state juvenile offender registrant, both 15443
of the following apply: 15444

(1) If the violation occurs while the person is under 15445
eighteen years of age, the person is subject to proceedings 15446
under Chapter 2152. of the Revised Code based on the violation. 15447

(2) If the violation occurs while the person is eighteen 15448
years of age or older, the person is subject to criminal 15449
prosecution based on the violation. 15450

(C) Whoever violates division (C) of section 2950.13 of 15451
the Revised Code is guilty of a misdemeanor of the first degree. 15452

Sec. 2951.02. ~~(A)~~ (A) (1) During the period of a misdemeanor 15453
offender's community control sanction or during the period of a 15454
felony offender's nonresidential sanction, authorized probation 15455
officers who are engaged within the scope of their supervisory 15456
duties or responsibilities may search, with or without a 15457
warrant, the person of the offender, the place of residence of 15458
the offender, and a motor vehicle, another item of tangible or 15459
intangible personal property, or other real property in which 15460
the offender has a right, title, or interest or for which the 15461
offender has the express or implied permission of a person with 15462
a right, title, or interest to use, occupy, or possess if ~~the~~ 15463
any of the following apply: 15464

(a) The probation officers have reasonable grounds to 15465
believe that the offender is not abiding by the law or otherwise 15466
is not complying with the conditions of the misdemeanor 15467
offender's community control sanction or the conditions of the 15468
felony offender's nonresidential sanction. ~~If~~ 15469

(b) If the offender is a felony offender, the court 15470
requires the offender's consent to searches as part of the terms 15471
and conditions of community control, and the offender agreed to 15472
those terms and conditions. 15473

(c) If the offender is a felony offender, the offender 15474
otherwise provides consent for the search. 15475

(2) If a felony offender who is sentenced to a 15476

nonresidential sanction is under the general control and 15477
supervision of the adult parole authority, as described in 15478
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 15479
parole authority field officers with supervisory 15480
responsibilities over the felony offender shall have the same 15481
search authority relative to the felony offender during the 15482
period of the sanction that is described under ~~this~~ division (A) 15483
(1) of this section for probation officers. ~~The court that~~ 15484
~~places the~~ 15485

(3) If a misdemeanor offender is placed under a community 15486
control sanction pursuant to section 2929.25 of the Revised Code 15487
or ~~that sentences the~~ if a felony offender is sentenced to a 15488
nonresidential sanction pursuant to section 2929.17 of the 15489
Revised Code, the court that places the misdemeanor offender 15490
under the sanction or sentences the felony offender to the 15491
sanction shall provide the offender with a written notice that 15492
informs the offender that authorized probation officers or adult 15493
parole authority field officers with supervisory 15494
responsibilities over the offender who are engaged within the 15495
scope of their supervisory duties or responsibilities may 15496
conduct ~~those~~ the types of searches described in divisions (A) 15497
(1) and (2) of this section during the period of community 15498
control sanction or the nonresidential sanction if ~~they~~ any of 15499
the following apply: 15500

(a) The officers have reasonable grounds to believe that 15501
the offender is not abiding by the law or otherwise is not 15502
complying with the conditions of the offender's community 15503
control sanction or nonresidential sanction. 15504

(b) If the offender is a felony offender, the court 15505
requires the offender's consent to searches as part of the terms 15506

and conditions of community control, and the offender agreed to 15507
those terms and conditions. 15508

(c) If the offender is a felony offender, the offender 15509
otherwise provides consent for the search. 15510

(B) If an offender is convicted of or pleads guilty to a 15511
misdemeanor, the court may require the offender, as a condition 15512
of the offender's sentence of a community control sanction, to 15513
perform supervised community service work in accordance with 15514
this division. If an offender is convicted of or pleads guilty 15515
to a felony, the court, pursuant to sections 2929.15 and 2929.17 15516
of the Revised Code, may impose a sanction that requires the 15517
offender to perform supervised community service work in 15518
accordance with this division. The supervised community service 15519
work shall be under the authority of health districts, park 15520
districts, counties, municipal corporations, townships, other 15521
political subdivisions of the state, or agencies of the state or 15522
any of its political subdivisions, or under the authority of 15523
charitable organizations that render services to the community 15524
or its citizens, in accordance with this division. The court may 15525
require an offender who is ordered to perform the work to pay to 15526
it a reasonable fee to cover the costs of the offender's 15527
participation in the work, including, but not limited to, the 15528
costs of procuring a policy or policies of liability insurance 15529
to cover the period during which the offender will perform the 15530
work. 15531

A court may permit any offender convicted of a felony or a 15532
misdemeanor to satisfy the payment of a fine imposed for the 15533
offense pursuant to section 2929.18 or 2929.28 of the Revised 15534
Code by performing supervised community service work as 15535
described in this division if the offender requests an 15536

opportunity to satisfy the payment by this means and if the 15537
court determines that the offender is financially unable to pay 15538
the fine. 15539

After imposing a term of community service, the court may 15540
modify the sentence to authorize a reasonable contribution to 15541
the appropriate general fund as provided in division (B) of 15542
section 2929.27 of the Revised Code. 15543

The supervised community service work that may be imposed 15544
under this division shall be subject to the following 15545
limitations: 15546

(1) The court shall fix the period of the work and, if 15547
necessary, shall distribute it over weekends or over other 15548
appropriate times that will allow the offender to continue at 15549
the offender's occupation or to care for the offender's family. 15550
The period of the work as fixed by the court shall not exceed in 15551
the aggregate the number of hours of community service imposed 15552
by the court pursuant to section 2929.17 or 2929.27 of the 15553
Revised Code. 15554

(2) An agency, political subdivision, or charitable 15555
organization must agree to accept the offender for the work 15556
before the court requires the offender to perform the work for 15557
the entity. A court shall not require an offender to perform 15558
supervised community service work for an agency, political 15559
subdivision, or charitable organization at a location that is an 15560
unreasonable distance from the offender's residence or domicile, 15561
unless the offender is provided with transportation to the 15562
location where the work is to be performed. 15563

(3) A court may enter into an agreement with a county 15564
department of job and family services for the management, 15565

placement, and supervision of offenders eligible for community 15566
service work in work activities, developmental activities, and 15567
alternative work activities under sections 5107.40 to 5107.69 of 15568
the Revised Code. If a court and a county department of job and 15569
family services have entered into an agreement of that nature, 15570
the clerk of that court is authorized to pay directly to the 15571
county department all or a portion of the fees collected by the 15572
court pursuant to this division in accordance with the terms of 15573
its agreement. 15574

(4) Community service work that a court requires under 15575
this division shall be supervised by an official of the agency, 15576
political subdivision, or charitable organization for which the 15577
work is performed or by a person designated by the agency, 15578
political subdivision, or charitable organization. The official 15579
or designated person shall be qualified for the supervision by 15580
education, training, or experience, and periodically shall 15581
report, in writing, to the court and to the offender's probation 15582
officer concerning the conduct of the offender in performing the 15583
work. 15584

(5) The total of any period of supervised community 15585
service work imposed on an offender under division (B) of this 15586
section plus the period of all other sanctions imposed pursuant 15587
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 15588
Revised Code for a felony, or pursuant to sections 2929.25, 15589
2929.26, 2929.27, and 2929.28 of the Revised Code for a 15590
misdemeanor, shall not exceed five years. 15591

(C) (1) If an offender is convicted of a violation of 15592
section 4511.19 of the Revised Code or a substantially similar 15593
municipal ordinance, the court may require, as a condition of a 15594
community control sanction, that the offender operate only a 15595

motor vehicle equipped with an ignition interlock device that is 15596
certified pursuant to section 4510.43 of the Revised Code. 15597

(2) If a court requires an offender, as a condition of a 15598
community control sanction pursuant to division (C)(1) of this 15599
section, to operate only a motor vehicle equipped with an 15600
ignition interlock device that is certified pursuant to section 15601
4510.43 of the Revised Code, the offender immediately shall 15602
surrender the offender's driver's or commercial driver's license 15603
or permit to the court. Upon the receipt of the offender's 15604
license or permit, the court shall issue an order authorizing 15605
the offender to operate a motor vehicle equipped with a 15606
certified ignition interlock device and deliver the offender's 15607
license or permit to the registrar of motor vehicles. The court 15608
also shall give the offender a copy of its order for purposes of 15609
obtaining a restricted license. 15610

(3) An offender shall present to the registrar or to a 15611
deputy registrar the copy of the order issued under division (C) 15612
of this section and a certificate affirming the installation of 15613
an ignition interlock device that is in a form established by 15614
the director of public safety and that is signed by the person 15615
who installed the device. Upon presentation of the order and 15616
certificate, the registrar or deputy registrar shall issue a 15617
restricted license to the offender, unless the offender's 15618
driver's license or commercial driver's license or permit is 15619
suspended under any other provision of law and limited driving 15620
privileges have not been granted with regard to that suspension. 15621
The restricted license shall be identical to the surrendered 15622
license, except that it shall have printed on its face a 15623
statement that the offender is prohibited from operating a motor 15624
vehicle that is not equipped with an ignition interlock device 15625
that is certified pursuant to section 4510.43 of the Revised 15626

Code. The registrar shall deliver the offender's surrendered 15627
license or permit to the court upon receipt of a court order 15628
requiring it to do so, or reissue the offender's license or 15629
permit under section 4510.52 of the Revised Code if the 15630
registrar destroyed the offender's license or permit under that 15631
section. The offender shall surrender the restricted license to 15632
the court upon receipt of the offender's surrendered license or 15633
permit. 15634

(4) If an offender violates a requirement of the court 15635
imposed under division (C) (1) of this section, the court may 15636
impose a class seven suspension of the offender's driver's or 15637
commercial driver's license or permit or nonresident operating 15638
privilege from the range specified in division (A) (7) of section 15639
4510.02 of the Revised Code. On a second or subsequent 15640
violation, the court may impose a class four suspension of the 15641
offender's driver's or commercial driver's license or permit or 15642
nonresident operating privilege from the range specified in 15643
division (A) (4) of section 4510.02 of the Revised Code. 15644

Sec. 2951.041. (A) (1) If an offender is charged with a 15645
criminal offense, including but not limited to a violation of 15646
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 15647
of the Revised Code, and the court has reason to believe that 15648
drug or alcohol usage by the offender was a factor leading to 15649
the criminal offense with which the offender is charged or that, 15650
at the time of committing that offense, the offender had a 15651
mental illness, was a person with an intellectual disability, or 15652
was a victim of a violation of section 2905.32 or 2907.21 of the 15653
Revised Code and that the mental illness, status as a person 15654
with an intellectual disability, or fact that the offender was a 15655
victim of a violation of section 2905.32 or 2907.21 of the 15656
Revised Code was a factor leading to the offender's criminal 15657

behavior, the court may accept, prior to the entry of a guilty 15658
plea, the offender's request for intervention in lieu of 15659
conviction. The request shall include a statement from the 15660
offender as to whether the offender is alleging that drug or 15661
alcohol usage by the offender was a factor leading to the 15662
criminal offense with which the offender is charged or is 15663
alleging that, at the time of committing that offense, the 15664
offender had a mental illness, was a person with an intellectual 15665
disability, or was a victim of a violation of section 2905.32 or 15666
2907.21 of the Revised Code and that the mental illness, status 15667
as a person with an intellectual disability, or fact that the 15668
offender was a victim of a violation of section 2905.32 or 15669
2907.21 of the Revised Code was a factor leading to the criminal 15670
offense with which the offender is charged. The request also 15671
shall include a waiver of the defendant's right to a speedy 15672
trial, the preliminary hearing, the time period within which the 15673
grand jury may consider an indictment against the offender, and 15674
arraignment, unless the hearing, indictment, or arraignment has 15675
already occurred. Unless an offender alleges that drug or 15676
alcohol usage by the offender was a factor leading to the 15677
criminal offense with which the offender is charged, the court 15678
may reject an offender's request without a hearing. If the court 15679
elects to consider an offender's request or the offender alleges 15680
that drug or alcohol usage by the offender was a factor leading 15681
to the criminal offense with which the offender is charged, the 15682
court shall conduct a hearing to determine whether the offender 15683
is eligible under this section for intervention in lieu of 15684
conviction and shall stay all criminal proceedings pending the 15685
outcome of the hearing. If the court schedules a hearing, the 15686
court shall order an assessment of the offender for the purpose 15687
of determining the offender's program eligibility for 15688
intervention in lieu of conviction and recommending an 15689

appropriate intervention plan. 15690

If the offender alleges that drug or alcohol usage by the 15691
offender was a factor leading to the criminal offense with which 15692
the offender is charged, the court may order that the offender 15693
be assessed by a community addiction services provider or a 15694
properly credentialed professional for the purpose of 15695
determining the offender's program eligibility for intervention 15696
in lieu of conviction and recommending an appropriate 15697
intervention plan. The community addiction services provider or 15698
the properly credentialed professional shall provide a written 15699
assessment of the offender to the court. 15700

(2) The victim notification provisions of division (C) of 15701
section 2930.06 of the Revised Code apply in relation to any 15702
hearing held under division (A)(1) of this section. 15703

(B) An offender is eligible for intervention in lieu of 15704
conviction if the court finds all of the following: 15705

(1) The offender previously has not been convicted of or 15706
pleaded guilty to any felony offense of violence. 15707

(2) The offense is not a felony of the first, second, or 15708
third degree, is not an offense of violence, is not a felony sex 15709
offense, is not a violation of division (A)(1) or (2) of section 15710
2903.06 of the Revised Code, is not a violation of division (A) 15711
(1) of section 2903.08 of the Revised Code, is not a violation 15712
of division (A) of section 4511.19 of the Revised Code or a 15713
municipal ordinance that is substantially similar to that 15714
division, and is not an offense for which a sentencing court is 15715
required to impose a mandatory prison term. 15716

(3) The offender is not charged with a violation of 15717
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 15718

charged with a violation of section 2925.03 of the Revised Code 15719
that is a felony of the first, second, third, or fourth degree, 15720
and is not charged with a violation of section 2925.11 of the 15721
Revised Code that is a felony of the first or second degree. 15722

(4) If an offender alleges that drug or alcohol usage by 15723
the offender was a factor leading to the criminal offense with 15724
which the offender is charged, the court has ordered that the 15725
offender be assessed by a community addiction services provider 15726
or a properly credentialed professional for the purpose of 15727
determining the offender's program eligibility for intervention 15728
in lieu of conviction and recommending an appropriate 15729
intervention plan, the offender has been assessed by a community 15730
addiction services provider of that nature or a properly 15731
credentialed professional in accordance with the court's order, 15732
and the community addiction services provider or properly 15733
credentialed professional has filed the written assessment of 15734
the offender with the court. 15735

(5) If an offender alleges that, at the time of committing 15736
the criminal offense with which the offender is charged, the 15737
offender had a mental illness, was a person with an intellectual 15738
disability, or was a victim of a violation of section 2905.32 or 15739
2907.21 of the Revised Code and that the mental illness, status 15740
as a person with an intellectual disability, or fact that the 15741
offender was a victim of a violation of section 2905.32 or 15742
2907.21 of the Revised Code was a factor leading to that 15743
offense, the offender has been assessed by a psychiatrist, 15744
psychologist, independent social worker, licensed professional 15745
clinical counselor, or independent marriage and family therapist 15746
for the purpose of determining the offender's program 15747
eligibility for intervention in lieu of conviction and 15748
recommending an appropriate intervention plan. 15749

(6) The offender's drug usage, alcohol usage, mental illness, or intellectual disability, or the fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code, whichever is applicable, was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity. 15750
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(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's official duties at the time of the alleged offense. 15759
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(8) If the offender is charged with a violation of section 2925.24 of the Revised Code, the alleged violation did not result in physical harm to any person. 15763
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(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. 15766
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(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter. 15769
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(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall determine whether the offender will be granted intervention in lieu of conviction. In making this determination, the court shall presume that intervention in lieu of conviction is appropriate. If the court 15774
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finds under this division and division (B) of this section that 15779
the offender is eligible for intervention in lieu of conviction, 15780
the court shall grant the offender's request unless the court 15781
finds specific reasons to believe that the candidate's 15782
participation in intervention in lieu of conviction would be 15783
inappropriate. 15784

If the court denies an eligible offender's request for 15785
intervention in lieu of conviction, the court shall state the 15786
reasons for the denial, with particularity, in a written entry. 15787

If the court grants the offender's request, the court 15788
shall accept the offender's plea of guilty and waiver of the 15789
defendant's right to a speedy trial, the preliminary hearing, 15790
the time period within which the grand jury may consider an 15791
indictment against the offender, and arraignment, unless the 15792
hearing, indictment, or arraignment has already occurred. In 15793
addition, the court then may stay all criminal proceedings and 15794
order the offender to comply with all terms and conditions 15795
imposed by the court pursuant to division (D) of this section. 15796
If the court finds that the offender is not eligible or does not 15797
grant the offender's request, the criminal proceedings against 15798
the offender shall proceed as if the offender's request for 15799
intervention in lieu of conviction had not been made. 15800

(D) If the court grants an offender's request for 15801
intervention in lieu of conviction, ~~the~~ all of the following 15802
apply: 15803

(1) The court shall place the offender under the general 15804
control and supervision of ~~the county probation department, the~~ 15805
~~adult parole authority, or another appropriate local probation~~ 15806
~~or court services agency, if one exists~~ one of the following, as 15807
if the offender was subject to a community control sanction 15808

imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code.

~~The~~ (a) The county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists;

(b) If the court grants the request for intervention in lieu of conviction during the period commencing on the effective date of this amendment and ending two years after that effective date, a community-based correctional facility.

(2) The court shall establish an intervention plan for the offender. ~~The~~

(3) The terms and conditions of the intervention plan required under division (D)(2) of this section shall require the offender, for at least one year, but not more than five years, from the date on which the court grants the order of intervention in lieu of conviction, to abstain from the use of illegal drugs and alcohol, to participate in treatment and recovery support services, and to submit to regular random testing for drug and alcohol use and may include any other treatment terms and conditions, or terms and conditions similar to community control sanctions, which may include community service or restitution, that are ordered by the court.

(E) If the court grants an offender's request for intervention in lieu of conviction and the court finds that the offender has successfully completed the intervention plan for the offender, including the requirement that the offender abstain from using illegal drugs and alcohol for a period of at least one year, but not more than five years, from the date on which the court granted the order of intervention in lieu of

conviction, the requirement that the offender participate in 15838
treatment and recovery support services, and all other terms and 15839
conditions ordered by the court, the court shall dismiss the 15840
proceedings against the offender. Successful completion of the 15841
intervention plan and period of abstinence under this section 15842
shall be without adjudication of guilt and is not a criminal 15843
conviction for purposes of any disqualification or disability 15844
imposed by law and upon conviction of a crime, and the court may 15845
order the sealing or expungement of records related to the 15846
offense in question, as a dismissal of the charges, in the 15847
manner provided in sections ~~2953.51 to 2953.56~~ 2953.31, 2953.33, 15848
2953.37, and 2953.521 of the Revised Code and divisions (H), 15849
(K), and (L) of section 2953.34 of the Revised Code. 15850

(F) If the court grants an offender's request for 15851
intervention in lieu of conviction and the offender fails to 15852
comply with any term or condition imposed as part of the 15853
intervention plan for the offender, the supervising authority 15854
for the offender promptly shall advise the court of this 15855
failure, and the court shall hold a hearing to determine whether 15856
the offender failed to comply with any term or condition imposed 15857
as part of the plan. If the court determines that the offender 15858
has failed to comply with any of those terms and conditions, it 15859
may continue the offender on intervention in lieu of conviction, 15860
continue the offender on intervention in lieu of conviction with 15861
additional terms, conditions, and sanctions, or enter a finding 15862
of guilty and impose an appropriate sanction under Chapter 2929. 15863
of the Revised Code. If the court sentences the offender to a 15864
prison term, the court, after consulting with the department of 15865
rehabilitation and correction regarding the availability of 15866
services, may order continued court-supervised activity and 15867
treatment of the offender during the prison term and, upon 15868

consideration of reports received from the department concerning 15869
the offender's progress in the program of activity and 15870
treatment, may consider judicial release under section 2929.20 15871
of the Revised Code. 15872

(G) As used in this section: 15873

(1) "Community addiction services provider" has the same 15874
meaning as in section 5119.01 of the Revised Code. 15875

(2) "Community control sanction" has the same meaning as 15876
in section 2929.01 of the Revised Code. 15877

(3) "Intervention in lieu of conviction" means any court- 15878
supervised activity that complies with this section. 15879

(4) "Intellectual disability" has the same meaning as in 15880
section 5123.01 of the Revised Code. 15881

(5) "Peace officer" has the same meaning as in section 15882
2935.01 of the Revised Code. 15883

(6) "Mental illness" and "psychiatrist" have the same 15884
meanings as in section 5122.01 of the Revised Code. 15885

(7) "Psychologist" has the same meaning as in section 15886
4732.01 of the Revised Code. 15887

(8) "Felony sex offense" means a violation of a section 15888
contained in Chapter 2907. of the Revised Code that is a felony. 15889

Sec. 2953.25. (A) As used in this section: 15890

(1) "Collateral sanction" means a penalty, disability, or 15891
disadvantage that is related to employment or occupational 15892
licensing, however denominated, as a result of the individual's 15893
conviction of or plea of guilty to an offense and that applies 15894
by operation of law in this state whether or not the penalty, 15895

disability, or disadvantage is included in the sentence or 15896
judgment imposed. 15897

"Collateral sanction" does not include imprisonment, 15898
probation, parole, supervised release, forfeiture, restitution, 15899
fine, assessment, or costs of prosecution. 15900

(2) "Decision-maker" includes, but is not limited to, the 15901
state acting through a department, agency, board, commission, or 15902
instrumentality established by the law of this state for the 15903
exercise of any function of government, a political subdivision, 15904
an educational institution, or a government contractor or 15905
subcontractor made subject to this section by contract, law, or 15906
ordinance. 15907

(3) "Department-funded program" means a residential or 15908
nonresidential program that is not a term in a state 15909
correctional institution, that is funded in whole or part by the 15910
department of rehabilitation and correction, and that is imposed 15911
as a sanction for an offense, as part of a sanction that is 15912
imposed for an offense, or as a term or condition of any 15913
sanction that is imposed for an offense. 15914

(4) "Designee" means the person designated by the deputy 15915
director of the division of parole and community services to 15916
perform the duties designated in division (B) of this section. 15917

(5) "Division of parole and community services" means the 15918
division of parole and community services of the department of 15919
rehabilitation and correction. 15920

(6) "Offense" means any felony or misdemeanor under the 15921
laws of this state. 15922

(7) "Political subdivision" has the same meaning as in 15923
section 2969.21 of the Revised Code. 15924

(8) "Discretionary civil impact," "licensing agency," and "mandatory civil impact" have the same meanings as in section 2961.21 of the Revised Code.

(B)(1) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(2) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file for a certificate of qualification for employment by doing either of the following:

(a) In the case of an individual who resides in this state, filing a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services;

(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of the deputy director of the division of parole and community services.

(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 15954
this section, shall contain all of the information described in 15955
division (F) of this section, and, except as provided in 15956
division (B) (6) of this section, shall be accompanied by an 15957
application fee of not more than fifty dollars, including local 15958
court fees. 15959

(4) (a) Except as provided in division (B) (4) (b) of this 15960
section, an individual may file a petition under division (B) (1) 15961
or (2) of this section at any time after the expiration of 15962
whichever of the following is applicable: 15963

(i) If the offense that resulted in the collateral 15964
sanction from which the individual seeks relief is a felony, at 15965
any time after the expiration of one year from the date of 15966
release of the individual from any period of incarceration in a 15967
state or local correctional facility that was imposed for that 15968
offense and all periods of supervision imposed after release 15969
from the period of incarceration or, if the individual was not 15970
incarcerated for that offense, at any time after the expiration 15971
of one year from the date of the individual's final release from 15972
all other sanctions imposed for that offense. 15973

(ii) If the offense that resulted in the collateral 15974
sanction from which the individual seeks relief is a 15975
misdemeanor, at any time after the expiration of six months from 15976
the date of release of the individual from any period of 15977
incarceration in a local correctional facility that was imposed 15978
for that offense and all periods of supervision imposed after 15979
release from the period of incarceration or, if the individual 15980
was not incarcerated for that offense, at any time after the 15981
expiration of six months from the date of the final release of 15982
the individual from all sanctions imposed for that offense 15983

including any period of supervision. 15984

(b) The department of rehabilitation and correction may 15985
establish criteria by rule adopted under Chapter 119. of the 15986
Revised Code that, if satisfied by an individual, would allow 15987
the individual to file a petition before the expiration of six 15988
months or one year from the date of final release, whichever is 15989
applicable under division (B) (4) (a) of this section. 15990

(5) (a) A designee that receives a petition for a 15991
certificate of qualification for employment from an individual 15992
under division (B) (1) or (2) of this section shall review the 15993
petition to determine whether it is complete. If the petition is 15994
complete, the designee shall forward the petition, the 15995
application fee, and any other information the designee 15996
possesses that relates to the petition, to the court of common 15997
pleas of the county in which the individual resides if the 15998
individual submitting the petition resides in this state or, if 15999
the individual resides outside of this state, to the court of 16000
common pleas of the county in which the conviction or plea of 16001
guilty from which the individual seeks relief was entered. 16002

(b) A court of common pleas that receives a petition for a 16003
certificate of qualification for employment from an individual 16004
under division (B) (2) of this section, or that is forwarded a 16005
petition for such a certificate under division (B) (5) (a) of this 16006
section, shall attempt to determine all other courts in this 16007
state in which the individual was convicted of or pleaded guilty 16008
to an offense other than the offense from which the individual 16009
is seeking relief. The court that receives or is forwarded the 16010
petition shall notify all other courts in this state that it 16011
determines under this division were courts in which the 16012
individual was convicted of or pleaded guilty to an offense 16013

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 into the county general revenue fund. ~~Any partial fee~~ If an

applicant pays an application fee, the amount collected in 16044
excess of ~~twenty dollars~~ the amount to be paid into the county 16045
general revenue fund shall be paid into the state treasury. 16046

(C) (1) Upon receiving a petition for a certificate of 16047
qualification for employment filed by an individual under 16048
division (B) (2) of this section or being forwarded a petition 16049
for such a certificate under division (B) (5) (a) of this section, 16050
the court shall review the individual's petition, the 16051
individual's criminal history, except for information contained 16052
in any record that has been sealed under section 2953.32 of the 16053
Revised Code, all filings submitted by the prosecutor or by the 16054
victim in accordance with rules adopted by the division of 16055
parole and community services, the applicant's military service 16056
record, if applicable, and whether the applicant has an 16057
emotional, mental, or physical condition that is traceable to 16058
the applicant's military service in the armed forces of the 16059
United States and that was a contributing factor in the 16060
commission of the offense or offenses, and all other relevant 16061
evidence. The court may order any report, investigation, or 16062
disclosure by the individual that the court believes is 16063
necessary for the court to reach a decision on whether to 16064
approve the individual's petition for a certificate of 16065
qualification for employment, except that the court shall not 16066
require an individual to disclose information about any record 16067
sealed under section 2953.32 of the Revised Code. 16068

(2) Upon receiving a petition for a certificate of 16069
qualification for employment filed by an individual under 16070
division (B) (2) of this section or being forwarded a petition 16071
for such a certificate under division (B) (5) (a) of this section, 16072
except as otherwise provided in this division, the court shall 16073
decide whether to issue the certificate within sixty days after 16074

the court receives or is forwarded the completed petition and 16075
all information requested for the court to make that decision. 16076
Upon request of the individual who filed the petition, the court 16077
may extend the sixty-day period specified in this division. 16078

(3) Except as provided in division (C) (5) of this section 16079
and subject to division (C) (7) of this section, a court that 16080
receives an individual's petition for a certificate of 16081
qualification for employment under division (B) (2) of this 16082
section or that is forwarded a petition for such a certificate 16083
under division (B) (5) (a) of this section may issue a certificate 16084
of qualification for employment, at the court's discretion, if 16085
the court finds that the individual has established all of the 16086
following by a preponderance of the evidence: 16087

(a) Granting the petition will materially assist the 16088
individual in obtaining employment or occupational licensing. 16089

(b) The individual has a substantial need for the relief 16090
requested in order to live a law-abiding life. 16091

(c) Granting the petition would not pose an unreasonable 16092
risk to the safety of the public or any individual. 16093

(4) The submission of an incomplete petition by an 16094
individual shall not be grounds for the designee or court to 16095
deny the petition. 16096

(5) Subject to division (C) (6) of this section, an 16097
individual is rebuttably presumed to be eligible for a 16098
certificate of qualification for employment if the court that 16099
receives the individual's petition under division (B) (2) of this 16100
section or that is forwarded a petition under division (B) (5) (a) 16101
of this section finds all of the following: 16102

(a) The application was filed after the expiration of the 16103

applicable waiting period prescribed in division (B) (4) of this section; 16104
16105

(b) If the offense that resulted in the collateral 16106
sanction from which the individual seeks relief is a felony, at 16107
least three years have elapsed since the date of release of the 16108
individual from any period of incarceration in a state or local 16109
correctional facility that was imposed for that offense and all 16110
periods of supervision imposed after release from the period of 16111
incarceration or, if the individual was not incarcerated for 16112
that offense, at least three years have elapsed since the date 16113
of the individual's final release from all other sanctions 16114
imposed for that offense; 16115

(c) If the offense that resulted in the collateral 16116
sanction from which the individual seeks relief is a 16117
misdemeanor, at least one year has elapsed since the date of 16118
release of the individual from any period of incarceration in a 16119
local correctional facility that was imposed for that offense 16120
and all periods of supervision imposed after release from the 16121
period of incarceration or, if the individual was not 16122
incarcerated for that offense, at least one year has elapsed 16123
since the date of the final release of the individual from all 16124
sanctions imposed for that offense including any period of 16125
supervision. 16126

(6) An application that meets all of the requirements for 16127
the presumption under division (C) (5) of this section shall be 16128
denied only if the court that receives the petition finds that 16129
the evidence reviewed under division (C) (1) of this section 16130
rebutts the presumption of eligibility for issuance by 16131
establishing, by clear and convincing evidence, that the 16132
applicant has not been rehabilitated. 16133

(7) A certificate of qualification for employment shall 16134
not create relief from any of the following collateral 16135
sanctions: 16136

(a) Requirements imposed by Chapter 2950. of the Revised 16137
Code and rules adopted under sections 2950.13 and 2950.132 of 16138
the Revised Code; 16139

(b) A driver's license, commercial driver's license, or 16140
probationary license suspension, cancellation, or revocation 16141
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 16142
the Revised Code if the relief sought is available pursuant to 16143
section 4510.021 or division (B) of section 4510.13 of the 16144
Revised Code; 16145

(c) Restrictions on employment as a prosecutor or law 16146
enforcement officer; 16147

(d) The denial, ineligibility, or automatic suspension of 16148
a license that is imposed upon an individual applying for or 16149
holding a license as a health care professional under Title 16150
XLVII of the Revised Code if the individual is convicted of, 16151
pleads guilty to, is subject to a judicial finding of 16152
eligibility for intervention in lieu of conviction in this state 16153
under section 2951.041 of the Revised Code, or is subject to 16154
treatment or intervention in lieu of conviction for a violation 16155
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 16156
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 16157
2919.124 of the Revised Code; 16158

(e) The immediate suspension of a license, certificate, or 16159
evidence of registration that is imposed upon an individual 16160
holding a license as a health care professional under Title 16161
XLVII of the Revised Code pursuant to division (C) of section 16162

3719.121 of the Revised Code; 16163

(f) The denial or ineligibility for employment in a pain 16164
clinic under division (B) (4) of section 4729.552 of the Revised 16165
Code; 16166

(g) The mandatory suspension of a license that is imposed 16167
on an individual applying for or holding a license as a health 16168
care professional under Title XLVII of the Revised Code pursuant 16169
to section 3123.43 of the Revised Code. 16170

(8) If a court that receives an individual's petition for 16171
a certificate of qualification for employment under division (B) 16172
(2) of this section or that is forwarded a petition for such a 16173
certificate under division (B) (5) (a) of this section denies the 16174
petition, the court shall provide written notice to the 16175
individual of the court's denial. The court may place conditions 16176
on the individual regarding the individual's filing of any 16177
subsequent petition for a certificate of qualification for 16178
employment. The written notice must notify the individual of any 16179
conditions placed on the individual's filing of a subsequent 16180
petition for a certificate of qualification for employment. 16181

If a court of common pleas that receives an individual's 16182
petition for a certificate of qualification for employment under 16183
division (B) (2) of this section or that is forwarded a petition 16184
for such a certificate under division (B) (5) (a) of this section 16185
denies the petition, the individual may appeal the decision to 16186
the court of appeals only if the individual alleges that the 16187
denial was an abuse of discretion on the part of the court of 16188
common pleas. 16189

(D) (1) A certificate of qualification for employment 16190
issued to an individual lifts the automatic bar of a collateral 16191

sanction, and a decision-maker shall consider on a case-by-case 16192
basis whether to grant or deny the issuance or restoration of an 16193
occupational license or an employment opportunity, 16194
notwithstanding the individual's possession of the certificate, 16195
without, however, reconsidering or rejecting any finding made by 16196
a designee or court under division (C) (3) of this section. 16197

(2) The certificate constitutes a rebuttable presumption 16198
that the person's criminal convictions are insufficient evidence 16199
that the person is unfit for the license, employment 16200
opportunity, or certification in question. Notwithstanding the 16201
presumption established under this division, the agency may deny 16202
the license or certification for the person if it determines 16203
that the person is unfit for issuance of the license. 16204

(3) If an employer that has hired a person who has been 16205
issued a certificate of qualification for employment applies to 16206
a licensing agency for a license or certification and the person 16207
has a conviction or guilty plea that otherwise would bar the 16208
person's employment with the employer or licensure for the 16209
employer because of a mandatory civil impact, the agency shall 16210
give the person individualized consideration, notwithstanding 16211
the mandatory civil impact, the mandatory civil impact shall be 16212
considered for all purposes to be a discretionary civil impact, 16213
and the certificate constitutes a rebuttable presumption that 16214
the person's criminal convictions are insufficient evidence that 16215
the person is unfit for the employment, or that the employer is 16216
unfit for the license or certification, in question. 16217

(E) A certificate of qualification for employment does not 16218
grant the individual to whom the certificate was issued relief 16219
from the mandatory civil impacts identified in division (A) (1) 16220
of section 2961.01 or division (B) of section 2961.02 of the 16221

Revised Code.	16222
(F) A petition for a certificate of qualification for	16223
employment filed by an individual under division (B) (1) or (2)	16224
of this section shall include all of the following:	16225
(1) The individual's name, date of birth, and social	16226
security number;	16227
(2) All aliases of the individual and all social security	16228
numbers associated with those aliases;	16229
(3) The individual's residence address, including the	16230
city, county, and state of residence and zip code;	16231
(4) The length of time that the individual has resided in	16232
the individual's current state of residence, expressed in years	16233
and months of residence;	16234
(5) A general statement as to why the individual has filed	16235
the petition and how the certificate of qualification for	16236
employment would assist the individual;	16237
(6) A summary of the individual's criminal history, except	16238
for information contained in any record that has been sealed <u>or</u>	16239
<u>expunged</u> under section 2953.32 <u>or</u> 2953.39 of the Revised Code,	16240
with respect to each offense that is a disqualification from	16241
employment or licensing in an occupation or profession,	16242
including the years of each conviction or plea of guilty for	16243
each of those offenses;	16244
(7) A summary of the individual's employment history,	16245
specifying the name of, and dates of employment with, each	16246
employer;	16247
(8) Verifiable references and endorsements;	16248

(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;

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;

(11) Any other information required by rule by the department of rehabilitation and correction.

(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.

(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.

(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 conviction or guilty plea, the employer may be held liable in a

civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person has actual knowledge.

(H) A certificate of qualification for employment issued under this section shall be revoked if the individual to whom the certificate of qualification for employment was issued is convicted of or pleads guilty to a felony offense committed subsequent to the issuance of the certificate of qualification for employment. The department of rehabilitation and correction shall periodically review the certificates listed in the database described in division (K) of this section to identify those that are subject to revocation under this division. Upon identifying a certificate of qualification for employment that is subject to revocation, the department shall note in the database that the certificate has been revoked, the reason for revocation, and the effective date of revocation, which shall be the date of the conviction or plea of guilty subsequent to the issuance of the certificate.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) The division of parole and community services shall 16309
adopt rules in accordance with Chapter 119. of the Revised Code 16310
for the implementation and administration of this section and 16311
shall prescribe the form for the petition to be used under 16312
division (B) (1) or (2) of this section. The form for the 16313
petition shall include places for all of the information 16314
specified in division (F) of this section. 16315

(K) The department of rehabilitation and correction shall 16316
maintain a database that identifies granted certificates and 16317
revoked certificates and tracks the number of certificates 16318
granted and revoked, the industries, occupations, and 16319
professions with respect to which the certificates have been 16320
most applicable, and the types of employers that have accepted 16321
the certificates. The department shall annually create a report 16322
that summarizes the information maintained in the database and 16323
shall make the report available to the public on its internet 16324
web site. 16325

Sec. 2953.31. As used in sections 2953.31 to ~~2953.36~~ 16326
2953.521 of the Revised Code: 16327

~~(A) (1) "Eligible offender" means either of the following:~~ 16328

~~(a) Anyone who has been convicted of one or more offenses 16329
in this state or any other jurisdiction, if all of the offenses 16330
in this state are felonies of the fourth or fifth degree or 16331
misdemeanors and none of those offenses are an offense of 16332
violence or a felony sex offense and all of the offenses in 16333
another jurisdiction, if committed in this state, would be 16334
felonies of the fourth or fifth degree or misdemeanors and none 16335
of those offenses would be an offense of violence or a felony 16336
sex offense;~~ 16337

~~(b) Anyone who has been convicted of an offense in this state or any other jurisdiction, to whom division (A) (1) (a) of this section does not apply, and who has not more than two felony convictions, has not more than four misdemeanor convictions, or, if the person has exactly two felony convictions, has not more than those two felony convictions and two misdemeanor convictions in this state or any other jurisdiction. The conviction that is requested to be sealed shall be a conviction that is eligible for sealing as provided in section 2953.36 of the Revised Code. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C) (1) (a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.~~

~~(2) For purposes of, and except as otherwise provided in, division (A) (1) (b) of this section, a conviction for a minor misdemeanor, for a violation of any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of~~

~~section 4510.11 or 4510.14 of the Revised Code that is based~~ 16369
~~upon the offender's operation of a vehicle during a suspension~~ 16370
~~imposed under section 4511.191 or 4511.196 of the Revised Code,~~ 16371
~~for a violation of a substantially equivalent municipal~~ 16372
~~ordinance, for a felony violation of Title XLV of the Revised~~ 16373
~~Code, or for a violation of a substantially equivalent former~~ 16374
~~law of this state or former municipal ordinance shall be~~ 16375
~~considered a conviction.~~ 16376

~~(B)~~ (A) "Prosecutor" means the county prosecuting 16377
attorney, city director of law, village solicitor, or similar 16378
chief legal officer, who has the authority to prosecute a 16379
criminal case in the court in which the case is filed. 16380

~~(C)~~ (B) "Bail forfeiture" means the forfeiture of bail by 16381
a defendant who is arrested for the commission of a misdemeanor, 16382
other than a defendant in a traffic case as defined in Traffic 16383
Rule 2, if the forfeiture is pursuant to an agreement with the 16384
court and prosecutor in the case. 16385

~~(D)~~ (C) "Official records" ~~has the same meaning as in~~ 16386
~~division (D) of section 2953.51 of the Revised Code, except that~~ 16387
~~it also includes~~ means all records that are possessed by any 16388
public office or agency that relate to a criminal case, 16389
including, but not limited to: the notation to the case in the 16390
criminal docket; all subpoenas issued in the case; all papers 16391
and documents filed by the defendant or the prosecutor in the 16392
case; all records of all testimony and evidence presented in all 16393
proceedings in the case; all court files, papers, documents, 16394
folders, entries, affidavits, or writs that pertain to the case; 16395
all computer, microfilm, microfiche, or microdot records, 16396
indices, or references to the case; all index references to the 16397
case; all fingerprints and photographs; all DNA specimens, DNA 16398

records, and DNA profiles; all records and investigative reports 16399
pertaining to the case that are possessed by any law enforcement 16400
officer or agency, except that any records or reports that are 16401
the specific investigatory work product of a law enforcement 16402
officer or agency are not and shall not be considered to be 16403
official records when they are in the possession of that officer 16404
or agency; all investigative records and reports other than 16405
those possessed by a law enforcement officer or agency 16406
pertaining to the case; and all records that are possessed by 16407
any public office or agency that relate to an application for, 16408
or the issuance or denial of, a certificate of qualification for 16409
employment under section 2953.25 of the Revised Code. 16410

~~(E)~~ "Official records" does not include any of the 16411
following: 16412

(1) Records or reports maintained pursuant to section 16413
2151.421 of the Revised Code by a public children services 16414
agency or the department of job and family services; 16415

(2) Any report of an investigation maintained by the 16416
inspector general pursuant to section 121.42 of the Revised 16417
Code, to the extent that the report contains information that 16418
pertains to an individual who was convicted of or pleaded guilty 16419
to an offense discovered in or related to the investigation and 16420
whose conviction or guilty plea was not overturned on appeal; 16421

(3) Records, reports, or audits maintained by the auditor 16422
of state pursuant to Chapter 117. of the Revised Code. 16423

(D) "Official proceeding" has the same meaning as in 16424
section 2921.01 of the Revised Code. 16425

~~(F)~~ (E) "Community control sanction" has the same meaning 16426
as in section 2929.01 of the Revised Code. 16427

~~(G)~~ (F) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. 16428
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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. 16431
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~~(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. 16434
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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. 16438
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(J) "Law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision. 16449
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16451

(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. 16452
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16454

(L) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 16455
16456

(M) "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. 16457
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(N) "No bill" means a report by the foreperson or deputy foreperson of a grand jury that an indictment is not found by the grand jury against a person who has been held to answer before the grand jury for the commission of an offense. 16462
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(O) "Court" means the court in which a case is pending at the time a finding of not guilty in the case or a dismissal of the complaint, indictment, or information in the case is entered on the minutes or journal of the court, or the court to which the foreperson or deputy foreperson of a grand jury reports, pursuant to section 2939.23 of the Revised Code, that the grand jury has returned a no bill. 16466
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Sec. 2953.32. ~~(A)(1)~~ (A) Sections 2953.32 to 2953.34 of the Revised Code do not apply to any of the following: 16473
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(1) Convictions under Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters; 16475
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(2) Convictions of a felony offense of violence that is not a sexually oriented offense; 16479
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(3) Convictions of a sexually oriented offense when the offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008; 16481
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(4) Convictions of an offense in circumstances in which 16485

the victim of the offense was less than thirteen years of age, 16486
except for convictions under section 2919.21 of the Revised 16487
Code; 16488

(5) Convictions of a felony of the first or second degree 16489
or of more than two felonies of the third degree; 16490

(6) Convictions for a violation of section 2919.25 or 16491
2919.27 of the Revised Code or a conviction for a violation of a 16492
municipal ordinance that is substantially similar to either 16493
section. 16494

(B) (1) Except as provided in section 2953.61 of the 16495
Revised Code or as otherwise provided in division ~~(A) (1) (d)~~ (B) 16496
(1) (a) (iii) of this section, an eligible offender may apply to 16497
the sentencing court if convicted in this state, or to a court 16498
of common pleas if convicted in another state or in a federal 16499
court, for the sealing or expungement of the record of the case 16500
that pertains to the conviction, except for convictions listed 16501
~~under in division (A) of this section 2953.36 of the Revised~~ 16502
Code. Application may be made at ~~one~~ whichever of the following 16503
times is applicable regarding the offense: 16504

(a) ~~At~~ An application for sealing under this section may 16505
be made at whichever of the following times is applicable 16506
regarding the offense: 16507

(i) Except as otherwise provided in division (B) (1) (a) (iv) 16508
of this section, at the expiration of three years after the 16509
offender's final discharge if convicted of ~~a felony~~ one or two 16510
felonies of the third degree, so long as none of the offenses is 16511
a violation of section 2921.43 of the Revised Code; 16512

~~(b) At~~ (ii) Except as otherwise provided in division (B) 16513
(1) (a) (iv) of this section, at the expiration of one year after 16514

the offender's final discharge if convicted of ~~a felony~~ one or more felonies of the fourth or fifth degree or ~~a misdemeanor~~ one or more misdemeanors, so long as none of the offenses is a violation of section 2921.43 of the Revised Code ~~or a felony offense of violence~~; 16515
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~~(e)-(iii)~~ At the expiration of seven years after the offender's final discharge if the record includes a conviction one or more convictions of soliciting improper compensation in violation of section 2921.43 of the Revised Code.; 16520
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(iv) If the offender was subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008, at the expiration of five years after the requirements have ended under section 2950.07 of the Revised Code or section 2950.07 of the Revised Code as it existed prior to January 1, 2008, or are terminated under section 2950.15 or 2950.151 of the Revised Code; 16524
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(v) At the expiration of six months after the offender's final discharge if convicted of a minor misdemeanor. 16532
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(b) An application for expungement under this section may be made at whichever of the following times is applicable regarding the offense: 16534
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16536

(i) If the offense is a misdemeanor, at the expiration of three years after the time specified in division (B)(1)(a) of this section at which the person may file an application for sealing with respect to that misdemeanor offense; 16537
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16540

(ii) If the offense is a felony, at the expiration of ten years after the time specified in division (B)(1)(a) of this section at which the person may file an application for sealing 16541
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with respect to that felony offense. 16544

(2) Any person who has been arrested for any misdemeanor 16545
offense and who has effected a bail forfeiture for the offense 16546
charged may apply to the court in which the misdemeanor criminal 16547
case was pending when bail was forfeited for the sealing or 16548
expungement of the record of the case that pertains to the 16549
charge. Except as provided in section 2953.61 of the Revised 16550
Code, the application may be filed at any-whichever of the 16551
following times is applicable regarding the offense: 16552

(a) An application for sealing may be made at any time 16553
after ~~the expiration of one year from~~ the date on which the bail 16554
forfeiture was entered upon the minutes of the court or the 16555
journal, whichever entry occurs first. 16556

(b) An application for expungement may be made at any time 16557
after the expiration of three years from the date on which the 16558
bail forfeiture was entered upon the minutes of the court or the 16559
journal, whichever entry occurs first. 16560

~~(B)~~ (C) Upon the filing of an application under this 16561
section, the court shall set a date for a hearing and shall 16562
notify the prosecutor for the case of the hearing on the 16563
application. The court shall hold the hearing not less than 16564
forty-five days and not more than ninety days from the date of 16565
the filing of the application. The prosecutor may object to the 16566
granting of the application by filing ~~an~~ a written objection 16567
with the court not later than thirty days prior to the date set 16568
for the hearing. The prosecutor shall specify in the objection 16569
the reasons for believing a denial of the application is 16570
justified. The prosecutor shall provide notice of the 16571
application and the date and time of the hearing to the victim 16572
of the offense in the case pursuant to the Ohio Constitution. 16573

The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The probation officer or county department of probation that the court directs to make inquiries and written reports as the court requires concerning the applicant shall determine whether or not the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code. If the applicant was so fingerprinted, the probation officer or county department of probation shall include with the written report a record of the applicant's fingerprints. If the applicant was convicted of or pleaded guilty to a violation of division (A) (2) or (B) of section 2919.21 of the Revised Code, the probation officer or county department of probation that the court directed to make inquiries concerning the applicant shall contact the child support enforcement agency enforcing the applicant's obligations under the child support order to inquire about the offender's compliance with the child support order.

~~(C) (1) The~~ (D) (1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant is ~~an eligible offender pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section~~ or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case. ~~If the applicant applies as an eligible offender pursuant to division (A) (1) of this section and has two or three convictions that result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three month~~

~~period but do not result from the same act or from offenses-~~ 16605
~~committed at the same time, in making its determination under-~~ 16606
~~this division, the court initially shall determine whether it is-~~ 16607
~~not in the public interest for the two or three convictions to-~~ 16608
~~be counted as one conviction. If the court determines that it is-~~ 16609
~~not in the public interest for the two or three convictions to-~~ 16610
~~be counted as one conviction, the court shall determine that the-~~ 16611
~~applicant is not an eligible offender; if the court does not-~~ 16612
~~make that determination, the court shall determine that the-~~ 16613
~~offender is an eligible offender., and determine whether the~~ 16614
application was made at the time specified in division (B) (1) (a) 16615
or (b) or division (B) (2) (a) or (b) of this section that is 16616
applicable with respect to the application and the subject 16617
offense; 16618

(b) Determine whether criminal proceedings are pending 16619
against the applicant; 16620

~~(c) If the applicant is an eligible offender who applies-~~ 16621
~~pursuant to division (A) (1) of this section, determine~~ Determine 16622
whether the applicant has been rehabilitated to the satisfaction 16623
of the court; 16624

(d) If the prosecutor has filed an objection in accordance 16625
with division ~~(B)~~ (C) of this section, consider the reasons 16626
against granting the application specified by the prosecutor in 16627
the objection; 16628

(e) If the victim objected, pursuant to the Ohio 16629
Constitution, consider the reasons against granting the 16630
application specified by the victim in the objection; 16631

(f) Weigh the interests of the applicant in having the 16632
records pertaining to the applicant's conviction or bail 16633

forfeiture sealed or expunged against the legitimate needs, if 16634
any, of the government to maintain those records; 16635

~~(f)~~ (g) If the applicant ~~is~~ was an eligible offender of 16636
the type described in division (A) (3) of section 2953.36 of the 16637
Revised Code as it existed prior to the effective date of this 16638
amendment, determine whether the offender has been rehabilitated 16639
to a satisfactory degree. In making the determination, the court 16640
may consider all of the following: 16641

(i) The age of the offender; 16642

(ii) The facts and circumstances of the offense; 16643

(iii) The cessation or continuation of criminal behavior; 16644

(iv) The education and employment of the offender; 16645

(v) Any other circumstances that may relate to the 16646
offender's rehabilitation. 16647

(2) If the court determines, after complying with division 16648
~~(C) (1)~~ (D) (1) of this section, ~~that the applicant is an eligible~~ 16649
~~offender or the subject of a bail forfeiture, that the offender~~ 16650
is not pursuing sealing or expunging a conviction of an offense 16651
that is prohibited under division (A) of this section or that 16652
the forfeiture of bail was agreed to by the applicant and the 16653
prosecutor in the case, that the application was made at the 16654
time specified in division (B) (1) (a) or (b) or division (B) (2) 16655
(a) or (b) of this section that is applicable with respect to 16656
the application and the subject offense, that no criminal 16657
proceeding is pending against the applicant, that the interests 16658
of the applicant in having the records pertaining to the 16659
applicant's conviction or bail forfeiture sealed or expunged are 16660
not outweighed by any legitimate governmental needs to maintain 16661
those records, and that the rehabilitation of ~~an~~ the applicant 16662

~~who is an eligible offender applying pursuant to division (A) (1) of this section~~ has been attained to the satisfaction of the court, ~~the~~ both of the following apply:

(a) The court, except as provided in division (C) (4), (G), (H), or (I) (D) (4) of this section or division (D), (F), or (G) of section 2953.34 of the Revised Code, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed if the application was for sealing or expunged if the application was for expungement and, except as provided in division ~~(F)~~ (C) of ~~this section~~ 2953.34 of the Revised Code, all index references to the case that pertain to the conviction or bail forfeiture deleted and, in the case of bail forfeitures, shall dismiss the charges in the case. ~~The~~

(b) The proceedings in the case that pertain to the conviction or bail forfeiture shall be considered not to have occurred and the conviction or bail forfeiture of the person who is the subject of the proceedings shall be sealed if the application was for sealing or expunged if the application was for expungement, except that upon conviction of a subsequent offense, ~~the~~ a sealed record of prior conviction or bail forfeiture may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in sections 2953.31 to 2953.33, 2953.32, and 2953.34 of the Revised Code.

(3) An applicant may request the sealing or expungement of the records of more than one case in a single application under this section. Upon the filing of an application under this section, the applicant, unless the applicant presents a poverty affidavit showing that the applicant is indigent, shall pay a fee of not more than fifty dollars, including local court fees,

regardless of the number of records the application requests to 16693
have sealed or expunged. ~~The~~ If the applicant pays a fee, the 16694
court shall pay ~~thirty dollars~~ three-fifths of the fee collected 16695
into the state treasury, with ~~fifteen dollars~~ half of that 16696
amount credited to the attorney general reimbursement fund 16697
created by section 109.11 of the Revised Code. ~~It~~ If the 16698
applicant pays a fee, the court shall pay ~~twenty dollars~~ two- 16699
fifths of the fee collected into the county general revenue fund 16700
if the sealed or expunged conviction or bail forfeiture was 16701
pursuant to a state statute, or into the general revenue fund of 16702
the municipal corporation involved if the sealed or expunged 16703
conviction or bail forfeiture was pursuant to a municipal 16704
ordinance. 16705

(4) If the court orders the official records pertaining to 16706
the case sealed or expunged, the court shall do one of the 16707
following: 16708

(a) If the applicant was fingerprinted at the time of 16709
arrest or under section 109.60 of the Revised Code and the 16710
record of the applicant's fingerprints was provided to the court 16711
under division ~~(B)~~ (C) of this section, forward a copy of the 16712
sealing or expungement order and the record of the applicant's 16713
fingerprints to the bureau of criminal identification and 16714
investigation. 16715

(b) If the applicant was not fingerprinted at the time of 16716
arrest or under section 109.60 of the Revised Code, or the 16717
record of the applicant's fingerprints was not provided to the 16718
court under division ~~(B)~~ (C) of this section, but fingerprinting 16719
was required for the offense, order the applicant to appear 16720
before a sheriff to have the applicant's fingerprints taken 16721
according to the fingerprint system of identification on the 16722

forms furnished by the superintendent of the bureau of criminal 16723
identification and investigation. The sheriff shall forward the 16724
applicant's fingerprints to the court. The court shall forward 16725
the applicant's fingerprints and a copy of the sealing or 16726
expungement order to the bureau of criminal identification and 16727
investigation. 16728

Failure of the court to order fingerprints at the time of 16729
sealing or expungement does not constitute a reversible error. 16730

~~(D) Inspection of the sealed records included in the order 16731
may be made only by the following persons or for the following 16732
purposes:— 16733~~

~~(1) By a law enforcement officer or prosecutor, or the 16734
assistants of either, to determine whether the nature and 16735
character of the offense with which a person is to be charged 16736
would be affected by virtue of the person's previously having 16737
been convicted of a crime;— 16738~~

~~(2) By the parole or probation officer of the person who 16739
is the subject of the records, for the exclusive use of the 16740
officer in supervising the person while on parole or under a 16741
community control sanction or a post-release control sanction, 16742
and in making inquiries and written reports as requested by the 16743
court or adult parole authority;— 16744~~

~~(3) Upon application by the person who is the subject of 16745
the records, by the persons named in the application;— 16746~~

~~(4) By a law enforcement officer who was involved in the 16747
case, for use in the officer's defense of a civil action arising 16748
out of the officer's involvement in that case;— 16749~~

~~(5) By a prosecuting attorney or the prosecuting 16750
attorney's assistants, to determine a defendant's eligibility to 16751~~

~~enter a pre trial diversion program established pursuant to 16752
section 2935.36 of the Revised Code; 16753~~

~~(6) By any law enforcement agency or any authorized 16754
employee of a law enforcement agency or by the department of 16755
rehabilitation and correction or department of youth services as 16756
part of a background investigation of a person who applies for 16757
employment with the agency or with the department; 16758~~

~~(7) By any law enforcement agency or any authorized 16759
employee of a law enforcement agency, for the purposes set forth 16760
in, and in the manner provided in, section 2953.321 of the 16761
Revised Code; 16762~~

~~(8) By the bureau of criminal identification and 16763
investigation or any authorized employee of the bureau for the 16764
purpose of providing information to a board or person pursuant 16765
to division (F) or (G) of section 109.57 of the Revised Code; 16766~~

~~(9) By the bureau of criminal identification and 16767
investigation or any authorized employee of the bureau for the 16768
purpose of performing a criminal history records check on a 16769
person to whom a certificate as prescribed in section 109.77 of 16770
the Revised Code is to be awarded; 16771~~

~~(10) By the bureau of criminal identification and 16772
investigation or any authorized employee of the bureau for the 16773
purpose of conducting a criminal records check of an individual 16774
pursuant to division (B) of section 109.572 of the Revised Code 16775
that was requested pursuant to any of the sections identified in 16776
division (B) (1) of that section; 16777~~

~~(11) By the bureau of criminal identification and 16778
investigation, an authorized employee of the bureau, a sheriff, 16779
or an authorized employee of a sheriff in connection with a 16780~~

~~criminal records check described in section 311.41 of the Revised Code;~~ 16781
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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;~~ 16783
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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.~~ 16787
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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.~~ 16792
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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.~~ 16796
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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 custody of the sealed records, and shall not contain the name of~~ 16801
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~~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 (C), (D), and (E) of this section.~~ 16810
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~~(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint-vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under this section to seal the record of a conviction does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An order issued under this section to seal the record of a conviction of an individual may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed conviction records of an individual that were the basis of a permanent exclusion of the individual is subject to section 2953.35 of the Revised Code.~~ 16814
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~~(H) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, if the auditor of state or a prosecutor maintains records, reports, or audits of an individual who has been forever disqualified~~ 16837
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~~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

filed at any time after the finding of not guilty or the 16871
dismissal of the complaint, indictment, or information is 16872
entered upon the minutes of the court or the journal, whichever 16873
entry occurs first. 16874

(2) Any person, against whom a no bill is entered by a 16875
grand jury, may apply to the court for an order to seal ~~his~~ the 16876
person's official records in the case. Except as provided in 16877
section 2953.61 of the Revised Code, the application may be 16878
filed at any time after the expiration of two years after the 16879
date on which the foreperson or deputy foreperson of the grand 16880
jury reports to the court that the grand jury has reported a no 16881
bill. 16882

(3) Any person who is granted by the governor under 16883
division (B) of section 2967.02 of the Revised Code an absolute 16884
and entire pardon, a partial pardon, or a pardon upon conditions 16885
precedent or subsequent may apply to the court for an order to 16886
seal the person's official records in the case in which the 16887
person was convicted of the offense for which any of those types 16888
of pardons are granted. The application may be filed at any time 16889
after an absolute and entire pardon or a partial pardon is 16890
granted or at any time after all of the conditions precedent or 16891
subsequent to the pardon are met. 16892

(B) (1) Upon the filing of an application pursuant to 16893
division (A) of this section, the court shall set a date for a 16894
hearing and shall notify the prosecutor in the case of the 16895
hearing on the application. The court shall hold the hearing not 16896
less than forty-five days and not more than ninety days from the 16897
date of the filing of the application. The prosecutor may object 16898
to the granting of the application by filing ~~an~~ a written 16899
objection with the court not later than thirty days prior to the 16900

date set for the hearing. The prosecutor shall specify in the objection the reasons the prosecutor believes justify a denial of the application.

(2) The court shall do each of the following, except as provided in division (B)(3) of this section:

(a) (i) Determine whether the person was found not guilty in the case, or the complaint, indictment, or information in the case was dismissed, or a no bill was returned in the case and a period of two years or a longer period as required by section 2953.61 of the Revised Code has expired from the date of the report to the court of that no bill by the foreperson or deputy foreperson of the grand jury;

(ii) If the complaint, indictment, or information in the case was dismissed, determine whether it was dismissed with prejudice or without prejudice and, if it was dismissed without prejudice, determine whether the relevant statute of limitations has expired;

(b) Determine whether criminal proceedings are pending against the person;

(c) If the prosecutor has filed an objection in accordance with division (B)(1) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(d) If the person was granted a pardon upon conditions precedent or subsequent for the offense for which the person was convicted, determine whether all of those conditions have been met;

(e) Weigh the interests of the person in having the official records pertaining to the case sealed against the

legitimate needs, if any, of the government to maintain those 16930
records. 16931

(3) If the court determines after complying with division 16932
(B) (2) (a) of this section that the person was found not guilty 16933
in the case, that the complaint, indictment, or information in 16934
the case was dismissed with prejudice, ~~or~~ that the complaint, 16935
indictment, or information in the case was dismissed without 16936
prejudice and that the relevant statute of limitations has 16937
expired, or the individual was granted by the governor an 16938
absolute and entire pardon, a partial pardon, or a pardon upon 16939
conditions precedent or subsequent that have been met, the court 16940
shall issue an order to the superintendent of the bureau of 16941
criminal identification and investigation directing that the 16942
superintendent seal or cause to be sealed the official records 16943
in the case consisting of DNA specimens that are in the 16944
possession of the bureau and all DNA records and DNA profiles. 16945
The determinations and considerations described in divisions (B) 16946
(2) (b), (c), and ~~(d)~~ (e) of this section do not apply with 16947
respect to a determination of the court described in this 16948
division. 16949

(4) The determinations described in this division are 16950
separate from the determination described in division (B) (3) of 16951
this section. If the court determines, after complying with 16952
division (B) (2) of this section, that the person was found not 16953
guilty in the case, that the complaint, indictment, or 16954
information in the case was dismissed, the individual was 16955
granted by the governor an absolute and entire pardon, a partial 16956
pardon, or a pardon upon conditions precedent or subsequent that 16957
have been met, or that a no bill was returned in the case and 16958
that the appropriate period of time has expired from the date of 16959
the report to the court of the no bill by the foreperson or 16960

deputy foreperson of the grand jury; that no criminal 16961
proceedings are pending against the person; and the interests of 16962
the person in having the records pertaining to the case sealed 16963
are not outweighed by any legitimate governmental needs to 16964
maintain such records, or if division (E) (2) (b) of section 16965
4301.69 of the Revised Code applies, in addition to the order 16966
required under division (B) (3) of this section, the court shall 16967
issue an order directing that all official records pertaining to 16968
the case be sealed and that, except as provided in section 16969
~~2953.53~~2953.34 of the Revised Code, the proceedings in the case 16970
be deemed not to have occurred. 16971

(5) Any DNA specimens, DNA records, and DNA profiles 16972
ordered to be sealed under this section shall not be sealed if 16973
the person with respect to whom the order applies is otherwise 16974
eligible to have DNA records or a DNA profile in the national 16975
DNA index system. 16976

Sec. 2953.34. (A) Inspection of the sealed records 16977
included in a sealing order may be made only by the following 16978
persons or for the following purposes: 16979

(1) By a law enforcement officer or prosecutor, or the 16980
assistants of either, to determine whether the nature and 16981
character of the offense with which a person is to be charged 16982
would be affected by virtue of the person's previously having 16983
been convicted of a crime; 16984

(2) By the parole or probation officer of the person who 16985
is the subject of the records, for the exclusive use of the 16986
officer in supervising the person while on parole or under a 16987
community control sanction or a post-release control sanction, 16988
and in making inquiries and written reports as requested by the 16989
court or adult parole authority; 16990

- (3) Upon application by the person who is the subject of the records, by the persons named in the application; 16991
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- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case; 16993
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- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; 16996
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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; 17000
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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, division (I) of section 2953.34 of the Revised Code; 17005
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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; 17009
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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; 17013
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- (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the 17018
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purpose of conducting a criminal records check of an individual 17020
pursuant to division (B) of section 109.572 of the Revised Code 17021
that was requested pursuant to any of the sections identified in 17022
division (B)(1) of that section; 17023

(11) By the bureau of criminal identification and 17024
investigation, an authorized employee of the bureau, a sheriff, 17025
or an authorized employee of a sheriff in connection with a 17026
criminal records check described in section 311.41 of the 17027
Revised Code; 17028

(12) By the attorney general or an authorized employee of 17029
the attorney general or a court for purposes of determining a 17030
person's classification pursuant to Chapter 2950. of the Revised 17031
Code; 17032

(13) By a court, the registrar of motor vehicles, a 17033
prosecuting attorney or the prosecuting attorney's assistants, 17034
or a law enforcement officer for the purpose of assessing points 17035
against a person under section 4510.036 of the Revised Code or 17036
for taking action with regard to points assessed. 17037

When the nature and character of the offense with which a 17038
person is to be charged would be affected by the information, it 17039
may be used for the purpose of charging the person with an 17040
offense. 17041

(B) In any criminal proceeding, proof of any otherwise 17042
admissible prior conviction may be introduced and proved, 17043
notwithstanding the fact that for any such prior conviction an 17044
order of sealing or expungement previously was issued pursuant 17045
to sections 2953.31 to 2953.34 of the Revised Code. 17046

(C) The person or governmental agency, office, or 17047
department that maintains sealed records pertaining to 17048

convictions or bail forfeitures that have been sealed pursuant 17049
to section 2953.32 of the Revised Code may maintain a manual or 17050
computerized index to the sealed records. The index shall 17051
contain only the name of, and alphanumeric identifiers that 17052
relate to, the persons who are the subject of the sealed 17053
records, the word "sealed," and the name of the person, agency, 17054
office, or department that has custody of the sealed records, 17055
and shall not contain the name of the crime committed. The index 17056
shall be made available by the person who has custody of the 17057
sealed records only for the purposes set forth in divisions (A), 17058
(B), and (D) of this section. 17059

(D) Notwithstanding any provision of this section or 17060
section 2953.32 of the Revised Code that requires otherwise, a 17061
board of education of a city, local, exempted village, or joint 17062
vocational school district that maintains records of an 17063
individual who has been permanently excluded under sections 17064
3301.121 and 3313.662 of the Revised Code is permitted to 17065
maintain records regarding a conviction that was used as the 17066
basis for the individual's permanent exclusion, regardless of a 17067
court order to seal or expunge the record. An order issued under 17068
this section to seal or expunge the record of a conviction does 17069
not revoke the adjudication order of the superintendent of 17070
public instruction to permanently exclude the individual who is 17071
the subject of the sealing or expungement order. An order issued 17072
under this section to seal or expunge the record of a conviction 17073
of an individual may be presented to a district superintendent 17074
as evidence to support the contention that the superintendent 17075
should recommend that the permanent exclusion of the individual 17076
who is the subject of the sealing or expungement order be 17077
revoked. Except as otherwise authorized by this division and 17078
sections 3301.121 and 3313.662 of the Revised Code, any school 17079

employee in possession of or having access to the sealed or 17080
expunged conviction records of an individual that were the basis 17081
of a permanent exclusion of the individual is subject to 17082
division (J) of this section. 17083

(E) Notwithstanding any provision of this section or 17084
section 2953.32 of the Revised Code that requires otherwise, if 17085
the auditor of state or a prosecutor maintains records, reports, 17086
or audits of an individual who has been forever disqualified 17087
from holding public office, employment, or a position of trust 17088
in this state under sections 2921.41 and 2921.43 of the Revised 17089
Code, or has otherwise been convicted of an offense based upon 17090
the records, reports, or audits of the auditor of state, the 17091
auditor of state or prosecutor is permitted to maintain those 17092
records to the extent they were used as the basis for the 17093
individual's disqualification or conviction, and shall not be 17094
compelled by court order to seal or expunge those records. 17095

(F) For purposes of sections 2953.31 and 2953.34 of the 17096
Revised Code, DNA records collected in the DNA database and 17097
fingerprints filed for record by the superintendent of the 17098
bureau of criminal identification and investigation shall not be 17099
sealed or expunged unless the superintendent receives a 17100
certified copy of a final court order establishing that the 17101
offender's conviction has been overturned. For purposes of this 17102
section, a court order is not "final" if time remains for an 17103
appeal or application for discretionary review with respect to 17104
the order. 17105

(G) The sealing of a record under this section does not 17106
affect the assessment of points under section 4510.036 of the 17107
Revised Code and does not erase points assessed against a person 17108
as a result of the sealed record. 17109

(H) (1) The court shall send notice of any order to seal official records issued pursuant to division (B) (3) of section 2953.33 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B) (4) of that section to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order. 17110
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(2) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.33 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order. 17118
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(3) An order to seal official records issued pursuant to section 2953.33 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (H) (1) or (2) of this section. 17123
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(4) Upon receiving a copy of an order to seal official records pursuant to division (H) (1) or (2) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.33 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with division (K) of this section, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any 17131
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reference to the person who is the subject of the case and the 17140
order. 17141

(5) A public office or agency also may maintain an index 17142
of sealed official records, in a form similar to that for sealed 17143
records of conviction as set forth in division (C) of this 17144
section, access to which may not be afforded to any person other 17145
than the person who has custody of the sealed official records. 17146
The sealed official records to which such an index pertains 17147
shall not be available to any person, except that the official 17148
records of a case that have been sealed may be made available to 17149
the following persons for the following purposes: 17150

(a) To the person who is the subject of the records upon 17151
written application, and to any other person named in the 17152
application, for any purpose; 17153

(b) To a law enforcement officer who was involved in the 17154
case, for use in the officer's defense of a civil action arising 17155
out of the officer's involvement in that case; 17156

(c) To a prosecuting attorney or the prosecuting 17157
attorney's assistants to determine a defendant's eligibility to 17158
enter a pre-trial diversion program established pursuant to 17159
section 2935.36 of the Revised Code; 17160

(d) To a prosecuting attorney or the prosecuting 17161
attorney's assistants to determine a defendant's eligibility to 17162
enter a pre-trial diversion program under division (E) (2) (b) of 17163
section 4301.69 of the Revised Code. 17164

(I) (1) Upon the issuance of an order by a court pursuant 17165
to division (D) (2) of section 2953.32 of the Revised Code 17166
directing that all official records of a case pertaining to a 17167
conviction or bail forfeiture be sealed or expunged or an order 17168

by a court pursuant to division (E) of section 2151.358, 17169
division (C) (2) of section 2953.35, or division (E) of section 17170
2953.36 of the Revised Code directing that all official records 17171
of a case pertaining to a conviction or delinquent child 17172
adjudication be expunged: 17173

(a) Every law enforcement officer who possesses 17174
investigatory work product immediately shall deliver that work 17175
product to the law enforcement officer's employing law 17176
enforcement agency. 17177

(b) Except as provided in divisions (I)(1)(c) and (d) of 17178
this section, every law enforcement agency that possesses 17179
investigatory work product shall close that work product to all 17180
persons who are not directly employed by the law enforcement 17181
agency and shall treat that work product, in relation to all 17182
persons other than those who are directly employed by the law 17183
enforcement agency, as if it did not exist and never had 17184
existed. 17185

(c) A law enforcement agency that possesses investigatory 17186
work product may permit another law enforcement agency to use 17187
that work product in the investigation of another offense if the 17188
facts incident to the offense being investigated by the other 17189
law enforcement agency and the facts incident to an offense that 17190
is the subject of the case are reasonably similar. The agency 17191
that permits the use of investigatory work product may provide 17192
the other agency with the name of the person who is the subject 17193
of the case if it believes that the name of the person is 17194
necessary to the conduct of the investigation by the other 17195
agency. 17196

(d) The auditor of state may provide to or discuss with 17197
other parties investigatory work product maintained pursuant to 17198

Chapter 117. of the Revised Code by the auditor of state. 17199

(2) (a) Except as provided in divisions (I) (1) (c) and (d) 17200
of this section, no law enforcement officer or other person 17201
employed by a law enforcement agency shall knowingly release, 17202
disseminate, or otherwise make the investigatory work product or 17203
any information contained in that work product available to, or 17204
discuss any information contained in it with, any person not 17205
employed by the employing law enforcement agency. 17206

(b) No law enforcement agency, or person employed by a law 17207
enforcement agency, that receives investigatory work product 17208
pursuant to divisions (I) (1) (c) and (d) of this section shall 17209
use that work product for any purpose other than the 17210
investigation of the offense for which it was obtained from the 17211
other law enforcement agency, or disclose the name of the person 17212
who is the subject of the work product except when necessary for 17213
the conduct of the investigation of the offense, or the 17214
prosecution of the person for committing the offense, for which 17215
it was obtained from the other law enforcement agency. 17216

(3) Whoever violates division (I) (2) (a) or (b) of this 17217
section is guilty of divulging confidential investigatory work 17218
product, a misdemeanor of the fourth degree. 17219

(J) (1) Except as authorized by divisions (A) to (C) of 17220
this section or by Chapter 2950. of the Revised Code and subject 17221
to division (J) (2) of this section, any officer or employee of 17222
the state, or a political subdivision of the state, who releases 17223
or otherwise disseminates or makes available for any purpose 17224
involving employment, bonding, or licensing in connection with 17225
any business, trade, or profession to any person, or to any 17226
department, agency, or other instrumentality of the state, or 17227
any political subdivision of the state, any information or other 17228

data concerning any law enforcement or justice system matter the 17229
records with respect to which the officer or employee had 17230
knowledge of were sealed by an existing order issued pursuant to 17231
section 2953.32 of the Revised Code, division (E) of section 17232
2151.358, section 2953.35, or section 2953.36 of the Revised 17233
Code, or were expunged by an order issued pursuant to section 17234
2953.42 of the Revised Code as it existed prior to June 29, 17235
1988, is guilty of divulging confidential information, a 17236
misdeemeanor of the fourth degree. 17237

(2) Division (J) (1) of this section does not apply to an 17238
officer or employee of the state, or a political subdivision of 17239
the state, who releases or otherwise disseminates or makes 17240
available for any purpose specified in that division any 17241
information or other data concerning a law enforcement or 17242
justice system matter the records of which the officer had 17243
knowledge were sealed or expunged by an order of a type 17244
described in that division, if all of the following apply: 17245

(a) The officer or employee released, disseminated, or 17246
made available the information or data from the sealed or 17247
expunged records together with information or data concerning 17248
another law enforcement or justice system matter. 17249

(b) The records of the other law enforcement or justice 17250
system matter were not sealed or expunged by any order of a type 17251
described in division (J) (1) of this section. 17252

(c) The law enforcement or justice system matter covered 17253
by the information or data from the sealed or expunged records 17254
and the other law enforcement or justice system matter covered 17255
by the information or data from the records that were not sealed 17256
or expunged resulted from or were connected to the same act. 17257

(d) The officer or employee made a good faith effort to 17258
not release, disseminate, or make available any information or 17259
other data concerning any law enforcement or justice system 17260
matter from the sealed or expunged records, and the officer or 17261
employee did not release, disseminate, or make available the 17262
information or other data from the sealed or expunged records 17263
with malicious purpose, in bad faith, or in a wanton or reckless 17264
manner. 17265

(3) Any person who, in violation of this section, uses, 17266
disseminates, or otherwise makes available any index prepared 17267
pursuant to division (C) of this section is guilty of a 17268
misdemeanor of the fourth degree. 17269

(K) (1) Except as otherwise provided in Chapter 2950. of 17270
the Revised Code, upon the issuance of an order by a court under 17271
division (B) of section 2953.33 of the Revised Code directing 17272
that all official records pertaining to a case be sealed and 17273
that the proceedings in the case be deemed not to have occurred: 17274

(a) Every law enforcement officer possessing records or 17275
reports pertaining to the case that are the officer's specific 17276
investigatory work product and that are excepted from the 17277
definition of official records shall immediately deliver the 17278
records and reports to the officer's employing law enforcement 17279
agency. Except as provided in division (K) (1) (c) or (d) of this 17280
section, no such officer shall knowingly release, disseminate, 17281
or otherwise make the records and reports or any information 17282
contained in them available to, or discuss any information 17283
contained in them with, any person not employed by the officer's 17284
employing law enforcement agency. 17285

(b) Every law enforcement agency that possesses records or 17286
reports pertaining to the case that are its specific 17287

investigatory work product and that are excepted from the 17288
definition of official records, or that are the specific 17289
investigatory work product of a law enforcement officer it 17290
employs and that were delivered to it under division (K) (1) (a) 17291
of this section shall, except as provided in division (K) (1) (c) 17292
or (d) of this section, close the records and reports to all 17293
persons who are not directly employed by the law enforcement 17294
agency and shall, except as provided in division (K) (1) (c) or 17295
(d) of this section, treat the records and reports, in relation 17296
to all persons other than those who are directly employed by the 17297
law enforcement agency, as if they did not exist and had never 17298
existed. Except as provided in division (K) (1) (c) or (d) of this 17299
section, no person who is employed by the law enforcement agency 17300
shall knowingly release, disseminate, or otherwise make the 17301
records and reports in the possession of the employing law 17302
enforcement agency or any information contained in them 17303
available to, or discuss any information contained in them with, 17304
any person not employed by the employing law enforcement agency. 17305

(c) A law enforcement agency that possesses records or 17306
reports pertaining to the case that are its specific 17307
investigatory work product and that are excepted from the 17308
definition of official records, or that are the specific 17309
investigatory work product of a law enforcement officer it 17310
employs and that were delivered to it under division (K) (1) (a) 17311
of this section may permit another law enforcement agency to use 17312
the records or reports in the investigation of another offense, 17313
if the facts incident to the offense being investigated by the 17314
other law enforcement agency and the facts incident to an 17315
offense that is the subject of the case are reasonably similar. 17316
The agency that provides the records and reports may provide the 17317
other agency with the name of the person who is the subject of 17318

the case, if it believes that the name of the person is 17319
necessary to the conduct of the investigation by the other 17320
agency. 17321

No law enforcement agency, or person employed by a law 17322
enforcement agency, that receives from another law enforcement 17323
agency records or reports pertaining to a case the records of 17324
which have been ordered sealed pursuant to division (B) of 17325
section 2953.33 of the Revised Code shall use the records and 17326
reports for any purpose other than the investigation of the 17327
offense for which they were obtained from the other law 17328
enforcement agency, or disclose the name of the person who is 17329
the subject of the records or reports except when necessary for 17330
the conduct of the investigation of the offense, or the 17331
prosecution of the person for committing the offense, for which 17332
they were obtained from the other law enforcement agency. 17333

(d) The auditor of state may provide to or discuss with 17334
other parties records, reports, or audits maintained by the 17335
auditor of state pursuant to Chapter 117. of the Revised Code 17336
pertaining to the case that are the auditor of state's specific 17337
investigatory work product and that are excepted from the 17338
definition of "official records" contained in division (C) of 17339
section 2953.31 of the Revised Code, or that are the specific 17340
investigatory work product of a law enforcement officer the 17341
auditor of state employs and that were delivered to the auditor 17342
of state under division (K)(1)(a) of this section. 17343

(2) Whoever violates division (K)(1) of this section is 17344
guilty of divulging confidential information, a misdemeanor of 17345
the fourth degree. 17346

(L)(1) In any application for employment, license, or any 17347
other right or privilege, any appearance as a witness, or any 17348

other inquiry, a person may not be questioned with respect to 17349
any record that has been sealed pursuant to section 2953.33 of 17350
the Revised Code. If an inquiry is made in violation of this 17351
division, the person whose official record was sealed may 17352
respond as if the arrest underlying the case to which the sealed 17353
official records pertain and all other proceedings in that case 17354
did not occur, and the person whose official record was sealed 17355
shall not be subject to any adverse action because of the 17356
arrest, the proceedings, or the person's response. 17357

(2) An officer or employee of the state or any of its 17358
political subdivisions who knowingly releases, disseminates, or 17359
makes available for any purpose involving employment, bonding, 17360
licensing, or education to any person or to any department, 17361
agency, or other instrumentality of the state, or of any of its 17362
political subdivisions, any information or other data concerning 17363
any arrest, complaint, indictment, information, trial, 17364
adjudication, or correctional supervision, the records of which 17365
have been sealed pursuant to section 2953.33 of the Revised 17366
Code, is guilty of divulging confidential information, a 17367
misdemeanor of the fourth degree. 17368

(M) It is not a violation of division (I), (J), (K), or 17369
(L) of this section for the bureau of criminal identification 17370
and investigation or any authorized employee of the bureau 17371
participating in the investigation of criminal activity to 17372
release, disseminate, or otherwise make available to, or discuss 17373
with, a person directly employed by a law enforcement agency DNA 17374
records collected in the DNA database or fingerprints filed for 17375
record by the superintendent of the bureau of criminal 17376
identification and investigation. 17377

(N) (1) An order issued under section 2953.35 of the 17378

Revised Code to expunge the record of a person's conviction or, 17379
except as provided in division (D) of this section, an order 17380
issued under that section to seal the record of a person's 17381
conviction restores the person who is the subject of the order 17382
to all rights and privileges not otherwise restored by 17383
termination of the sentence or community control sanction or by 17384
final release on parole or post-release control. 17385

(2) (a) In any application for employment, license, or 17386
other right or privilege, any appearance as a witness, or any 17387
other inquiry, except as provided in division (B) of this 17388
section and in section 3319.292 of the Revised Code and subject 17389
to division (N) (2) (c) of this section, a person may be 17390
questioned only with respect to convictions not sealed, bail 17391
forfeitures not expunged under section 2953.42 of the Revised 17392
Code as it existed prior to June 29, 1988, and bail forfeitures 17393
not sealed, unless the question bears a direct and substantial 17394
relationship to the position for which the person is being 17395
considered. 17396

(b) In any application for a certificate of qualification 17397
for employment under section 2953.25 of the Revised Code, a 17398
person may be questioned only with respect to convictions not 17399
sealed and bail forfeitures not sealed. 17400

(c) A person may not be questioned in any application, 17401
appearance, or inquiry of a type described in division (N) (2) (a) 17402
of this section with respect to any conviction expunged under 17403
section 2953.35 of the Revised Code. 17404

(O) Nothing in ~~sections 2953.31 to 2953.33~~ section 2953.32 17405
or 2953.34 of the Revised Code precludes an ~~eligible~~ offender 17406
from taking an appeal or seeking any relief from the ~~eligible~~ 17407
offender's conviction or from relying on it in lieu of any 17408

subsequent prosecution for the same offense. 17409

~~Sec. 2953.37~~ 2953.35. (A) ~~As used in this section:~~ 17410

~~(1) "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.~~ 17411
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~~(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.~~ 17414
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~~(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.~~ 17416
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~~(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.~~ 17418
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~~(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, or a violation of division (E) (1) or (2) of section 2923.16 of the Revised Code as the division existed prior to the effective date of this amendment June 13, 2022, and who is authorized by division (H) (2) (a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code as it existed prior to the effective date of this amendment June 13, 2022, and who is authorized by division (E) (2) of that section may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011, with respect to violations~~ 17420
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of division (B), (C), or (E) of section 2923.16 of the Revised Code as they existed prior to that date, or at any time on or after ~~the effective date of this amendment~~ June 13, 2022, with respect 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. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, or was 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, and that the applicant is authorized by division (H) (2) (a) of section 2923.16 or division (E) (2) of section 2923.12 of the Revised Code, whichever is applicable, to file an application under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

~~(C)~~ (B) Upon the filing of an application under division ~~(B)~~ (A) of this section and the payment of the fee described in division ~~(D)~~ ~~(3)~~ (C) (3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor

may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

~~(D)~~ ~~(1)~~ (C) (1) At the hearing held under division ~~(C)~~ (B) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011;

(b) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F) (5) of that section as it exists on and after September 30, 2011;

(c) Determine whether 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; 17498

(d) If the prosecutor has filed an objection in accordance 17499
with division ~~(C)~~(B) of this section, consider the reasons 17500
against granting the application specified by the prosecutor in 17501
the objection; 17502

(e) Weigh the interests of the applicant in having the 17503
records pertaining to the applicant's conviction or guilty plea 17504
expunged against the legitimate needs, if any, of the government 17505
to maintain those records. 17506

(2) (a) The court may order the expungement of all official 17507
records pertaining to the case and the deletion of all index 17508
references to the case and, if it does order the expungement, 17509
shall send notice of the order to each public office or agency 17510
that the court has reason to believe may have an official record 17511
pertaining to the case if the court, after complying with 17512
division ~~(D)~~(1)~~(C)~~(1) of this section, determines both of the 17513
following: 17514

(i) That the applicant has been convicted of or pleaded 17515
guilty to a violation of division (E) of section 2923.16 of the 17516
Revised Code as it existed prior to September 30, 2011, and the 17517
conduct that was the basis of the violation no longer would be a 17518
violation of that division on or after September 30, 2011; that 17519
the applicant has been convicted of or pleaded guilty to a 17520
violation of division (B) or (C) of section 2923.16 of the 17521
Revised Code as the division existed prior to September 30, 17522
2011, and the conduct that was the basis of the violation no 17523
longer would be a violation of that division on or after 17524
September 30, 2011, due to the application of division (F) (5) of 17525
that section as it exists on and after September 30, 2011; or 17526
that the applicant has been convicted of or pleaded guilty to a 17527

violation of division (B) (1) of section 2923.12 of the Revised 17528
Code or of division (E) (1) or (2) of section 2923.16 of the 17529
Revised Code as the particular division existed prior to ~~the~~ 17530
~~effective date of this amendment~~ June 13, 2022; 17531

(ii) That the interests of the applicant in having the 17532
records pertaining to the applicant's conviction or guilty plea 17533
expunged are not outweighed by any legitimate needs of the 17534
government to maintain those records. 17535

(b) The proceedings in the case that is the subject of an 17536
order issued under division ~~(D) (2) (a)~~ (C) (2) (a) of this section 17537
shall be considered not to have occurred and the conviction or 17538
guilty plea of the person who is the subject of the proceedings 17539
shall be expunged. The record of the conviction shall not be 17540
used for any purpose, including, but not limited to, a criminal 17541
records check under section 109.572 of the Revised Code or a 17542
determination under section 2923.125 or 2923.1213 of the Revised 17543
Code of eligibility for a concealed handgun license. The 17544
applicant may, and the court shall, reply that no record exists 17545
with respect to the applicant upon any inquiry into the matter. 17546

(3) Upon the filing of an application under this section, 17547
the applicant, unless indigent, shall pay a fee of fifty 17548
dollars. The court shall pay thirty dollars of the fee into the 17549
state treasury and shall pay twenty dollars of the fee into the 17550
county general revenue fund. 17551

Sec. ~~2953.38~~ 2953.36. (A) ~~As used in this section:~~ 17552

~~(1) "Expunge" means to destroy, delete, or erase a record~~ 17553
~~as appropriate for the record's physical or electronic form or~~ 17554
~~characteristic so that the record is permanently irretrievable.~~ 17555

~~(2) "Prosecutor" has the same meaning as in section~~ 17556

~~2953.31 of the Revised Code.~~ 17557

~~(3) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.~~ 17558
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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.~~ 17560
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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: 17565
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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; 17580
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(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief under this section; 17583
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(3) Include a request for expungement of the record of conviction of that offense under this section. 17586
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~~(C)~~ (B) The court may deny an application made under division ~~(B)~~ (A) of this section if it finds that the application fails to assert grounds on which relief may be granted. 17588
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~~(D)~~ (C) If the court does not deny an application under division ~~(C)~~ (B) of this section, it shall set a date for a hearing and shall notify the prosecutor for the case from which the record of conviction resulted of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court may direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. 17592
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~~(E) (1)~~ (D) (1) At the hearing held under division ~~(D)~~ (C) of this section, the court shall do both of the following: 17605
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(a) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the prosecutor in the objection; 17607
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(b) Determine whether the applicant has demonstrated by a preponderance of the evidence that the applicant's participation in the offense that is the subject of the application was a result of the applicant having been a victim of human trafficking. 17610
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(2) If the court at the hearing held under division ~~(D)~~ (C) of this section determines that the applicant's participation in the offense that is the subject of the application was a result of the applicant having been a victim of human trafficking and if that subject offense is a felony of the first or second degree, the court at the hearing also shall consider all of the following factors and, upon consideration of the factors, shall determine whether the interests of the applicant in having the record of the conviction of that offense expunged are outweighed by any legitimate needs of the government to maintain that record of conviction:

(a) The degree of duress under which the applicant acted in committing the subject offense, including, but not limited to, the history of the use of force or threatened use of force against the applicant or another person, whether the applicant's judgment or control was impaired by the administration to the applicant of any intoxicant, drug, or controlled substance, and the threat of withholding from the applicant food, water, or any drug;

(b) The seriousness of the subject offense;

(c) The relative degree of physical harm done to any person in the commission of the subject offense;

(d) The length of time that has expired since the commission of the subject offense;

(e) Whether the prosecutor represents to the court that criminal proceedings are likely to still be initiated against the applicant for a felony offense for which the period of limitations has not expired;

(f) Whether the applicant at the time of the hearing is

subject to supervision as a result of the subject offense. 17644

~~(F)~~(E) If after a hearing held under division ~~(D)~~(C) of 17645
this section the court finds that the applicant has demonstrated 17646
by a preponderance of the evidence that the applicant's 17647
participation in the offense that is the subject of the 17648
application was the result of the applicant having been a victim 17649
of human trafficking, and, if the offense that is the subject of 17650
the application is a felony of the first or second degree, after 17651
consideration of the factors required under division ~~(E)~~(2)~~(D)~~ 17652
(2) of this section, it finds that the interests of the 17653
applicant in having the record of the conviction of that offense 17654
expunged are not outweighed by any legitimate needs of the 17655
government to maintain that record of conviction, the court 17656
shall grant the application and order that the record of 17657
conviction be expunged. 17658

~~(G)~~(1)~~(F)~~ (1) The court shall send notice of the order of 17659
expungement issued under division ~~(F)~~(E) of this section to 17660
each public office or agency that the court has reason to 17661
believe may have an official record pertaining to the case if 17662
the court, after complying with division ~~(E)~~(D) of this 17663
section, determines both of the following: 17664

(a) That the applicant has been convicted of a violation 17665
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 17666

(b) That the interests of the applicant in having the 17667
records pertaining to the applicant's conviction expunged are 17668
not outweighed by any legitimate needs of the government to 17669
maintain those records. 17670

(2) The proceedings in the case that is the subject of an 17671
order of expungement issued under division ~~(F)~~(E) of this 17672

section shall be considered not to have occurred and the 17673
conviction of the person who is the subject of the proceedings 17674
shall be expunged. The record of the conviction shall not be 17675
used for any purpose, including, but not limited to, a criminal 17676
records check under section 109.572 of the Revised Code. The 17677
applicant may, and the court shall, reply that no record exists 17678
with respect to the applicant upon any inquiry into the matter. 17679

~~(H)~~-(G) Upon the filing of an application under this 17680
section, the applicant, unless indigent, shall pay a fee of 17681
fifty dollars. The court shall pay thirty dollars of the fee 17682
into the state treasury and shall pay twenty dollars of the fee 17683
into the county general revenue fund. 17684

Sec. 2953.56 2953.37. Violations of sections 2953.31 to 17685
2953.61 of the Revised Code shall not provide the basis to 17686
exclude or suppress any of the following evidence that is 17687
otherwise admissible in a criminal proceeding, delinquent child 17688
proceeding, or other legal proceeding: 17689

(A) DNA records collected in the DNA database; 17690

(B) Fingerprints filed for record by the superintendent of 17691
the bureau of criminal identification and investigation; 17692

(C) Other evidence that was obtained or discovered as the 17693
direct or indirect result of divulging or otherwise using the 17694
records described in divisions (A) and (B) of this section. 17695

Sec. 2953.39. (A) As used in this section: 17696

(1) "Applicant prosecutor" means the prosecutor who 17697
applies under division (B) (1) of this section for the sealing or 17698
expungement of the record of a case that pertains to a 17699
conviction of a person of a low-level controlled substance 17700
offense. 17701

(2) "Low-level controlled substance offense" means a violation of any provision of Chapter 2925. of the Revised Code that is a misdemeanor of the fourth degree or a minor misdemeanor or a violation of an ordinance of a municipal corporation that is substantially equivalent to a violation of any provision of Chapter 2925. of the Revised Code and that, if the violation were to be charged under the provision of Chapter 2925. of the Revised Code, would be a misdemeanor of the fourth degree or a minor misdemeanor. 17702
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(3) "Subject offender" means, regarding an application filed under division (B)(1) of this section requesting the sealing or expungement of the record of a case that pertains to a conviction of a low-level controlled substance offense, the person who was convicted of the low-level controlled substance offense for which the application requests the sealing or expungement. 17711
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(B)(1) If a person is or was convicted of a low-level controlled substance offense, the prosecutor in the case may apply to the sentencing court for the sealing or expungement of the record of the case that pertains to the conviction. The prosecutor may file the application with respect to the offense that is the subject of the application at any time after the expiration, with respect to that offense and the subject offender, of the corresponding period of time specified in division (B)(1) of section 2953.32 of the Revised Code for sealing or expungement applications filed by an offender under that section. 17718
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(2) An application under division (B)(1) of this section may request an order to seal or expunge the record of conviction for more than one low-level controlled substance offense, but if 17729
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it does, the court shall consider the request for each offense 17732
separately as if a separate application had been made for each 17733
offense and all references in divisions (B) to (F) of this 17734
section to "the offense" or "that offense" mean each of those 17735
offenses that are the subject of the application. 17736

(3) Upon the filing of an application under division (B) 17737
(1) of this section, except as otherwise provided in this 17738
division, the applicant prosecutor shall pay a fee of not more 17739
than fifty dollars, including court fees, regardless of the 17740
number of records the application requests to have sealed or 17741
expunged. The court may direct the clerk of the court to waive 17742
some or all of the fee that otherwise would be charged. If the 17743
applicant pays a fee, the court shall pay three-fifths of the 17744
fee collected into the state treasury, with half of that amount 17745
credited to the attorney general reimbursement fund created 17746
under section 109.11 of the Revised Code. If the applicant pays 17747
a fee, the court shall pay two-fifths of the fee collected into 17748
the county general revenue fund if the sealed or expunged 17749
conviction was pursuant to a state statute, or into the general 17750
revenue fund of the municipal corporation involved if the sealed 17751
or expunged conviction was pursuant to a municipal ordinance. 17752

(C) An application filed under division (B) (1) of this 17753
section shall do all of the following: 17754

(1) Identify the subject offender and the applicant 17755
prosecutor, the offense for which the sealing or expungement is 17756
sought, the date of the conviction of that offense, and the 17757
court in which the conviction occurred; 17758

(2) Describe the evidence and provide copies of any 17759
documentation showing that the subject offender is entitled to 17760
relief under this section; 17761

(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. 17762
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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: 17765
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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. 17770
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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. 17775
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(2) The court shall hold the hearing set under division 17791

(D) (1) of this section not less than forty-five days and not 17792
more than ninety days from the date of the filing of the 17793
application. 17794

The subject offender may object to the granting of the 17795
application by filing an objection with the court prior to the 17796
date set for the hearing. The victim of the offense may object 17797
to the granting of the application by filing an objection with 17798
the court prior to the date set for the hearing. The subject 17799
offender or victim shall specify in the objection the reasons 17800
for believing that the application should be denied. 17801

(E) (1) At the hearing held under division (D) of this 17802
section, the court shall determine whether the offense that is 17803
the subject of the application is a low-level controlled 17804
substance offense and whether the amount of time specified in 17805
division (B) (1) of this section for the filing of the 17806
application has expired. 17807

(2) If the court at the hearing held under division (D) of 17808
this section determines that the offense that is the subject of 17809
the application is a low-level controlled substance offense and 17810
that the amount of time specified in division (B) (1) of this 17811
section for the filing of the application has expired, the court 17812
at the hearing also shall do all of the following: 17813

(a) Determine whether criminal proceedings are pending 17814
against the subject offender; 17815

(b) Determine whether the subject offender has been 17816
rehabilitated to the satisfaction of the court; 17817

(c) If the subject offender objected, consider the reasons 17818
against granting the application specified by the offender in 17819
the objection; 17820

(d) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection; 17821
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(e) Weigh the interests of the subject offender in having the records pertaining to the offender's conviction sealed or expunged against the legitimate needs, if any, of the government to maintain those records. 17824
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(F)(1) If the court determines, after complying with divisions (E)(1) and (2) of this section, that no criminal proceeding is pending against the subject offender, that the interests of the offender in having the records pertaining to the offender's conviction sealed or expunged are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of the offender has been attained to the satisfaction of the court, all of the following apply: 17828
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(a) The court shall issue orders of the type specified in division (D)(2) of section 2953.32 of the Revised Code, subject to the exceptions specified in that division. 17836
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(b) The proceedings in the case that pertain to the conviction shall be considered not to have occurred and the conviction of the subject offender shall be sealed or expunged, subject to the exceptions specified in division (D)(2) of section 2953.32 of the Revised Code. 17839
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(c) The court shall notify the subject offender, at the offender's last known address or through another means of contact, that the court has issued the order requiring the sealing or expungement of the official records pertaining to the case and shall specifically identify the offense and case with respect to which the order applies. 17844
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(2) If the court orders the official records pertaining to 17850
the case sealed or expunged under division (F) (1) of this 17851
section, the court shall comply with division (D) (4) (a) or (b) 17852
of section 2953.32 of the Revised Code, whichever is applicable. 17853

(3) All provisions of section 2953.34 of the Revised Code 17854
that apply with respect to an order to seal or expunge official 17855
records that is issued under section 2953.32 of the Revised 17856
Code, or that apply with respect to the official records to be 17857
sealed or expunged under such an order, apply with respect to an 17858
order to seal or expunge official records that is issued under 17859
division (F) (1) of this section and to the official records to 17860
be sealed or expunged under such an order. 17861

(G) A record that is expunged pursuant to an order issued 17862
under division (F) (1) of this section shall be destroyed, 17863
deleted, and erased, as appropriate for the record's physical or 17864
electronic form or characteristic, so that the record is 17865
permanently irretrievable. 17866

(H) The provisions of this section are separate from, and 17867
independent of, the provisions of sections 2953.35 and 2953.36 17868
and, except as otherwise specified in this section, the 17869
provisions of sections 2953.32 and 2953.34 of the Revised Code. 17870

Sec. 2953.521. ~~(A) As used in this section, "expunge" has~~ 17871
~~the same meaning as in section 2953.38 of the Revised Code.~~ 17872

~~(B) Any person who is found not guilty of an offense by a~~ 17873
~~jury or a court or who is the defendant named in a dismissed~~ 17874
~~complaint, indictment, or information may apply to the court for~~ 17875
~~an order to expunge the person's official records in the case if~~ 17876
~~the complaint, indictment, information, or finding of not guilty~~ 17877
~~that is the subject of the application was the result of the~~ 17878

applicant having been a victim of human trafficking. The 17879
application may be filed at any time after the finding of not 17880
guilty or the dismissal of the complaint, indictment, or 17881
information is entered upon the minutes of the court or the 17882
journal, whichever entry occurs first. The application may 17883
request an order to expunge official records for more than one 17884
offense, but if it does, the court shall consider the request 17885
for each offense separately as if a separate application had 17886
been made for each offense and all references in divisions ~~(B)~~- 17887
(A) to ~~(H)~~-(G) of this section to "the offense" or "that 17888
offense" mean each of those offenses that are the subject of the 17889
application. 17890

~~(C)~~-(B) The court may deny an application made under 17891
division ~~(B)~~-(A) of this section if it finds that the 17892
application fails to assert grounds on which relief may be 17893
granted. 17894

~~(D)~~-(C) If the court does not deny an application under 17895
division ~~(C)~~-(B) of this section, the court shall set a date for 17896
a hearing and shall notify the prosecutor for the case of the 17897
hearing on the application. The prosecutor may object to the 17898
granting of the application by filing an objection with the 17899
court prior to the date set for the hearing. The prosecutor 17900
shall specify in the objection the reasons for believing a 17901
denial of the application is justified. 17902

~~(E)~~-(D) At the hearing held under division ~~(D)~~-(C) of this 17903
section, the court shall do all of the following: 17904

(1) If the prosecutor has filed an objection, consider the 17905
reasons against granting the application specified by the 17906
prosecutor in the objection; 17907

(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 17937
reason to believe may have an official record pertaining to the 17938
case. 17939

~~(H)~~ (G) The proceedings in the case that is the subject of 17940
an order issued under division ~~(F)~~ (E) of this section shall be 17941
considered not to have occurred and the official records shall 17942
be expunged. The official records shall not be used for any 17943
purpose, including a criminal records check under section 17944
109.572 of the Revised Code. The applicant may, and the court 17945
shall, reply that no record exists with respect to the applicant 17946
upon any inquiry into the matter. 17947

Sec. 2953.57. (A) A court that enters a judgment that 17948
vacates and sets aside the conviction of a person because of DNA 17949
testing that was performed under sections 2953.71 to 2953.81 of 17950
the Revised Code or under section 2953.82 of the Revised Code 17951
shall issue ninety days after the court vacates and sets aside 17952
the conviction an order directing that all official records 17953
pertaining to the case involving the vacated conviction be 17954
sealed and that the proceedings in the case shall be deemed not 17955
to have occurred. 17956

(B) As used in sections 2953.57 to 2953.60 of the Revised 17957
Code, "official records" has the same meaning as in section 17958
~~2953.51~~ 2953.31 of the Revised Code. 17959

Sec. 2953.58. (A) The court shall send notice of an order 17960
to seal official records issued pursuant to section 2953.57 of 17961
the Revised Code to any public office or agency that the court 17962
knows or has reason to believe may have any record of the case, 17963
whether or not it is an official record, that is the subject of 17964
the order. The notice shall be sent by certified mail, return 17965
receipt requested. 17966

(B) A person whose official records have been sealed 17967
pursuant to an order issued pursuant to section 2953.57 of the 17968
Revised Code may present a copy of that order and a written 17969
request to comply with it, to a public office or agency that has 17970
a record of the case that is the subject of the order. 17971

(C) An order to seal official records issued pursuant to 17972
section 2953.57 of the Revised Code applies to every public 17973
office or agency that has a record of the case that is the 17974
subject of the order, regardless of whether it receives a copy 17975
of the order to seal the official records pursuant to division 17976
(A) or (B) of this section. 17977

(D) Upon receiving a copy of an order to seal official 17978
records pursuant to division (A) or (B) of this section or upon 17979
otherwise becoming aware of an applicable order to seal official 17980
records issued pursuant to section 2953.57 of the Revised Code, 17981
a public office or agency shall comply with the order and, if 17982
applicable, with the provisions of section 2953.59 of the 17983
Revised Code, except that it may maintain a record of the case 17984
that is the subject of the order if the record is maintained for 17985
the purpose of compiling statistical data only and does not 17986
contain any reference to the person who is the subject of the 17987
case and the order. 17988

A public office or agency also may maintain an index of 17989
sealed official records, in a form similar to that for sealed 17990
records of conviction as set forth in division ~~(F)~~ (C) of 17991
section ~~2953.32-2953.34~~ of the Revised Code, access to which may 17992
not be afforded to any person other than the person who has 17993
custody of the sealed official records. The sealed official 17994
records to which such an index pertains shall not be available 17995
to any person, except that the official records of a case that 17996

have been sealed may be made available to the following persons 17997
for the following purposes: 17998

(1) To the person who is the subject of the records upon 17999
written application, and to any other person named in the 18000
application, for any purpose; 18001

(2) To a law enforcement officer who was involved in the 18002
case, for use in the officer's defense of a civil action arising 18003
out of the officer's involvement in that case. 18004

Sec. 2953.59. (A) Except as otherwise provided in Chapter 18005
2950. of the Revised Code, upon the issuance of an order by a 18006
court under section 2953.57 of the Revised Code directing that 18007
all official records pertaining to a case be sealed and that the 18008
proceedings in the case be deemed not to have occurred: 18009

(1) Every law enforcement officer possessing records or 18010
reports pertaining to the case that are the officer's specific 18011
investigatory work product and that are excepted from the 18012
definition of "official records" contained in section ~~2953.51~~ 18013
2953.31 of the Revised Code shall immediately deliver the 18014
records and reports to the officer's employing law enforcement 18015
agency. Except as provided in division (A)(3) of this section, 18016
no such officer shall knowingly release, disseminate, or 18017
otherwise make the records and reports or any information 18018
contained in them available to, or discuss any information 18019
contained in them with, any person not employed by the officer's 18020
employing law enforcement agency. 18021

(2) Every law enforcement agency that possesses records or 18022
reports pertaining to the case that are its specific 18023
investigatory work product and that are excepted from the 18024
definition of "official records" contained in section ~~2953.51~~ 18025

2953.31 of the Revised Code, or that are the specific 18026
investigatory work product of a law enforcement officer it 18027
employs and that were delivered to it under division (A) (1) of 18028
this section shall, except as provided in division (A) (3) of 18029
this section, close the records and reports to all persons who 18030
are not directly employed by the law enforcement agency and 18031
shall, except as provided in division (A) (3) of this section, 18032
treat the records and reports, in relation to all persons other 18033
than those who are directly employed by the law enforcement 18034
agency, as if they did not exist and had never existed. Except 18035
as provided in division (A) (3) of this section, no person who is 18036
employed by the law enforcement agency shall knowingly release, 18037
disseminate, or otherwise make the records and reports in the 18038
possession of the employing law enforcement agency or any 18039
information contained in them available to, or discuss any 18040
information contained in them with, any person not employed by 18041
the employing law enforcement agency. 18042

(3) A law enforcement agency that possesses records or 18043
reports pertaining to the case that are its specific 18044
investigatory work product and that are excepted from the 18045
definition of "official records" contained in division ~~(D)~~ (C) 18046
of section ~~2953.51~~ 2953.31 of the Revised Code, or that are the 18047
specific investigatory work product of a law enforcement officer 18048
it employs and that were delivered to it under division (A) (1) 18049
of this section may permit another law enforcement agency to use 18050
the records or reports in the investigation of another offense, 18051
if the facts incident to the offense being investigated by the 18052
other law enforcement agency and the facts incident to an 18053
offense that is the subject of the case are reasonably similar 18054
and if all references to the name or identifying information of 18055
the person whose records were sealed are redacted from the 18056

records or reports. The agency that provides the records and 18057
reports may not provide the other agency with the name of the 18058
person who is the subject of the case the records of which were 18059
sealed. 18060

(B) Whoever violates division (A) (1), (2), or (3) of this 18061
section is guilty of divulging confidential information, a 18062
misdemeanor of the fourth degree. 18063

Sec. 2953.61. (A) Except as provided in division (B) (1) of 18064
this section, a person charged with two or more offenses as a 18065
result of or in connection with the same act may not apply to 18066
the court pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, or 18067
2953.521 of the Revised Code for the sealing or expungement of 18068
the person's record in relation to any of the charges, and a 18069
prosecutor may not apply to the court pursuant to section 18070
2953.39 of the Revised Code for the sealing or expungement of 18071
the record of a person in relation to any of the charges if the 18072
person was charged with two or more offenses as a result of or 18073
in connection with the same act, when at least one of the 18074
charges has a final disposition that is different from the final 18075
disposition of the other charges until such time as the person, 18076
or prosecutor, would be able to apply to the court and have all 18077
of the records pertaining to all of those charges sealed or 18078
expunged pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, 18079
2953.39, or 2953.521 of the Revised Code. 18080

(B) (1) When a person is charged with two or more offenses 18081
as a result of or in connection with the same act and the final 18082
disposition of one, and only one, of the charges is a conviction 18083
under any section of Chapter 4507., 4510., 4511., or 4549., 18084
other than section 4511.19 or 4511.194 of the Revised Code, or 18085
under a municipal ordinance that is substantially similar to any 18086

section other than section 4511.19 or 4511.194 of the Revised 18087
Code contained in any of those chapters, and if the records 18088
pertaining to all the other charges would be eligible for 18089
sealing or expungement under section ~~2953.52~~ 2953.33, 2953.39, 18090
or 2953.521 of the Revised Code in the absence of that 18091
conviction, the court may order that the records pertaining to 18092
all the charges be sealed or expunged. In such a case, the court 18093
shall not order that only a portion of the records be sealed or 18094
expunged. 18095

(2) Division (B) (1) of this section does not apply if the 18096
person convicted of the offenses currently holds a commercial 18097
driver's license or commercial driver's license temporary 18098
instruction permit. 18099

Sec. 2967.04. (A) A pardon or commutation may be granted 18100
upon such conditions precedent or subsequent as the governor may 18101
impose, which conditions shall be stated in the warrant. Such 18102
pardon or commutation shall not take effect until the conditions 18103
so imposed are accepted by the convict or prisoner so pardoned 18104
or having a sentence commuted, and the convict's or prisoner's 18105
acceptance is indorsed upon the warrant, signed by the prisoner 18106
or convict, and attested by one witness. Such witness shall go 18107
before the clerk of the court of common pleas in whose office 18108
the sentence is recorded and prove the signature of the convict. 18109
The clerk shall thereupon record the warrant, indorsement, and 18110
proof in the journal of the court, which record, or a duly 18111
certified transcript thereof, shall be evidence of such pardon 18112
or commutation, the conditions thereof, and the acceptance of 18113
the conditions. 18114

(B) An unconditional pardon relieves the person to whom it 18115
is granted of all disabilities arising out of the conviction or 18116

convictions from which it is granted. For purposes of this 18117
section, "unconditional pardon" includes a conditional pardon 18118
with respect to which all conditions have been performed or have 18119
transpired. 18120

(C) In the case of an unconditional pardon, the governor 18121
may include as a condition of the pardon that records related to 18122
the conviction be sealed or expunged as if the records are 18123
related to an offense that is eligible to be sealed or expunged. 18124
The governor may issue a writ for the records related to the 18125
pardoned conviction or convictions to be sealed or expunged. 18126
However, such a writ shall not seal or expunge the records 18127
required to be kept under division (E) of section 107.10 of the 18128
Revised Code and shall not have any impact on the governor's 18129
office or on reports required to be made under law. Other than 18130
the records required to be kept under division (E) of section 18131
107.10 of the Revised Code, no records of the governor's office 18132
related to a pardon that have been sealed or expunged under this 18133
division are subject to public inspection unless directed by the 18134
governor. Inspection of the records or disclosure of information 18135
contained in the records may be made pursuant to division ~~(D)~~ 18136
(A) of section ~~2953.32~~ 2953.34 of the Revised Code or as the 18137
governor may direct. A disclosure of records sealed or expunged 18138
under a writ issued by the governor is not a criminal offense. 18139

Sec. 2967.12. (A) Except as provided in division (G) of 18140
this section, at least sixty days before the adult parole 18141
authority recommends any pardon or commutation of sentence, or 18142
grants any parole, the authority shall provide a notice of the 18143
pendency of the pardon, commutation, or parole, setting forth 18144
the name of the person on whose behalf it is made, the offense 18145
of which the person was convicted or to which the person pleaded 18146
guilty, the time of conviction or the guilty plea, and the term 18147

of the person's sentence, to the prosecuting attorney and the judge of the court of common pleas of the county in which the indictment against the person was found. If there is more than one judge of that court of common pleas, the authority shall provide the notice to the presiding judge. Upon the request of the prosecuting attorney or of any law enforcement agency, the authority shall provide to the requesting prosecuting attorney and law enforcement agencies an institutional summary report that covers the subject person's participation while confined in a state correctional institution in training, work, and other rehabilitative activities and any disciplinary action taken against the person while so confined. The department of rehabilitation and correction may utilize electronic means to provide this notice. The department of rehabilitation and correction, at the same time that it provides the notice to the prosecuting attorney and judge under this division, also shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A) (1) (c) (iii) of that section.

(B) If a request for notification has been made pursuant to section 2930.16 of the Revised Code or if division (H) of this section applies, the office of victim services or the adult parole authority also shall provide notice to the victim or the victim's representative at least sixty days prior to recommending any pardon or commutation of sentence for, or granting any parole to, the person. The notice shall include the information required by division (A) of this section and may be provided by telephone or through electronic means. The notice also shall inform the victim or the victim's representative that the victim or representative may send a written statement relative to the victimization and the pending action to the

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 18210
notice of the further consideration shall be posted on the 18211
database at least sixty days before the further consideration. 18212
If the prosecuting attorney or a law enforcement agency was 18213
provided a copy of the institutional summary report relative to 18214
the subject person under division (A) of this section, the 18215
authority shall include with the notice of the further 18216
consideration sent to the prosecuting attorney any new 18217
information with respect to the person that relates to 18218
activities and actions of the person that are of a type covered 18219
by the report and shall send to the law enforcement agency a 18220
report that provides notice of the further consideration and 18221
includes any such new information with respect to the person. 18222
When notice of the pendency of any pardon, commutation, or 18223
parole has been given as provided in division (B) of this 18224
section and the hearing on it is continued to a date certain, 18225
the authority shall give notice of the further consideration to 18226
the victim or the victim's representative in accordance with 18227
section 2930.03 of the Revised Code. 18228

(D) In case of an application for the pardon or 18229
commutation of sentence of a person sentenced to capital 18230
punishment, the governor may modify the requirements of 18231
notification and publication if there is not sufficient time for 18232
compliance with the requirements before the date fixed for the 18233
execution of sentence. 18234

(E) If an offender is serving a prison term imposed under 18235
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 18236
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 18237
Code and if the parole board terminates its control over the 18238
offender's service of that term pursuant to section 2971.04 of 18239
the Revised Code, the parole board immediately shall provide 18240

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.

(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.

(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.

(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

victim's representative did not provide any written statement 18271
relative to the victimization and the pending action, did not 18272
attend any hearing conducted relative to the pending action, and 18273
did not otherwise respond to the office with respect to the 18274
pending action. Regardless of whether the victim or victim's 18275
representative has requested that the notice described in 18276
division (B) of this section be provided or not be provided, the 18277
office of victim services or adult parole authority shall give 18278
similar notice to the law enforcement agency that arrested the 18279
defendant if any officer of that agency was a victim of the 18280
offense and to any member of the victim's immediate family who 18281
requests notification. If notice is to be given under this 18282
division, the office or authority may give the notice by any 18283
reasonable means, including regular mail, telephone, and 18284
electronic mail, in accordance with division (D) (1) of section 18285
2930.16 of the Revised Code. If the notice is based on an 18286
offense committed prior to ~~the effective date of this amendment~~ 18287
March 22, 2013, the notice to the victim or victim's 18288
representative also shall include the opt-out information 18289
described in division (D) (1) of section 2930.16 of the Revised 18290
Code. The office or authority, in accordance with division (D) 18291
(2) of section 2930.16 of the Revised Code, shall keep a record 18292
of all attempts to provide the notice, and of all notices 18293
provided, under this division. 18294

Division (H) of this section, and the notice-related 18295
provisions of divisions (E) (2) and (K) of section 2929.20, 18296
division (D) (1) of section 2930.16, division (E) (1) (b) of 18297
section 2967.19 as it existed prior to the effective date of 18298
this amendment, division (A) (3) (b) of section 2967.26, division 18299
(D) (1) of section 2967.28, and division (A) (2) of section 18300
5149.101 of the Revised Code enacted in the act in which 18301

division (H) of this section was enacted, shall be known as 18302
"Roberta's Law." 18303

(I) In addition to and independent of the right of a 18304
victim to make a statement as described in division (A) of this 18305
section or pursuant to section 2930.17 of the Revised Code or to 18306
otherwise make a statement, the authority for a judge or 18307
prosecuting attorney to furnish statements and information, make 18308
recommendations, and give testimony as described in division (A) 18309
of this section, the right of a prosecuting attorney, judge, or 18310
victim to give testimony or submit a statement at a full parole 18311
board hearing pursuant to section 5149.101 of the Revised Code, 18312
and any other right or duty of a person to present information 18313
or make a statement, any person may send to the adult parole 18314
authority at any time prior to the authority's recommending a 18315
pardon or commutation or granting a parole for the offender a 18316
written statement relative to the offense and the pending 18317
action. 18318

(J) As used in this section, "victim's immediate family" 18319
means the mother, father, spouse, sibling, or child of the 18320
victim, provided that in no case does "victim's immediate 18321
family" include the offender with respect to whom the notice in 18322
question applies. 18323

Sec. 2967.13. (A) Except as provided in division (G) of 18324
this section or section 2967.132 of the Revised Code, a prisoner 18325
serving a sentence of imprisonment for life for an offense 18326
committed on or after July 1, 1996, is not entitled to any 18327
earned credit under division (A) (1) or (2) of section 2967.193 18328
of the Revised Code and becomes eligible for parole as follows: 18329

(1) If a sentence of imprisonment for life was imposed for 18330
the offense of murder, at the expiration of the prisoner's 18331

minimum term; 18332

(2) If a sentence of imprisonment for life with parole 18333
eligibility after serving twenty years of imprisonment was 18334
imposed pursuant to section 2929.022 or 2929.03 of the Revised 18335
Code, after serving a term of twenty years; 18336

(3) If a sentence of imprisonment for life with parole 18337
eligibility after serving twenty-five full years of imprisonment 18338
was imposed pursuant to section 2929.022 or 2929.03 of the 18339
Revised Code, after serving a term of twenty-five full years; 18340

(4) If a sentence of imprisonment for life with parole 18341
eligibility after serving thirty full years of imprisonment was 18342
imposed pursuant to section 2929.022 or 2929.03 of the Revised 18343
Code, after serving a term of thirty full years; 18344

(5) If a sentence of imprisonment for life was imposed for 18345
rape, after serving a term of ten full years' imprisonment; 18346

(6) If a sentence of imprisonment for life with parole 18347
eligibility after serving fifteen years of imprisonment was 18348
imposed for a violation of section 2927.24 of the Revised Code, 18349
after serving a term of fifteen years. 18350

(B) Except as provided in division (G) of this section or 18351
section 2967.132 of the Revised Code, a prisoner serving a 18352
sentence of imprisonment for life with parole eligibility after 18353
serving twenty years of imprisonment or a sentence of 18354
imprisonment for life with parole eligibility after serving 18355
twenty-five full years or thirty full years of imprisonment 18356
imposed pursuant to section 2929.022 or 2929.03 of the Revised 18357
Code for an offense committed on or after July 1, 1996, 18358
consecutively to any other term of imprisonment, becomes 18359
eligible for parole after serving twenty years, twenty full 18360

years, or thirty full years, as applicable, as to each such 18361
sentence of life imprisonment, which shall not be reduced for 18362
earned credits under division (A) (1) or (2) of section 2967.193 18363
of the Revised Code, plus the term or terms of the other 18364
sentences consecutively imposed or, if one of the other 18365
sentences is another type of life sentence with parole 18366
eligibility, the number of years before parole eligibility for 18367
that sentence. 18368

(C) Except as provided in division (G) of this section or 18369
section 2967.132 of the Revised Code, a prisoner serving 18370
consecutively two or more sentences in which an indefinite term 18371
of imprisonment is imposed becomes eligible for parole upon the 18372
expiration of the aggregate of the minimum terms of the 18373
sentences. 18374

(D) Except as provided in division (G) of this section or 18375
section 2967.132 of the Revised Code, a prisoner serving a term 18376
of imprisonment who is described in division (A) of section 18377
2967.021 of the Revised Code becomes eligible for parole as 18378
described in that division or, if the prisoner is serving a 18379
definite term of imprisonment, shall be released as described in 18380
that division. 18381

(E) Except as provided in section 2967.132 of the Revised 18382
Code, a prisoner serving a sentence of life imprisonment without 18383
parole imposed pursuant to section 2907.02 or section 2929.03 or 18384
2929.06 of the Revised Code is not eligible for parole and shall 18385
be imprisoned until death. 18386

(F) A prisoner serving a stated prison term that is a non- 18387
life felony indefinite prison term shall be released in 18388
accordance with sections 2967.271 and 2967.28 of the Revised 18389
Code. A prisoner serving a stated prison term of any other 18390

nature shall be released in accordance with section 2967.28 of 18391
the Revised Code. 18392

(G) Except as provided in section 2967.132 of the Revised 18393
Code, a prisoner serving a prison term or term of life 18394
imprisonment without parole imposed pursuant to section 2971.03 18395
of the Revised Code never becomes eligible for parole during 18396
that term of imprisonment. 18397

Sec. 2967.131. (A) In addition to any other terms and 18398
conditions of a conditional pardon or parole, of transitional 18399
control, or of another form of authorized release from 18400
confinement in a state correctional institution that is granted 18401
to an individual and that involves the placement of the 18402
individual under the supervision of the adult parole authority, 18403
and in addition to any other sanctions of post-release control 18404
of a felon imposed under section 2967.28 of the Revised Code, 18405
the authority or, in the case of a conditional pardon, the 18406
governor shall include in the terms and conditions of the 18407
conditional pardon, parole, transitional control, or other form 18408
of authorized release or shall include as conditions of the 18409
post-release control the conditions that the individual or felon 18410
not leave the state without permission of the court or the 18411
individual's or felon's parole or probation officer and that the 18412
individual or felon abide by the law during the period of the 18413
individual's or felon's conditional pardon, parole, transitional 18414
control, other form of authorized release, or post-release 18415
control. 18416

(B) (1) The department of rehabilitation and correction, as 18417
a condition of parole or post-release control, may require that 18418
the individual or felon shall not ingest or be injected with a 18419
drug of abuse and shall submit to random drug testing as 18420

provided in divisions (B) (2), (3), and (4) of this section and 18421
that the results of the drug test indicate that the individual 18422
or felon did not ingest or was not injected with a drug of 18423
abuse. 18424

(2) If the adult parole authority has general control and 18425
supervision of an individual or felon who is required to submit 18426
to random drug testing as a condition of parole or post-release 18427
control under division (B) (1) of this section, the authority may 18428
cause the individual or felon to submit to random drug testing 18429
performed by a laboratory or entity that has entered into a 18430
contract with any of the governmental entities or officers 18431
authorized to enter into a contract with that laboratory or 18432
entity under section 341.26, 753.33, or 5120.63 of the Revised 18433
Code. 18434

(3) If no laboratory or entity described in division (B) 18435
(2) of this section has entered into a contract as specified in 18436
that division, the adult parole authority shall cause the 18437
individual or felon to submit to random drug testing performed 18438
by a reputable public laboratory to determine whether the 18439
individual or felon who is the subject of the drug test ingested 18440
or was injected with a drug of abuse. 18441

(4) If a laboratory or entity has entered into a contract 18442
with a governmental entity or officer as specified in division 18443
(B) (2) of this section, the laboratory or entity shall perform 18444
the random drug testing under division (B) (2) of this section in 18445
accordance with the applicable standards that are included in 18446
the terms of that contract. A public laboratory shall perform 18447
the random drug tests under division (B) (3) of this section in 18448
accordance with the standards set forth in the policies and 18449
procedures established by the department of rehabilitation and 18450

correction pursuant to section 5120.63 of the Revised Code. An 18451
individual or felon who is required under division (B)(1) of 18452
this section to submit to random drug testing as a condition of 18453
parole or post-release control and whose test results indicate 18454
that the individual or felon ingested or was injected with a 18455
drug of abuse shall pay the fee for the drug test if the adult 18456
parole authority requires payment of a fee. A laboratory or 18457
entity that performs the random drug testing on a parolee or 18458
releasee under division (B)(2) or (3) of this section shall 18459
transmit the results of the drug test to the adult parole 18460
authority. 18461

~~(C)~~(C)(1) During the period of a conditional pardon or 18462
parole, of transitional control, or of another form of 18463
authorized release from confinement in a state correctional 18464
institution that is granted to an individual and that involves 18465
the placement of the individual under the supervision of the 18466
adult parole authority, and during a period of post-release 18467
control of a felon imposed under section 2967.28 of the Revised 18468
Code, authorized field officers of the authority who are engaged 18469
within the scope of their supervisory duties or responsibilities 18470
may search, with or without a warrant, the person of the 18471
individual or felon, the place of residence of the individual or 18472
felon, and a motor vehicle, another item of tangible or 18473
intangible personal property, or other real property in which 18474
the individual or felon has a right, title, or interest or for 18475
which the individual or felon has the express or implied 18476
permission of a person with a right, title, or interest to use, 18477
occupy, or possess, if ~~the~~ any of the following apply: 18478

(a) The field officers have reasonable grounds to believe 18479
that the individual or felon has left the state, is not abiding 18480
by the law, or otherwise is not complying with the terms and 18481

conditions of the individual's or felon's conditional pardon, 18482
parole, transitional control, other form of authorized release, 18483
or post-release control. ~~The~~ 18484

(b) The adult parole authority requires the individual's 18485
or felon's consent to searches as part of the terms and 18486
conditions of the conditional pardon or parole, of the 18487
transitional control, or of the other form of authorized release 18488
from confinement in a state correctional institution that is 18489
granted to a person and that involves the placement of the 18490
person under the supervision of the adult parole authority, and 18491
the individual or felon agreed to those terms and conditions, 18492
provided that this division applies with respect to an 18493
individual only if the individual is a felon. 18494

(c) The individual or felon otherwise provides consent for 18495
the search, provided that this division applies with respect to 18496
an individual only if the individual is a felon. 18497

(2) The adult parole authority shall provide each 18498
individual who is granted a conditional pardon or parole, 18499
transitional control, or another form of authorized release from 18500
confinement in a state correctional institution and each felon 18501
who is under post-release control with a written notice that 18502
informs the individual or felon that authorized field officers 18503
of the authority who are engaged within the scope of their 18504
supervisory duties or responsibilities may conduct ~~those~~ the 18505
types of searches described in division (C) (1) of this section 18506
during the period of the conditional pardon, parole, 18507
transitional control, other form of authorized release, or post- 18508
release control if ~~they~~ any of the following apply: 18509

(a) The field officers have reasonable grounds to believe 18510
that the individual or felon has left the state, is not abiding 18511

by the law, or otherwise is not complying with the terms and 18512
conditions of the individual's or felon's conditional pardon, 18513
parole, transitional control, other form of authorized release, 18514
or post-release control. 18515

(b) The adult parole authority requires the individual's 18516
or felon's consent to searches as part of the terms and 18517
conditions of the conditional pardon or parole, of transitional 18518
control, or of the other form of authorized release from 18519
confinement in a state correctional institution that is granted 18520
to a person and that involves the placement of the person under 18521
the supervision of the adult parole authority, and the 18522
individual or felon agreed to those terms and conditions, 18523
provided that this division applies with respect to an 18524
individual only if the individual is a felon. 18525

(c) The individual or felon otherwise provides consent for 18526
the search, provided that this division applies with respect to 18527
an individual only if the individual is a felon. 18528

Sec. 2967.132. (A) As used in this section: 18529

(1) "Aggravated homicide offense" means any of the 18530
following that involved the purposeful killing of three or more 18531
persons, when the offender is the principal offender in each 18532
offense: 18533

(a) Aggravated murder; 18534

(b) Any other offense or combination of offenses that 18535
involved the purposeful killing of three or more persons. 18536

(2) "Homicide offense" means a violation of section 18537
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a 18538
violation of section 2903.01 of the Revised Code that is not an 18539
aggravated homicide offense. 18540

(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; 18601
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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; 18603
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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; 18608
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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; 18612
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(e) Examples of the prisoner's rehabilitation, including any subsequent growth or increase in maturity during imprisonment. 18618
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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. 18621
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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 18625
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the time of the denial.

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(H) In addition to any notice required by rule or statute, the parole board shall notify the state public defender, the victim, and the appropriate prosecuting attorney of a prisoner's eligibility for review under this section at least sixty days before the board begins any review or proceedings involving that prisoner under this section.

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~~(I)~~ (I) (1) This section shall apply to determine the parole eligibility of all prisoners described in this section who committed an offense prior to, on, or after ~~the effective date of this section~~ April 12, 2021, regardless of when the prisoner committed or was sentenced for the offense and, for purposes of this section, a prisoner is "serving" a prison sentence for an offense if on or after ~~the effective date of this section~~ April 12, 2021, the prisoner is serving a prison sentence for that offense, regardless of when the sentence was imposed or the offense was committed.

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(2) The provisions of this section do not apply to an offender who is paroled on an offense committed when the offender was under eighteen years of age who subsequently returns to prison for a violation of parole committed as an adult or for a new felony conviction committed as an adult.

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Sec. 2967.193. (A) (1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A) (3) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D) (1), ~~(2), (3), (4),~~ or ~~(5)~~ (2) of this section in which the person is included, toward satisfaction of the person's stated

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prison term, as described in division (F) of this section, for 18660
each completed month during which the person, if confined in a 18661
state correctional institution, productively participates in an 18662
education program, vocational training, employment in prison 18663
industries, treatment for substance abuse, or any other 18664
constructive program developed by the department with specific 18665
standards for performance by prisoners or during which the 18666
person, if placed in the substance use disorder treatment 18667
program, productively participates in the program. Except as 18668
provided in division (C) of this section and subject to the 18669
maximum aggregate total specified in division (A) (3) of this 18670
section, a person so confined in a state correctional 18671
institution who successfully completes two programs or 18672
activities of that type may, in addition, provisionally earn up 18673
to five days of credit toward satisfaction of the person's 18674
stated prison term, as described in division (F) of this 18675
section, for the successful completion of the second program or 18676
activity. The person shall not be awarded any provisional days 18677
of credit for the successful completion of the first program or 18678
activity or for the successful completion of any program or 18679
activity that is completed after the second program or activity. 18680
At the end of each calendar month in which a person productively 18681
participates in a program or activity listed in this division or 18682
successfully completes a program or activity listed in this 18683
division, the department of rehabilitation and correction shall 18684
determine and record the total number of days credit that the 18685
person provisionally earned in that calendar month. If the 18686
person in a state correctional institution violates prison rules 18687
or the person in the substance use disorder treatment program 18688
violates program or department rules, the department may deny 18689
the person a credit that otherwise could have been provisionally 18690
awarded to the person or may withdraw one or more credits 18691

previously provisionally earned by the person. Days of credit 18692
provisionally earned by a person shall be finalized and awarded 18693
by the department subject to administrative review by the 18694
department of the person's conduct. 18695

(2) ~~Unless~~ Except as provided in division (C) of this 18696
section, unless a person is serving a mandatory prison term or a 18697
prison term for an offense of violence or a sexually oriented 18698
offense, and notwithstanding the maximum aggregate total 18699
specified in division (A) (3) of this section, a person who 18700
successfully completes any ~~of the following diploma,~~ 18701
equivalence, program, or criteria identified in divisions (A) (2) 18702
(a) to (g) of this section shall earn ninety days of credit 18703
toward satisfaction of the person's stated prison term or a ten 18704
per cent reduction of the person's stated prison term, whichever 18705
is less, for each such diploma, equivalence, program, or 18706
criteria successfully completed. The diplomas, equivalences, 18707
programs, and criteria for which credit shall be granted under 18708
this division, upon successful completion, are: 18709

(a) An Ohio high school diploma or Ohio certificate of 18710
high school equivalence certified by the Ohio central school 18711
system; 18712

(b) A therapeutic drug community program; 18713

(c) All three phases of the department of rehabilitation 18714
and correction's intensive outpatient drug treatment program; 18715

(d) A career technical vocational school program; 18716

(e) A college certification program; 18717

(f) The criteria for a certificate of achievement and 18718
employability as specified in division (A) (1) of section 2961.22 18719
of the Revised Code; 18720

(g) Any other constructive program developed by the 18721
department of rehabilitation and correction with specific 18722
standards for performance by prisoners. 18723

(3) Except for persons described in division (A) (2) of 18724
this section, the aggregate days of credit provisionally earned 18725
by a person for program or activity participation and program 18726
and activity completion under this section and the aggregate 18727
days of credit finally credited to a person under this section 18728
shall not exceed ~~eight~~ fifteen per cent of the total number of 18729
days in the person's stated prison term. 18730

(B) The department of rehabilitation and correction shall 18731
adopt rules that specify the programs or activities for which 18732
credit may be earned under this section, the criteria for 18733
determining productive participation in, or completion of, the 18734
programs or activities and the criteria for awarding credit, 18735
including criteria for awarding additional credit for successful 18736
program or activity completion, and the criteria for denying or 18737
withdrawing previously provisionally earned credit as a result 18738
of a violation of prison rules, or program or department rules, 18739
whichever is applicable. 18740

(C) No person confined in a state correctional institution 18741
or placed in a substance use disorder treatment program to whom 18742
any of the following applies shall be awarded any days of credit 18743
under division ~~(A)~~ (A) (1) or (2) of this section: 18744

(1) The person is serving a prison term that section 18745
2929.13 or section 2929.14 of the Revised Code specifies cannot 18746
be reduced pursuant to this section or this chapter or is 18747
serving a sentence for which section 2967.13 or division (B) of 18748
section 2929.143 of the Revised Code specifies that the person 18749
is not entitled to any earned credit under this section. 18750

(2) The person is sentenced to death or is serving a 18751
prison term or a term of life imprisonment for aggravated 18752
murder, murder, or a conspiracy or attempt to commit, or 18753
complicity in committing, aggravated murder or murder. 18754

(3) The person is serving a sentence of life imprisonment 18755
without parole imposed pursuant to section 2929.03 or 2929.06 of 18756
the Revised Code, a prison term or a term of life imprisonment 18757
without parole imposed pursuant to section 2971.03 of the 18758
Revised Code, or a sentence for a sexually oriented offense that 18759
was committed on or after September 30, 2011. 18760

(D) This division does not apply to a determination of 18761
whether a person confined in a state correctional institution or 18762
placed in a substance use disorder treatment program may earn 18763
any days of credit under division ~~(A)~~ (A) (1) of this section for 18764
successful completion of a second program or activity. The 18765
determination of whether a person confined in a state 18766
correctional institution may earn one day of credit or five days 18767
of credit under division ~~(A)~~ (A) (1) of this section for each 18768
completed month during which the person productively 18769
participates in a program or activity specified under that 18770
division shall be made in accordance with the following: 18771

~~(1) The offender may earn one day of credit under division~~ 18772
~~(A) of this section, except as provided in division (C) of this~~ 18773
~~section, if the most serious offense for which the offender is~~ 18774
~~confined is any of the following that is a felony of the first~~ 18775
~~or second degree:~~ 18776

~~(a) A violation of division (A) of section 2903.04 or of~~ 18777
~~section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25,~~ 18778
~~2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29,~~ 18779
~~2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151,~~ 18780

~~2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;~~ 18781
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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.~~ 18783
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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.~~ 18787
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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.~~ 18792
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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.~~ 18799
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~~(5) Except as provided in division (C) of this section, if~~ 18809

~~the most serious offense for which the offender is confined is a~~ 18810
~~felony of the third, fourth, or fifth degree or an unclassified~~ 18811
~~felony and neither division (D) (2) nor (3) of this section~~ 18812
~~applies to the offender, the offender may earn one day of credit~~ 18813
~~under division (A) of this section if the offender committed~~ 18814
~~that offense prior to September 30, 2011, and the offender may~~ 18815
~~earn five days of credit under division (A) of this section if~~ 18816
~~the offender committed that offense on or after September 30,~~ 18817
~~2011.~~ 18818

(E) The department annually shall seek and consider the 18819
written feedback of the Ohio prosecuting attorneys association, 18820
the Ohio judicial conference, the Ohio public defender, the Ohio 18821
association of criminal defense lawyers, and other organizations 18822
and associations that have an interest in the operation of the 18823
corrections system and the earned credits program under this 18824
section as part of its evaluation of the program and in 18825
determining whether to modify the program. 18826

(F) Days of credit awarded under this section shall be 18827
applied toward satisfaction of a person's stated prison term as 18828
follows: 18829

(1) Toward the definite prison term of a prisoner serving 18830
a definite prison term as a stated prison term; 18831

(2) Toward the minimum and maximum terms of a prisoner 18832
serving an indefinite prison term imposed under division (A) (1) 18833
(a) or (2) (a) of section 2929.14 of the Revised Code for a 18834
felony of the first or second degree committed on or after ~~the~~ 18835
~~effective date of this amendment~~ March 22, 2019. 18836

(G) The changes to this section that take effect on the 18837
effective date of this amendment apply to persons confined in a 18838

state correctional institution or in the substance use disorder 18839
treatment program on or after that effective date as follows: 18840

(1) Subject to division (G)(2) of this section, the 18841
changes apply to a person so confined regardless of whether the 18842
person committed the offense for which the person is confined in 18843
the institution or was placed in the program prior to, on, or 18844
after that date and regardless of whether the person was 18845
convicted of or pleaded guilty to that offense prior to, on, or 18846
after that date. 18847

(2) The changes apply to a person so confined only with 18848
respect to the time that the person is so confined on and after 18849
the effective date of this amendment, and the provisions of this 18850
section that were in effect prior to the effective date of this 18851
amendment and that applied to the person prior to that effective 18852
date apply to the person with respect to the time that the 18853
person was so confined prior to that effective date. 18854

(H) As used in this section: 18855

(1) "Sexually oriented offense" has the same meaning as in 18856
section 2950.01 of the Revised Code. 18857

(2) "Substance use disorder treatment program" means the 18858
substance use disorder treatment program established by the 18859
department of rehabilitation and correction under section 18860
5120.035 of the Revised Code. 18861

Sec. 2967.26. (A) (1) The department of rehabilitation and 18862
correction, by rule, may establish a transitional control 18863
program for the purpose of closely monitoring a prisoner's 18864
adjustment to community supervision during the final one hundred 18865
eighty days of the prisoner's confinement. If the department 18866
establishes a transitional control program under this division, 18867

the division of parole and community services of the department 18868
of rehabilitation and correction may transfer eligible prisoners 18869
to transitional control status under the program during the 18870
final one hundred eighty days of their confinement and under the 18871
terms and conditions established by the department, shall 18872
provide for the confinement as provided in this division of each 18873
eligible prisoner so transferred, and shall supervise each 18874
eligible prisoner so transferred in one or more community 18875
control sanctions. Each eligible prisoner who is transferred to 18876
transitional control status under the program shall be confined 18877
in a suitable facility that is licensed pursuant to division (C) 18878
of section 2967.14 of the Revised Code, or shall be confined in 18879
a residence the department has approved for this purpose and be 18880
monitored pursuant to an electronic monitoring device, as 18881
defined in section 2929.01 of the Revised Code. If the 18882
department establishes a transitional control program under this 18883
division, the rules establishing the program shall include 18884
criteria that define which prisoners are eligible for the 18885
program, criteria that must be satisfied to be approved as a 18886
residence that may be used for confinement under the program of 18887
a prisoner that is transferred to it and procedures for the 18888
department to approve residences that satisfy those criteria, 18889
and provisions of the type described in division (C) of this 18890
section. At a minimum, the criteria that define which prisoners 18891
are eligible for the program shall provide all of the following: 18892

(a) That a prisoner is eligible for the program if the 18893
prisoner is serving a prison term or term of imprisonment for an 18894
offense committed prior to March 17, 1998, and if, at the time 18895
at which eligibility is being determined, the prisoner would 18896
have been eligible for a furlough under this section as it 18897
existed immediately prior to March 17, 1998, or would have been 18898

eligible for conditional release under former section 2967.23 of 18899
the Revised Code as that section existed immediately prior to 18900
March 17, 1998; 18901

(b) That no prisoner who is serving a mandatory prison 18902
term is eligible for the program until after expiration of the 18903
mandatory term; 18904

(c) That no prisoner who is serving a prison term or term 18905
of life imprisonment without parole imposed pursuant to section 18906
2971.03 of the Revised Code is eligible for the program. 18907

(2) At least sixty days prior to transferring to 18908
transitional control under this section a prisoner who is 18909
serving a definite term of imprisonment or definite prison term 18910
of ~~two years or less~~ than one year for an offense committed on 18911
or after July 1, 1996, or who is serving a minimum term of ~~two~~ 18912
~~years or less~~ than one year under a non-life felony indefinite 18913
prison term, the division of parole and community services of 18914
the department of rehabilitation and correction shall give 18915
notice of the pendency of the transfer to transitional control 18916
to the court of common pleas of the county in which the 18917
indictment against the prisoner was found and of the fact that 18918
the court may disapprove the transfer of the prisoner to 18919
transitional control and shall include the institutional summary 18920
report prepared by the head of the state correctional 18921
institution in which the prisoner is confined. The head of the 18922
state correctional institution in which the prisoner is 18923
confined, upon the request of the division of parole and 18924
community services, shall provide to the division for inclusion 18925
in the notice sent to the court under this division an 18926
institutional summary report on the prisoner's conduct in the 18927
institution and in any institution from which the prisoner may 18928

have been transferred. The institutional summary report shall 18929
cover the prisoner's participation in school, vocational 18930
training, work, treatment, and other rehabilitative activities 18931
and any disciplinary action taken against the prisoner. If the 18932
court disapproves of the transfer of the prisoner to 18933
transitional control, the court shall notify the division of the 18934
disapproval within thirty days after receipt of the notice. If 18935
the court timely disapproves the transfer of the prisoner to 18936
transitional control, the division shall not proceed with the 18937
transfer. If the court does not timely disapprove the transfer 18938
of the prisoner to transitional control, the division may 18939
transfer the prisoner to transitional control. 18940

(3) (a) If the victim of an offense for which a prisoner 18941
was sentenced to a prison term or term of imprisonment has 18942
requested notification under section 2930.16 of the Revised Code 18943
and has provided the department of rehabilitation and correction 18944
with the victim's name and address or if division (A) (3) (b) of 18945
this section applies, the division of parole and community 18946
services, at least sixty days prior to transferring the prisoner 18947
to transitional control pursuant to this section, shall notify 18948
the victim of the pendency of the transfer and of the victim's 18949
right to submit a statement to the division regarding the impact 18950
of the transfer of the prisoner to transitional control. If the 18951
victim subsequently submits a statement of that nature to the 18952
division, the division shall consider the statement in deciding 18953
whether to transfer the prisoner to transitional control. 18954

(b) If a prisoner is incarcerated for the commission of 18955
aggravated murder, murder, or an offense of violence that is a 18956
felony of the first, second, or third degree or under a sentence 18957
of life imprisonment, except as otherwise provided in this 18958
division, the notice described in division (A) (3) (a) of this 18959

section shall be given regardless of whether the victim has 18960
requested the notification. The notice described in division (A) 18961
(3) (a) of this section shall not be given under this division to 18962
a victim if the victim has requested pursuant to division (B) (2) 18963
of section 2930.03 of the Revised Code that the victim not be 18964
provided the notice. If notice is to be provided to a victim 18965
under this division, the authority may give the notice by any 18966
reasonable means, including regular mail, telephone, and 18967
electronic mail, in accordance with division (D) (1) of section 18968
2930.16 of the Revised Code. If the notice is based on an 18969
offense committed prior to March 22, 2013, the notice also shall 18970
include the opt-out information described in division (D) (1) of 18971
section 2930.16 of the Revised Code. The authority, in 18972
accordance with division (D) (2) of section 2930.16 of the 18973
Revised Code, shall keep a record of all attempts to provide the 18974
notice, and of all notices provided, under this division. 18975

Division (A) (3) (b) of this section, and the notice-related 18976
provisions of divisions (E) (2) and (K) of section 2929.20, 18977
division (D) (1) of section 2930.16, division (H) of section 18978
2967.12, division (E) (1) (b) of section 2967.19 as it existed 18979
prior to the effective date of this amendment, division (D) (1) 18980
of section 2967.28, and division (A) (2) of section 5149.101 of 18981
the Revised Code enacted in the act in which division (A) (3) (b) 18982
of this section was enacted, shall be known as "Roberta's Law." 18983

(4) The department of rehabilitation and correction, at 18984
least sixty days prior to transferring a prisoner to 18985
transitional control pursuant to this section, shall post on the 18986
database it maintains pursuant to section 5120.66 of the Revised 18987
Code the prisoner's name and all of the information specified in 18988
division (A) (1) (c) (iv) of that section. In addition to and 18989
independent of the right of a victim to submit a statement as 18990

described in division (A) (3) of this section or to otherwise 18991
make a statement and in addition to and independent of any other 18992
right or duty of a person to present information or make a 18993
statement, any person may send to the division of parole and 18994
community services at any time prior to the division's transfer 18995
of the prisoner to transitional control a written statement 18996
regarding the transfer of the prisoner to transitional control. 18997
In addition to the information, reports, and statements it 18998
considers under divisions (A) (2) and (3) of this section or that 18999
it otherwise considers, the division shall consider each 19000
statement submitted in accordance with this division in deciding 19001
whether to transfer the prisoner to transitional control. 19002

(B) Each prisoner transferred to transitional control 19003
under this section shall be confined in the manner described in 19004
division (A) of this section during any period of time that the 19005
prisoner is not actually working at the prisoner's approved 19006
employment, engaged in a vocational training or another 19007
educational program, engaged in another program designated by 19008
the director, or engaged in other activities approved by the 19009
department. 19010

(C) The department of rehabilitation and correction shall 19011
adopt rules for transferring eligible prisoners to transitional 19012
control, supervising and confining prisoners so transferred, 19013
administering the transitional control program in accordance 19014
with this section, and using the moneys deposited into the 19015
transitional control fund established under division (E) of this 19016
section. 19017

(D) The department of rehabilitation and correction may 19018
adopt rules for the issuance of passes for the limited purposes 19019
described in this division to prisoners who are transferred to 19020

transitional control under this section. If the department 19021
adopts rules of that nature, the rules shall govern the granting 19022
of the passes and shall provide for the supervision of prisoners 19023
who are temporarily released pursuant to one of those passes. 19024
Upon the adoption of rules under this division, the department 19025
may issue passes to prisoners who are transferred to 19026
transitional control status under this section in accordance 19027
with the rules and the provisions of this division. All passes 19028
issued under this division shall be for a maximum of forty-eight 19029
hours and may be issued only for the following purposes: 19030

- (1) To visit a relative in imminent danger of death; 19031
- (2) To have a private viewing of the body of a deceased 19032
relative; 19033
- (3) To visit with family; 19034
- (4) To otherwise aid in the rehabilitation of the 19035
prisoner. 19036

(E) The division of parole and community services may 19037
require a prisoner who is transferred to transitional control to 19038
pay to the division the reasonable expenses incurred by the 19039
division in supervising or confining the prisoner while under 19040
transitional control. Inability to pay those reasonable expenses 19041
shall not be grounds for refusing to transfer an otherwise 19042
eligible prisoner to transitional control. Amounts received by 19043
the division of parole and community services under this 19044
division shall be deposited into the transitional control fund, 19045
which is hereby created in the state treasury and which hereby 19046
replaces and succeeds the furlough services fund that formerly 19047
existed in the state treasury. All moneys that remain in the 19048
furlough services fund on March 17, 1998, shall be transferred 19049

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. 19079

(3) "Felony sex offense" means a violation of a section 19080
contained in Chapter 2907. of the Revised Code that is a felony. 19081

(4) "Risk reduction sentence" means a prison term imposed 19082
by a court, when the court recommends pursuant to section 19083
2929.143 of the Revised Code that the offender serve the 19084
sentence under section 5120.036 of the Revised Code, and the 19085
offender may potentially be released from imprisonment prior to 19086
the expiration of the prison term if the offender successfully 19087
completes all assessment and treatment or programming required 19088
by the department of rehabilitation and correction under section 19089
5120.036 of the Revised Code. 19090

(5) "Victim's immediate family" has the same meaning as in 19091
section 2967.12 of the Revised Code. 19092

(6) "Minor drug possession offense" has the same meaning 19093
as in section 2925.11 of the Revised Code. 19094

(7) "Single validated risk assessment tool" means the 19095
single validated risk assessment tool selected by the department 19096
of rehabilitation and correction under section 5120.114 of the 19097
Revised Code. 19098

(B) Each sentence to a prison term, other than a term of 19099
life imprisonment, for a felony of the first degree, for a 19100
felony of the second degree, for a felony sex offense, or for a 19101
felony of the third degree that is an offense of violence and is 19102
not a felony sex offense shall include a requirement that the 19103
offender be subject to a period of post-release control imposed 19104
by the parole board after the offender's release from 19105
imprisonment. This division applies with respect to all prison 19106
terms of a type described in this division, including a term of 19107

any such type that is a risk reduction sentence. If a court 19108
imposes a sentence including a prison term of a type described 19109
in this division on or after July 11, 2006, the failure of a 19110
sentencing court to notify the offender pursuant to division (B) 19111
(2) (d) of section 2929.19 of the Revised Code of this 19112
requirement or to include in the judgment of conviction entered 19113
on the journal a statement that the offender's sentence includes 19114
this requirement does not negate, limit, or otherwise affect the 19115
mandatory period of supervision that is required for the 19116
offender under this division. This division applies with respect 19117
to all prison terms of a type described in this division, 19118
including a non-life felony indefinite prison term. Section 19119
2929.191 of the Revised Code applies if, prior to July 11, 2006, 19120
a court imposed a sentence including a prison term of a type 19121
described in this division and failed to notify the offender 19122
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 19123
Code regarding post-release control or to include in the 19124
judgment of conviction entered on the journal or in the sentence 19125
pursuant to division (D) (1) of section 2929.14 of the Revised 19126
Code a statement regarding post-release control. Unless reduced 19127
by the parole board pursuant to division (D) of this section 19128
when authorized under that division, a period of post-release 19129
control required by this division for an offender shall be of 19130
one of the following periods: 19131

(1) For a felony sex offense, five years; 19132

(2) For a felony of the first degree that is not a felony 19133
sex offense, up to five years, but not less than two years; 19134

(3) For a felony of the second degree that is not a felony 19135
sex offense, up to three years, but not less than eighteen 19136
months; 19137

(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. 19138
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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. 19141
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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 19163
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prison term under a risk reduction sentence, may impose on a 19169
prisoner described in division (C) of this section who is not to 19170
be released before the expiration of the prisoner's stated 19171
prison term under a risk reduction sentence, and shall impose on 19172
a prisoner described in division (B) (2) (b) of section 5120.031 19173
or in division (B) (1) of section 5120.032 of the Revised Code, 19174
one or more post-release control sanctions to apply during the 19175
prisoner's period of post-release control. Whenever the board or 19176
court imposes one or more post-release control sanctions on a 19177
prisoner, the board or court, in addition to imposing the 19178
sanctions, also shall include as a condition of the post-release 19179
control that the offender not leave the state without permission 19180
of the court or the offender's parole or probation officer and 19181
that the offender abide by the law. The board or court may 19182
impose any other conditions of release under a post-release 19183
control sanction that the board or court considers appropriate, 19184
and the conditions of release may include any community 19185
residential sanction, community nonresidential sanction, or 19186
financial sanction that the sentencing court was authorized to 19187
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 19188
Revised Code. Prior to the release of a prisoner for whom it 19189
will impose one or more post-release control sanctions under 19190
this division, the parole board or court shall review the 19191
prisoner's criminal history, results from the single validated 19192
risk assessment tool, and the record of the prisoner's conduct 19193
while imprisoned. The parole board or court shall consider any 19194
recommendation regarding post-release control sanctions for the 19195
prisoner made by the office of victims' services. After 19196
considering those materials, the board or court shall determine, 19197
for a prisoner described in division (B) of this section, 19198
division (B) (2) (b) of section 5120.031, or division (B) (1) of 19199
section 5120.032 of the Revised Code and for a prisoner 19200

described in division (C) of this section who is to be released 19201
before the expiration of the prisoner's stated prison term under 19202
a risk reduction sentence, which post-release control sanction 19203
or combination of post-release control sanctions is reasonable 19204
under the circumstances or, for a prisoner described in division 19205
(C) of this section who is not to be released before the 19206
expiration of the prisoner's stated prison term under a risk 19207
reduction sentence, whether a post-release control sanction is 19208
necessary and, if so, which post-release control sanction or 19209
combination of post-release control sanctions is reasonable 19210
under the circumstances. In the case of a prisoner convicted of 19211
a felony of the fourth or fifth degree other than a felony sex 19212
offense, the board or court shall presume that monitored time is 19213
the appropriate post-release control sanction unless the board 19214
or court determines that a more restrictive sanction is 19215
warranted. A post-release control sanction imposed under this 19216
division takes effect upon the prisoner's release from 19217
imprisonment. 19218

Regardless of whether the prisoner was sentenced to the 19219
prison term prior to, on, or after July 11, 2006, prior to the 19220
release of a prisoner for whom it will impose one or more post- 19221
release control sanctions under this division, the parole board 19222
shall notify the prisoner that, if the prisoner violates any 19223
sanction so imposed or any condition of post-release control 19224
described in division (B) of section 2967.131 of the Revised 19225
Code that is imposed on the prisoner, the parole board may 19226
impose a prison term of up to one-half of the stated prison term 19227
originally imposed on the prisoner. 19228

At least thirty days before the prisoner is released from 19229
imprisonment under post-release control, except as otherwise 19230
provided in this paragraph, the department of rehabilitation and 19231

correction shall notify the victim and the victim's immediate family of the date on which the prisoner will be released, the period for which the prisoner will be under post-release control supervision, and the terms and conditions of the prisoner's post-release control regardless of whether the victim or victim's immediate family has requested the notification. The notice described in this paragraph shall not be given to a victim or victim's immediate family if the victim or the victim's immediate family has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the notice not be provided to the victim or the victim's immediate family. At least thirty days before the prisoner is released from imprisonment and regardless of whether the victim or victim's immediate family has requested that the notice described in this paragraph be provided or not be provided to the victim or the victim's immediate family, the department also shall provide notice of that nature to the prosecuting attorney in the case and the law enforcement agency that arrested the prisoner if any officer of that agency was a victim of the offense.

If the notice given under the preceding paragraph to the victim or the victim's immediate family is based on an offense committed prior to March 22, 2013, and if the department of rehabilitation and correction has not previously successfully provided any notice to the victim or the victim's immediate family under division (B), (C), or (D) of section 2930.16 of the Revised Code with respect to that offense and the offender who committed it, the notice also shall inform the victim or the victim's immediate family that the victim or the victim's immediate family may request that the victim or the victim's immediate family not be provided any further notices with respect to that offense and the offender who committed it and

shall describe the procedure for making that request. The 19263
department may give the notices to which the preceding paragraph 19264
applies by any reasonable means, including regular mail, 19265
telephone, and electronic mail. If the department attempts to 19266
provide notice to any specified person under the preceding 19267
paragraph but the attempt is unsuccessful because the department 19268
is unable to locate the specified person, is unable to provide 19269
the notice by its chosen method because it cannot determine the 19270
mailing address, electronic mail address, or telephone number at 19271
which to provide the notice, or, if the notice is sent by mail, 19272
the notice is returned, the department shall make another 19273
attempt to provide the notice to the specified person. If the 19274
second attempt is unsuccessful, the department shall make at 19275
least one more attempt to provide the notice. If the notice is 19276
based on an offense committed prior to March 22, 2013, in each 19277
attempt to provide the notice to the victim or victim's 19278
immediate family, the notice shall include the opt-out 19279
information described in this paragraph. The department, in the 19280
manner described in division (D)(2) of section 2930.16 of the 19281
Revised Code, shall keep a record of all attempts to provide the 19282
notice, and of all notices provided, under this paragraph and 19283
the preceding paragraph. The record shall be considered as if it 19284
was kept under division (D)(2) of section 2930.16 of the Revised 19285
Code. This paragraph, the preceding paragraph, and the notice- 19286
related provisions of divisions (E)(2) and (K) of section 19287
2929.20, division (D)(1) of section 2930.16, division (H) of 19288
section 2967.12, division (E)(1)(b) of section 2967.19 as it 19289
existed prior to the effective date of this amendment, division 19290
(A)(3)(b) of section 2967.26, and division (A)(2) of section 19291
5149.101 of the Revised Code enacted in the act in which this 19292
paragraph and the preceding paragraph were enacted, shall be 19293
known as "Roberta's Law." 19294

(2) If a prisoner who is placed on post-release control 19295
under this section is released before the expiration of the 19296
definite term that is the prisoner's stated prison term or the 19297
expiration of the minimum term that is part of the prisoner's 19298
indefinite prison term imposed under a non-life felony 19299
indefinite prison term by reason of credit earned under section 19300
2967.193 or a reduction under division (F) of section 2967.271 19301
of the Revised Code and if the prisoner earned sixty or more 19302
days of credit, the adult parole authority may supervise the 19303
offender with an active global positioning system device for the 19304
first fourteen days after the offender's release from 19305
imprisonment. This division does not prohibit or limit the 19306
imposition of any post-release control sanction otherwise 19307
authorized by this section. 19308

(3) After a prisoner is released from imprisonment and 19309
during the period of post-release control applicable to the 19310
releasee, the adult parole authority or, pursuant to an 19311
agreement under section 2967.29 of the Revised Code, the court 19312
may review the releasee's behavior under the post-release 19313
control sanctions imposed upon the releasee under this section. 19314
The authority or court may determine, based upon the review and 19315
in accordance with the standards established under division (E) 19316
of this section, that the releasee has satisfactorily complied 19317
with the sanctions imposed, and if such a determination is made, 19318
the authority may recommend a less restrictive sanction, reduce 19319
the period of post-release control, or, no sooner than the 19320
minimum period of time required under section 2967.16 of the 19321
Revised Code, recommend that the parole board or court terminate 19322
the duration of the period of post-release control. In no case 19323
shall the board or court reduce the duration of the period of 19324
control imposed for a felony sex offense described in division 19325

(B) (1) of this section. 19326

(4) The department of rehabilitation and correction shall 19327
develop factors that the parole board or court shall consider in 19328
determining under division (D) (3) of this section whether to 19329
terminate the period of control imposed on a releasee. 19330

(E) The department of rehabilitation and correction, in 19331
accordance with Chapter 119. of the Revised Code, shall adopt 19332
rules that do all of the following: 19333

(1) Establish standards for the imposition by the parole 19334
board of post-release control sanctions under this section that 19335
are consistent with the overriding purposes and sentencing 19336
principles set forth in section 2929.11 of the Revised Code and 19337
that are appropriate to the needs of releasees; 19338

(2) Establish standards that provide for a period of post- 19339
release control of up to two years for all prisoners described 19340
in division (C) of this section who are to be released before 19341
the expiration of their stated prison term under a risk 19342
reduction sentence and standards by which the parole board can 19343
determine which prisoners described in division (C) of this 19344
section who are not to be released before the expiration of 19345
their stated prison term under a risk reduction sentence should 19346
be placed under a period of post-release control; 19347

(3) Establish standards to be used by the parole board in 19348
reducing or terminating the duration of the period of post- 19349
release control imposed by the court when authorized under 19350
division (D) of this section, in imposing a more restrictive 19351
post-release control sanction than monitored time on a prisoner 19352
convicted of a felony of the fourth or fifth degree other than a 19353
felony sex offense, or in imposing a less restrictive control 19354

sanction on a releasee based on results from the single 19355
validated risk assessment tool and on the releasee's activities 19356
including, but not limited to, remaining free from criminal 19357
activity and from the abuse of alcohol or other drugs, 19358
successfully participating in approved rehabilitation programs, 19359
maintaining employment, and paying restitution to the victim or 19360
meeting the terms of other financial sanctions; 19361

(4) Establish standards to be used by the adult parole 19362
authority in modifying a releasee's post-release control 19363
sanctions pursuant to division (D) (2) of this section; 19364

(5) Establish standards to be used by the adult parole 19365
authority or parole board in imposing further sanctions under 19366
division (F) of this section on releasees who violate post- 19367
release control sanctions, including standards that do the 19368
following: 19369

(a) Classify violations according to the degree of 19370
seriousness; 19371

(b) Define the circumstances under which formal action by 19372
the parole board is warranted; 19373

(c) Govern the use of evidence at violation hearings; 19374

(d) Ensure procedural due process to an alleged violator; 19375

(e) Prescribe nonresidential community control sanctions 19376
for most misdemeanor and technical violations; 19377

(f) Provide procedures for the return of a releasee to 19378
imprisonment for violations of post-release control. 19379

(F) (1) Whenever the parole board imposes one or more post- 19380
release control sanctions on an offender under this section, the 19381
offender upon release from imprisonment shall be under the 19382

general jurisdiction of the adult parole authority and generally 19383
shall be supervised by the field services section through its 19384
staff of parole and field officers as described in section 19385
5149.04 of the Revised Code, as if the offender had been placed 19386
on parole. If the offender upon release from imprisonment 19387
violates the post-release control sanction or any conditions 19388
described in division (A) of section 2967.131 of the Revised 19389
Code that are imposed on the offender, the public or private 19390
person or entity that operates or administers the sanction or 19391
the program or activity that comprises the sanction shall report 19392
the violation directly to the adult parole authority or to the 19393
officer of the authority who supervises the offender. The 19394
authority's officers may treat the offender as if the offender 19395
were on parole and in violation of the parole, and otherwise 19396
shall comply with this section. 19397

(2) If the adult parole authority or, pursuant to an 19398
agreement under section 2967.29 of the Revised Code, the court 19399
determines that a releasee has violated a post-release control 19400
sanction or any conditions described in division (A) of section 19401
2967.131 of the Revised Code imposed on the releasee and that a 19402
more restrictive sanction is appropriate, the authority or court 19403
may impose a more restrictive sanction on the releasee, in 19404
accordance with the standards established under division (E) of 19405
this section or in accordance with the agreement made under 19406
section 2967.29 of the Revised Code, or may report the violation 19407
to the parole board for a hearing pursuant to division (F) (3) of 19408
this section. The authority or court may not, pursuant to this 19409
division, increase the duration of the releasee's post-release 19410
control or impose as a post-release control sanction a 19411
residential sanction that includes a prison term, but the 19412
authority or court may impose on the releasee any other 19413

residential sanction, nonresidential sanction, or financial 19414
sanction that the sentencing court was authorized to impose 19415
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 19416
Revised Code. 19417

(3) The parole board or, pursuant to an agreement under 19418
section 2967.29 of the Revised Code, the court may hold a 19419
hearing on any alleged violation by a releasee of a post-release 19420
control sanction or any conditions described in division (A) of 19421
section 2967.131 of the Revised Code that are imposed upon the 19422
releasee. ~~If~~ Except as otherwise provided in this division, if 19423
after the hearing the board or court finds that the releasee 19424
violated the sanction or condition, the board or court may 19425
increase the duration of the releasee's post-release control up 19426
to the maximum duration authorized by division (B) or (C) of 19427
this section or impose a more restrictive post-release control 19428
sanction. If a releasee was acting pursuant to division (B) (2) 19429
(b) of section 2925.11 or a related provision of section 19430
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 19431
doing violated the conditions of a post-release control sanction 19432
based on a minor drug possession offense, as defined in that 19433
section, or violated section 2925.12, division (C) (1) of section 19434
2925.14, or section 2925.141 of the Revised Code, the board or 19435
the court ~~may consider the releasee's conduct in seeking or~~ 19436
~~obtaining medical assistance for another in good faith or for~~ 19437
~~self or may consider the releasee being the subject of another~~ 19438
~~person seeking or obtaining medical assistance in accordance~~ 19439
~~with that division as a mitigating factor before imposing~~ shall 19440
not impose any of the penalties described in this division based 19441
on the violation. When appropriate, the board or court may 19442
impose as a post-release control sanction a residential sanction 19443
that includes a prison term. The board or court shall consider a 19444

prison term as a post-release control sanction imposed for a 19445
violation of post-release control when the violation involves a 19446
deadly weapon or dangerous ordnance, physical harm or attempted 19447
serious physical harm to a person, or sexual misconduct. Unless 19448
a releasee's stated prison term was reduced pursuant to section 19449
5120.032 of the Revised Code, the period of a prison term that 19450
is imposed as a post-release control sanction under this 19451
division shall not exceed nine months, and the maximum 19452
cumulative prison term for all violations under this division 19453
shall not exceed one-half of the definite prison term that was 19454
the stated prison term originally imposed on the offender as 19455
part of this sentence or, with respect to a stated non-life 19456
felony indefinite prison term, one-half of the minimum prison 19457
term that was imposed as part of that stated prison term 19458
originally imposed on the offender. If a releasee's stated 19459
prison term was reduced pursuant to section 5120.032 of the 19460
Revised Code, the period of a prison term that is imposed as a 19461
post-release control sanction under this division and the 19462
maximum cumulative prison term for all violations under this 19463
division shall not exceed the period of time not served in 19464
prison under the sentence imposed by the court. The period of a 19465
prison term that is imposed as a post-release control sanction 19466
under this division shall not count as, or be credited toward, 19467
the remaining period of post-release control. If, during the 19468
period of the releasee's post-release control, the releasee 19469
serves as a post-release control sanction the maximum prison 19470
time available as a sanction, the post-release control shall 19471
terminate. 19472

If an offender is imprisoned for a felony committed while 19473
under post-release control supervision and is again released on 19474
post-release control for a period of time, the maximum 19475

cumulative prison term for all violations under this division 19476
shall not exceed one-half of the total stated prison terms of 19477
the earlier felony, reduced by any prison term administratively 19478
imposed by the parole board or court, plus one-half of the total 19479
stated prison term of the new felony. 19480

(G) (1) If an offender is simultaneously subject to a 19481
period of parole under an indefinite or life sentence and a 19482
period of post-release control, or is simultaneously subject to 19483
two periods of post-release control, the period of supervision 19484
that expires last shall determine the length and form of 19485
supervision for all the periods and the related sentences. 19486

(2) An offender shall receive credit for post-release 19487
control supervision during the period of parole, and shall not 19488
be eligible for final release under section 2967.16 of the 19489
Revised Code until the post-release control period otherwise 19490
would have ended. 19491

(3) If the period of parole ends prior to the end of the 19492
period of post-release control, the requirements of parole 19493
supervision shall be satisfied during the post-release control 19494
period. 19495

(H) (1) A period of post-release control shall not be 19496
imposed consecutively to any other post-release control period. 19497

(2) The period of post-release control for a releasee who 19498
commits a felony while under post-release control for an earlier 19499
felony shall be the longer of the period of post-release control 19500
specified for the new felony under division (B) or (C) of this 19501
section or the time remaining under the period of post-release 19502
control imposed for the earlier felony as determined by the 19503
parole board or court. 19504

Sec. 3770.021. Except as otherwise provided in this 19505
section, no person shall be employed by or continue employment 19506
with the state lottery commission who has been convicted in any 19507
jurisdiction of a felony, or of a misdemeanor of the first, 19508
second, or third degree, involving gambling, fraud or 19509
misrepresentation, theft, or any crime of moral turpitude, as 19510
long as the record of the conviction has not been sealed or 19511
expunged pursuant to Chapter 2953. of the Revised Code or 19512
pursuant to a statute of another jurisdiction that governs the 19513
sealing or expungement of criminal records. The director of the 19514
commission may adopt internal management rules designating 19515
vehicular offenses, conviction of which will disqualify persons 19516
from employment with the commission; specifying time periods 19517
after which persons who have been convicted of the offenses 19518
described in this section may be employed by the commission; and 19519
establishing requirements for an applicant or employee to seek a 19520
court order to have the records sealed or expunged in accordance 19521
with law relating to the sealing or expungement of criminal 19522
records. 19523

Sec. 4301.69. (A) Except as otherwise provided in this 19524
chapter, no person shall sell beer or intoxicating liquor to an 19525
underage person, shall buy beer or intoxicating liquor for an 19526
underage person, or shall furnish it to an underage person, 19527
unless given by a physician in the regular line of the 19528
physician's practice or given for established religious purposes 19529
or unless the underage person is supervised by a parent, spouse 19530
who is not an underage person, or legal guardian. 19531

In proceedings before the liquor control commission, no 19532
permit holder, or no employee or agent of a permit holder, 19533
charged with a violation of this division shall be charged, for 19534
the same offense, with a violation of division (A) (1) of section 19535

4301.22 of the Revised Code. 19536

(B) No person who is the owner or occupant of any public 19537
or private place shall knowingly allow any underage person to 19538
remain in or on the place while possessing or consuming beer or 19539
intoxicating liquor, unless the intoxicating liquor or beer is 19540
given to the person possessing or consuming it by that person's 19541
parent, spouse who is not an underage person, or legal guardian 19542
and the parent, spouse who is not an underage person, or legal 19543
guardian is present at the time of the person's possession or 19544
consumption of the beer or intoxicating liquor. 19545

An owner of a public or private place is not liable for 19546
acts or omissions in violation of this division that are 19547
committed by a lessee of that place, unless the owner authorizes 19548
or acquiesces in the lessee's acts or omissions. 19549

(C) No person shall engage or use accommodations at a 19550
hotel, inn, cabin, campground, or restaurant when the person 19551
knows or has reason to know either of the following: 19552

(1) That beer or intoxicating liquor will be consumed by 19553
an underage person on the premises of the accommodations that 19554
the person engages or uses, unless the person engaging or using 19555
the accommodations is the spouse of the underage person and is 19556
not an underage person, or is the parent or legal guardian of 19557
all of the underage persons, who consume beer or intoxicating 19558
liquor on the premises and that person is on the premises at all 19559
times when beer or intoxicating liquor is being consumed by an 19560
underage person; 19561

(2) That a drug of abuse will be consumed on the premises 19562
of the accommodations by any person, except a person who 19563
obtained the drug of abuse pursuant to a prescription issued by 19564

a licensed health professional authorized to prescribe drugs and 19565
has the drug of abuse in the original container in which it was 19566
dispensed to the person. 19567

(D) (1) No person is required to permit the engagement of 19568
accommodations at any hotel, inn, cabin, or campground by an 19569
underage person or for an underage person, if the person 19570
engaging the accommodations knows or has reason to know that the 19571
underage person is intoxicated, or that the underage person 19572
possesses any beer or intoxicating liquor and is not supervised 19573
by a parent, spouse who is not an underage person, or legal 19574
guardian who is or will be present at all times when the beer or 19575
intoxicating liquor is being consumed by the underage person. 19576

(2) No underage person shall knowingly engage or attempt 19577
to engage accommodations at any hotel, inn, cabin, or campground 19578
by presenting identification that falsely indicates that the 19579
underage person is twenty-one years of age or older for the 19580
purpose of violating this section. 19581

(E) (1) No underage person shall knowingly order, pay for, 19582
share the cost of, attempt to purchase, possess, or consume any 19583
beer or intoxicating liquor in any public or private place. No 19584
underage person shall knowingly be under the influence of any 19585
beer or intoxicating liquor in any public place. The 19586
prohibitions set forth in division (E) (1) of this section 19587
against an underage person knowingly possessing, consuming, or 19588
being under the influence of any beer or intoxicating liquor 19589
shall not apply if the underage person is supervised by a 19590
parent, spouse who is not an underage person, or legal guardian, 19591
or the beer or intoxicating liquor is given by a physician in 19592
the regular line of the physician's practice or given for 19593
established religious purposes. 19594

(2) (a) If a person is charged with violating division (E) 19595
(1) of this section in a complaint filed under section 2151.27 19596
of the Revised Code, the court may order the child into a 19597
diversion program specified by the court and hold the complaint 19598
in abeyance pending successful completion of the diversion 19599
program. A child is ineligible to enter into a diversion program 19600
under division (E) (2) (a) of this section if the child previously 19601
has been diverted pursuant to division (E) (2) (a) of this 19602
section. If the child completes the diversion program to the 19603
satisfaction of the court, the court shall dismiss the complaint 19604
and order the child's record in the case sealed under sections 19605
2151.356 to 2151.358 of the Revised Code. If the child fails to 19606
satisfactorily complete the diversion program, the court shall 19607
proceed with the complaint. 19608

(b) If a person is charged in a criminal complaint with 19609
violating division (E) (1) of this section, section 2935.36 of 19610
the Revised Code shall apply to the offense, except that a 19611
person is ineligible for diversion under that section if the 19612
person previously has been diverted pursuant to division (E) (2) 19613
(a) or (b) of this section. If the person completes the 19614
diversion program to the satisfaction of the court, the court 19615
shall dismiss the complaint and order the record in the case 19616
sealed under section ~~2953.52~~ 2953.33 of the Revised Code. If the 19617
person fails to satisfactorily complete the diversion program, 19618
the court shall proceed with the complaint. 19619

(F) No parent, spouse who is not an underage person, or 19620
legal guardian of a minor shall knowingly permit the minor to 19621
violate this section or section 4301.63, 4301.633, or 4301.634 19622
of the Revised Code. 19623

(G) The operator of any hotel, inn, cabin, or campground 19624

shall make the provisions of this section available in writing 19625
to any person engaging or using accommodations at the hotel, 19626
inn, cabin, or campground. 19627

(H) As used in this section: 19628

(1) "Drug of abuse" has the same meaning as in section 19629
3719.011 of the Revised Code. 19630

(2) "Hotel" has the same meaning as in section 3731.01 of 19631
the Revised Code. 19632

(3) "Licensed health professional authorized to prescribe 19633
drugs" and "prescription" have the same meanings as in section 19634
4729.01 of the Revised Code. 19635

(4) "Minor" means a person under the age of eighteen 19636
years. 19637

(5) "Underage person" means a person under the age of 19638
twenty-one years. 19639

Sec. 4301.99. (A) Whoever violates section 4301.47, 19640
4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 19641
4301.65 or division (B) of section 4301.691 of the Revised Code 19642
is guilty of a minor misdemeanor. 19643

(B) Whoever violates section 4301.15, division (A) (2) or 19644
(C) of section 4301.22, division (C), (D), (E), (F), (G), (H), 19645
or (I) of section 4301.631, or section 4301.64 or 4301.67 of the 19646
Revised Code is guilty of a misdemeanor of the fourth degree. 19647

If an offender who violates section 4301.64 of the Revised 19648
Code was under the age of eighteen years at the time of the 19649
offense, the court, in addition to any other penalties it 19650
imposes upon the offender, may suspend the offender's temporary 19651
instruction permit, probationary driver's license, or driver's 19652

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~~ 19684
~~offender shall not be eligible to be issued a temporary~~ 19685
~~instruction permit until the offender attains the age of sixteen~~ 19686
~~years.~~ 19687

(D) Whoever violates division (B) of section 4301.14, ~~or~~ 19688
division (A) (1) or (3) or (B) of section 4301.22, division (E) 19689
(1) of section 4301.69, or division (C) or (D) of section 19690
4301.691 of the Revised Code is guilty of a misdemeanor of the 19691
third degree. 19692

If an offender who violates division (E) (1) of section 19693
4301.69 of the Revised Code was under the age of eighteen years 19694
at the time of the offense and the offense occurred while the 19695
offender was the operator of or a passenger in a motor vehicle, 19696
the court, in addition to any other penalties it imposes upon 19697
the offender, shall suspend the offender's temporary instruction 19698
permit or probationary driver's license for a period of not less 19699
than six months and not more than one year. If the offender is 19700
fifteen years and six months of age or older and has not been 19701
issued a temporary instruction permit or probationary driver's 19702
license, the offender shall not be eligible to be issued such a 19703
license or permit for a period of six months. If the offender 19704
has not attained the age of fifteen years and six months, the 19705
offender shall not be eligible to be issued a temporary 19706
instruction permit until the offender attains the age of sixteen 19707
years. 19708

(E) Whoever violates section 4301.63 or division (B) of 19709
section 4301.631 of the Revised Code shall be fined not less 19710
than twenty-five nor more than one hundred dollars. The court 19711
imposing a fine for a violation of section 4301.63 or division 19712
(B) of section 4301.631 of the Revised Code may order that the 19713

fine be paid by the performance of public work at a reasonable 19714
hourly rate established by the court. The court shall designate 19715
the time within which the public work shall be completed. 19716

(F) (1) Whoever violates section 4301.634 of the Revised 19717
Code is guilty of a misdemeanor of the first degree. If, in 19718
committing a first violation of that section, the offender 19719
presented to the permit holder or the permit holder's employee 19720
or agent a false, fictitious, or altered identification card, a 19721
false or fictitious driver's license purportedly issued by any 19722
state, or a driver's license issued by any state that has been 19723
altered, the offender is guilty of a misdemeanor of the first 19724
degree and shall be fined not less than two hundred fifty and 19725
not more than one thousand dollars, and may be sentenced to a 19726
term of imprisonment of not more than six months. 19727

(2) On a second violation in which, for the second time, 19728
the offender presented to the permit holder or the permit 19729
holder's employee or agent a false, fictitious, or altered 19730
identification card, a false or fictitious driver's license 19731
purportedly issued by any state, or a driver's license issued by 19732
any state that has been altered, the offender is guilty of a 19733
misdemeanor of the first degree and shall be fined not less than 19734
five hundred nor more than one thousand dollars, and may be 19735
sentenced to a term of imprisonment of not more than six months. 19736
The court also may impose a class seven suspension of the 19737
offender's driver's or commercial driver's license or permit or 19738
nonresident operating privilege from the range specified in 19739
division (A) (7) of section 4510.02 of the Revised Code. 19740

(3) On a third or subsequent violation in which, for the 19741
third or subsequent time, the offender presented to the permit 19742
holder or the permit holder's employee or agent a false, 19743

fictitious, or altered identification card, a false or 19744
fictitious driver's license purportedly issued by any state, or 19745
a driver's license issued by any state that has been altered, 19746
the offender is guilty of a misdemeanor of the first degree and 19747
shall be fined not less than five hundred nor more than one 19748
thousand dollars, and may be sentenced to a term of imprisonment 19749
of not more than six months. Except as provided in this 19750
division, the court also may impose a class six suspension of 19751
the offender's driver's or commercial driver's license or permit 19752
or nonresident operating privilege from the range specified in 19753
division (A) (6) of section 4510.02 of the Revised Code, and the 19754
court may order that the suspension or denial remain in effect 19755
until the offender attains the age of twenty-one years. The 19756
court, in lieu of suspending the offender's temporary 19757
instruction permit, probationary driver's license, or driver's 19758
license, instead may order the offender to perform a determinate 19759
number of hours of community service, with the court determining 19760
the actual number of hours and the nature of the community 19761
service the offender shall perform. 19762

(G) Whoever violates section 4301.636 of the Revised Code 19763
is guilty of a felony of the fifth degree. 19764

(H) Whoever violates division (A) (1) of section 4301.22 of 19765
the Revised Code is guilty of a misdemeanor, shall be fined not 19766
less than five hundred and not more than one thousand dollars, 19767
and, in addition to the fine, may be imprisoned for a definite 19768
term of not more than sixty days. 19769

(I) Whoever violates division (A) of section 4301.69 or 19770
division (H) of section 4301.691 of the Revised Code is guilty 19771
of a misdemeanor, shall be fined not less than five hundred and 19772
not more than one thousand dollars, and, in addition to the 19773

fine, may be imprisoned for a definite term of not more than six months. 19774
19775

(J) Whoever violates division (B) of section 4301.65 of the Revised Code is guilty of a misdemeanor of the third degree. 19776
For a second or subsequent violation occurring within a period 19777
of five consecutive years after the first violation, a person is 19778
guilty of a misdemeanor of the first degree. 19779
19780

Sec. 4506.01. As used in this chapter: 19781

(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: 19782
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19784

(1) One hundred milliliters of whole blood, blood serum, or blood plasma; 19785
19786

(2) Two hundred ten liters of breath; 19787

(3) One hundred milliliters of urine. 19788

(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. 19789
19790
19791

(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. 19792
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19794
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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: 19796
19797
19798
19799

(1) Any combination of vehicles with a gross vehicle 19800

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;	19829
(3) Any drug of abuse.	19830
(F) "Conviction" means an unvacated adjudication of guilt	19831
or a determination that a person has violated or failed to	19832
comply with the law in a court of original jurisdiction or an	19833
authorized administrative tribunal, an unvacated forfeiture of	19834
bail or collateral deposited to secure the person's appearance	19835
in court, a plea of guilty or nolo contendere accepted by the	19836
court, the payment of a fine or court cost, or violation of a	19837
condition of release without bail, regardless of whether or not	19838
the penalty is rebated, suspended, or probated.	19839
(G) "Disqualification" means any of the following:	19840
(1) The suspension, revocation, or cancellation of a	19841
person's privileges to operate a commercial motor vehicle;	19842
(2) Any withdrawal of a person's privileges to operate a	19843
commercial motor vehicle as the result of a violation of state	19844
or local law relating to motor vehicle traffic control other	19845
than parking, vehicle weight, or vehicle defect violations;	19846
(3) A determination by the federal motor carrier safety	19847
administration that a person is not qualified to operate a	19848
commercial motor vehicle under 49 C.F.R. 391.	19849
(H) "Domiciled" means having a true, fixed, principal, and	19850
permanent residence to which an individual intends to return.	19851
(I) "Downgrade" means any of the following, as applicable:	19852
(1) A change in the commercial driver's license, or	19853
commercial driver's license temporary instruction permit,	19854
holder's self-certified status as described in division (A) (1)	19855
of section 4506.10 of the Revised Code;	19856

- (2) A change to a lesser class of vehicle; 19857
- (3) Removal of commercial driver's license privileges from 19858
the individual's driver's license. 19859
- (J) "Drive" means to drive, operate, or be in physical 19860
control of a motor vehicle. 19861
- (K) "Driver" means any person who drives, operates, or is 19862
in physical control of a commercial motor vehicle or is required 19863
to have a commercial driver's license. 19864
- (L) "Driver's license" means a license issued by the 19865
bureau of motor vehicles that authorizes an individual to drive. 19866
- (M) "Drug of abuse" means any controlled substance, 19867
dangerous drug as defined in section 4729.01 of the Revised 19868
Code, harmful intoxicant as defined in section 2925.01 of the 19869
Revised Code, or over-the-counter medication that, when taken in 19870
quantities exceeding the recommended dosage, can result in 19871
impairment of judgment or reflexes. 19872
- (N) "Electronic device" includes a cellular telephone, a 19873
personal digital assistant, a pager, a computer, and any other 19874
device used to input, write, send, receive, or read text. 19875
- (O) "Eligible unit of local government" means a village, 19876
township, or county that has a population of not more than three 19877
thousand persons according to the most recent federal census. 19878
- (P) "Employer" means any person, including the federal 19879
government, any state, and a political subdivision of any state, 19880
that owns or leases a commercial motor vehicle or assigns a 19881
person to drive such a motor vehicle. 19882
- (Q) "Endorsement" means an authorization on a person's 19883
commercial driver's license that is required to permit the 19884

person to operate a specified type of commercial motor vehicle. 19885

(R) "Farm truck" means a truck controlled and operated by 19886
a farmer for use in the transportation to or from a farm, for a 19887
distance of not more than one hundred fifty miles, of products 19888
of the farm, including livestock and its products, poultry and 19889
its products, floricultural and horticultural products, and in 19890
the transportation to the farm, from a distance of not more than 19891
one hundred fifty miles, of supplies for the farm, including 19892
tile, fence, and every other thing or commodity used in 19893
agricultural, floricultural, horticultural, livestock, and 19894
poultry production, and livestock, poultry, and other animals 19895
and things used for breeding, feeding, or other purposes 19896
connected with the operation of the farm, when the truck is 19897
operated in accordance with this division and is not used in the 19898
operations of a motor carrier, as defined in section 4923.01 of 19899
the Revised Code. 19900

(S) "Fatality" means the death of a person as the result 19901
of a motor vehicle accident occurring not more than three 19902
hundred sixty-five days prior to the date of death. 19903

(T) "Felony" means any offense under federal or state law 19904
that is punishable by death or specifically classified as a 19905
felony under the law of this state, regardless of the penalty 19906
that may be imposed. 19907

(U) "Foreign jurisdiction" means any jurisdiction other 19908
than a state. 19909

(V) "Gross vehicle weight rating" means the value 19910
specified by the manufacturer as the maximum loaded weight of a 19911
single or a combination vehicle. The gross vehicle weight rating 19912
of a combination vehicle is the gross vehicle weight rating of 19913

the power unit plus the gross vehicle weight rating of each 19914
towed unit. 19915

(W) "Hazardous materials" means any material that has been 19916
designated as hazardous under 49 U.S.C. 5103 and is required to 19917
be placarded under subpart F of 49 C.F.R. part 172 or any 19918
quantity of a material listed as a select agent or toxin in 42 19919
C.F.R. part 73, as amended. 19920

(X) "Imminent hazard" means the existence of a condition 19921
that presents a substantial likelihood that death, serious 19922
illness, severe personal injury, or a substantial endangerment 19923
to health, property, or the environment may occur before the 19924
reasonably foreseeable completion date of a formal proceeding 19925
begun to lessen the risk of that death, illness, injury, or 19926
endangerment. 19927

(Y) "Medical variance" means one of the following received 19928
by a driver from the federal motor carrier safety administration 19929
that allows the driver to be issued a medical certificate: 19930

(1) An exemption letter permitting operation of a 19931
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 19932
C.F.R. 391.64; 19933

(2) A skill performance evaluation certificate permitting 19934
operation of a commercial motor vehicle pursuant to 49 C.F.R. 19935
391.49. 19936

(Z) "Mobile telephone" means a mobile communication device 19937
that falls under or uses any commercial mobile radio service as 19938
defined in 47 C.F.R. 20, except that mobile telephone does not 19939
include two-way or citizens band radio services. 19940

(AA) "Motor vehicle" means a vehicle, machine, tractor, 19941
trailer, or semitrailer propelled or drawn by mechanical power 19942

used on highways, except that such term does not include a 19943
vehicle, machine, tractor, trailer, or semitrailer operated 19944
exclusively on a rail. 19945

(BB) "Out-of-service order" means a declaration by an 19946
authorized enforcement officer of a federal, state, local, 19947
Canadian, or Mexican jurisdiction declaring that a driver, 19948
commercial motor vehicle, or commercial motor carrier operation 19949
is out of service as defined in 49 C.F.R. 390.5. 19950

(CC) "Peace officer" has the same meaning as in section 19951
2935.01 of the Revised Code. 19952

(DD) "Portable tank" means a liquid or gaseous packaging 19953
designed primarily to be loaded onto or temporarily attached to 19954
a vehicle and equipped with skids, mountings, or accessories to 19955
facilitate handling of the tank by mechanical means. 19956

(EE) "Public safety vehicle" has the same meaning as in 19957
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 19958

(FF) "Recreational vehicle" includes every vehicle that is 19959
defined as a recreational vehicle in section 4501.01 of the 19960
Revised Code and is used exclusively for purposes other than 19961
engaging in business for profit. 19962

(GG) "Residence" means any person's residence determined 19963
in accordance with standards prescribed in rules adopted by the 19964
registrar. 19965

(HH) "School bus" has the same meaning as in section 19966
4511.01 of the Revised Code. 19967

(II) "Serious traffic violation" means any of the 19968
following: 19969

(1) A conviction arising from a single charge of operating 19970

a commercial motor vehicle in violation of any provision of	19971
section 4506.03 of the Revised Code;	19972
(2) (a) Except as provided in division (II) (2) (b) of this	19973
section, a violation while operating a commercial motor vehicle	19974
of a law of this state, or any municipal ordinance or county or	19975
township resolution, or any other substantially similar law of	19976
another state or political subdivision of another state	19977
prohibiting either of the following:	19978
(i) Texting while driving;	19979
(ii) Using a handheld mobile telephone.	19980
(b) It is not a serious traffic violation if the person	19981
was texting or using a handheld mobile telephone to contact law	19982
enforcement or other emergency services.	19983
(3) A conviction arising from the operation of any motor	19984
vehicle that involves any of the following:	19985
(a) A single charge of any speed in excess of the posted	19986
speed limit by fifteen miles per hour or more;	19987
(b) Violation of section 4511.20 or 4511.201 of the	19988
Revised Code or any similar ordinance or resolution, or of any	19989
similar law of another state or political subdivision of another	19990
state;	19991
(c) Violation of a law of this state or an ordinance or	19992
resolution relating to traffic control, other than a parking	19993
violation, or of any similar law of another state or political	19994
subdivision of another state, that results in a fatal accident;	19995
(d) Violation of section 4506.03 of the Revised Code or a	19996
substantially similar municipal ordinance or county or township	19997
resolution, or of any similar law of another state or political	19998

subdivision of another state, that involves the operation of a 19999
commercial motor vehicle without a valid commercial driver's 20000
license with the proper class or endorsement for the specific 20001
vehicle group being operated or for the passengers or type of 20002
cargo being transported; 20003

(e) Violation of section 4506.03 of the Revised Code or a 20004
substantially similar municipal ordinance or county or township 20005
resolution, or of any similar law of another state or political 20006
subdivision of another state, that involves the operation of a 20007
commercial motor vehicle without a valid commercial driver's 20008
license being in the person's possession; 20009

(f) Violation of section 4511.33 or 4511.34 of the Revised 20010
Code, or any municipal ordinance or county or township 20011
resolution substantially similar to either of those sections, or 20012
any substantially similar law of another state or political 20013
subdivision of another state; 20014

(g) Violation of any other law of this state, any law of 20015
another state, or any ordinance or resolution of a political 20016
subdivision of this state or another state that meets both of 20017
the following requirements: 20018

(i) It relates to traffic control, other than a parking 20019
violation; 20020

(ii) It is determined to be a serious traffic violation by 20021
the United States secretary of transportation and is designated 20022
by the director as such by rule. 20023

(JJ) "State" means a state of the United States and 20024
includes the District of Columbia. 20025

(KK) "Tank vehicle" means any commercial motor vehicle 20026
that is designed to transport any liquid or gaseous materials 20027

within a tank or tanks that are either permanently or 20028
temporarily attached to the vehicle or its chassis and have an 20029
individual rated capacity of more than one hundred nineteen 20030
gallons and an aggregate rated capacity of one thousand gallons 20031
or more. "Tank vehicle" does not include a commercial motor 20032
vehicle transporting an empty storage container tank that is not 20033
designed for transportation, has a rated capacity of one 20034
thousand gallons or more, and is temporarily attached to a 20035
flatbed trailer. 20036

(LL) "Tester" means a person or entity acting pursuant to 20037
a valid agreement entered into pursuant to division (B) of 20038
section 4506.09 of the Revised Code. 20039

(MM) "Texting" means manually entering alphanumeric text 20040
into, or reading text from, an electronic device. Texting 20041
includes short message service, e-mail, instant messaging, a 20042
command or request to access a world wide web page, pressing 20043
more than a single button to initiate or terminate a voice 20044
communication using a mobile telephone, or engaging in any other 20045
form of electronic text retrieval or entry, for present or 20046
future communication. Texting does not include the following: 20047

(1) Using voice commands to initiate, receive, or 20048
terminate a voice communication using a mobile telephone; 20049

(2) Inputting, selecting, or reading information on a 20050
global positioning system or navigation system; 20051

(3) Pressing a single button to initiate or terminate a 20052
voice communication using a mobile telephone; or 20053

(4) Using, for a purpose that is not otherwise prohibited 20054
by law, a device capable of performing multiple functions, such 20055
as a fleet management system, a dispatching device, a mobile 20056

telephone, a citizens band radio, or a music player. 20057

(NN) "Texting while driving" means texting while operating 20058
a commercial motor vehicle, with the motor running, including 20059
while temporarily stationary because of traffic, a traffic 20060
control device, or other momentary delays. Texting while driving 20061
does not include operating a commercial motor vehicle with or 20062
without the motor running when the driver has moved the vehicle 20063
to the side of, or off, a highway and is stopped in a location 20064
where the vehicle can safely remain stationary. 20065

(OO) "United States" means the fifty states and the 20066
District of Columbia. 20067

(PP) "Upgrade" means a change in the class of vehicles, 20068
endorsements, or self-certified status as described in division 20069
(A) (1) of section 4506.10 of the Revised Code, that expands the 20070
ability of a current commercial driver's license holder to 20071
operate commercial motor vehicles under this chapter; 20072

(QQ) "Use of a handheld mobile telephone" means: 20073

(1) Using at least one hand to hold a mobile telephone to 20074
conduct a voice communication; 20075

(2) Dialing or answering a mobile telephone by pressing 20076
more than a single button; or 20077

(3) Reaching for a mobile telephone in a manner that 20078
requires a driver to maneuver so that the driver is no longer in 20079
a seated driving position, or restrained by a seat belt that is 20080
installed in accordance with 49 C.F.R. 393.93 and adjusted in 20081
accordance with the vehicle manufacturer's instructions. 20082

(RR) "Vehicle" has the same meaning as in section 4511.01 20083
of the Revised Code. 20084

Sec. 4510.04. It is an affirmative defense to any 20085
prosecution brought under section 4510.037, 4510.11, 4510.111, 20086
4510.14, 4510.16, or 4510.21 of the Revised Code or under any 20087
substantially equivalent municipal ordinance that the alleged 20088
offender drove under suspension, without a valid permit or 20089
driver's or commercial driver's license, or in violation of a 20090
restriction because of a substantial emergency, and because no 20091
other person was reasonably available to drive in response to 20092
the emergency. 20093

Sec. 4510.17. (A) The registrar of motor vehicles shall 20094
impose a class D suspension of the person's driver's license, 20095
commercial driver's license, temporary instruction permit, 20096
probationary license, or nonresident operating privilege for the 20097
period of time specified in division (B) (4) of section 4510.02 20098
of the Revised Code on any person who is a resident of this 20099
state and is convicted of or pleads guilty to a violation of a 20100
statute of any other state or any federal statute that is 20101
substantially similar to section 2925.02, 2925.03, 2925.04, 20102
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 20103
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 20104
2925.37 of the Revised Code. Upon receipt of a report from a 20105
court, court clerk, or other official of any other state or from 20106
any federal authority that a resident of this state was 20107
convicted of or pleaded guilty to an offense described in this 20108
division, the registrar shall send a notice by regular first 20109
class mail to the person, at the person's last known address as 20110
shown in the records of the bureau of motor vehicles, informing 20111
the person of the suspension, that the suspension will take 20112
effect twenty-one days from the date of the notice, and that, if 20113
the person wishes to appeal the suspension or denial, the person 20114
must file a notice of appeal within twenty-one days of the date 20115

of the notice requesting a hearing on the matter. If the person 20116
requests a hearing, the registrar shall hold the hearing not 20117
more than forty days after receipt by the registrar of the 20118
notice of appeal. The filing of a notice of appeal does not stay 20119
the operation of the suspension that must be imposed pursuant to 20120
this division. The scope of the hearing shall be limited to 20121
whether the person actually was convicted of or pleaded guilty 20122
to the offense for which the suspension is to be imposed. 20123

The suspension the registrar is required to impose under 20124
this division shall end either on the last day of the class D 20125
suspension period or of the suspension of the person's 20126
nonresident operating privilege imposed by the state or federal 20127
court, whichever is earlier. 20128

The registrar shall subscribe to or otherwise participate 20129
in any information system or register, or enter into reciprocal 20130
and mutual agreements with other states and federal authorities, 20131
in order to facilitate the exchange of information with other 20132
states and the United States government regarding persons who 20133
plead guilty to or are convicted of offenses described in this 20134
division and therefore are subject to the suspension or denial 20135
described in this division. 20136

(B) The registrar shall impose a class D suspension of the 20137
person's driver's license, commercial driver's license, 20138
temporary instruction permit, probationary license, or 20139
nonresident operating privilege for the period of time specified 20140
in division (B) (4) of section 4510.02 of the Revised Code on any 20141
person who is a resident of this state and is convicted of or 20142
pleads guilty to a violation of a statute of any other state or 20143
a municipal ordinance of a municipal corporation located in any 20144
other state that is substantially similar to section 4511.19 of 20145

the Revised Code. Upon receipt of a report from another state 20146
made pursuant to section 4510.61 of the Revised Code indicating 20147
that a resident of this state was convicted of or pleaded guilty 20148
to an offense described in this division, the registrar shall 20149
send a notice by regular first class mail to the person, at the 20150
person's last known address as shown in the records of the 20151
bureau of motor vehicles, informing the person of the 20152
suspension, that the suspension or denial will take effect 20153
twenty-one days from the date of the notice, and that, if the 20154
person wishes to appeal the suspension, the person must file a 20155
notice of appeal within twenty-one days of the date of the 20156
notice requesting a hearing on the matter. If the person 20157
requests a hearing, the registrar shall hold the hearing not 20158
more than forty days after receipt by the registrar of the 20159
notice of appeal. The filing of a notice of appeal does not stay 20160
the operation of the suspension that must be imposed pursuant to 20161
this division. The scope of the hearing shall be limited to 20162
whether the person actually was convicted of or pleaded guilty 20163
to the offense for which the suspension is to be imposed. 20164

The suspension the registrar is required to impose under 20165
this division shall end either on the last day of the class D 20166
suspension period or of the suspension of the person's 20167
nonresident operating privilege imposed by the state or federal 20168
court, whichever is earlier. 20169

(C) The registrar shall impose a class D suspension of the 20170
child's driver's license, commercial driver's license, temporary 20171
instruction permit, or nonresident operating privilege for the 20172
period of time specified in division (B) (4) of section 4510.02 20173
of the Revised Code on any child who is a resident of this state 20174
and is convicted of or pleads guilty to a violation of a statute 20175
of any other state or any federal statute that is substantially 20176

similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 20177
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 20178
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 20179
Code. Upon receipt of a report from a court, court clerk, or 20180
other official of any other state or from any federal authority 20181
that a child who is a resident of this state was convicted of or 20182
pleaded guilty to an offense described in this division, the 20183
registrar shall send a notice by regular first class mail to the 20184
child, at the child's last known address as shown in the records 20185
of the bureau of motor vehicles, informing the child of the 20186
suspension, that the suspension or denial will take effect 20187
twenty-one days from the date of the notice, and that, if the 20188
child wishes to appeal the suspension, the child must file a 20189
notice of appeal within twenty-one days of the date of the 20190
notice requesting a hearing on the matter. If the child requests 20191
a hearing, the registrar shall hold the hearing not more than 20192
forty days after receipt by the registrar of the notice of 20193
appeal. The filing of a notice of appeal does not stay the 20194
operation of the suspension that must be imposed pursuant to 20195
this division. The scope of the hearing shall be limited to 20196
whether the child actually was convicted of or pleaded guilty to 20197
the offense for which the suspension is to be imposed. 20198

The suspension the registrar is required to impose under 20199
this division shall end either on the last day of the class D 20200
suspension period or of the suspension of the child's 20201
nonresident operating privilege imposed by the state or federal 20202
court, whichever is earlier. If the child is a resident of this 20203
state who is sixteen years of age or older and does not have a 20204
current, valid Ohio driver's or commercial driver's license or 20205
permit, the notice shall inform the child that the child will be 20206
denied issuance of a driver's or commercial driver's license or 20207

permit for six months beginning on the date of the notice. If 20208
the child has not attained the age of sixteen years on the date 20209
of the notice, the notice shall inform the child that the period 20210
of denial of six months shall commence on the date the child 20211
attains the age of sixteen years. 20212

The registrar shall subscribe to or otherwise participate 20213
in any information system or register, or enter into reciprocal 20214
and mutual agreements with other states and federal authorities, 20215
in order to facilitate the exchange of information with other 20216
states and the United States government regarding children who 20217
are residents of this state and plead guilty to or are convicted 20218
of offenses described in this division and therefore are subject 20219
to the suspension or denial described in this division. 20220

(D) The registrar shall impose a class D suspension of the 20221
child's driver's license, commercial driver's license, temporary 20222
instruction permit, probationary license, or nonresident 20223
operating privilege for the period of time specified in division 20224
(B) (4) of section 4510.02 of the Revised Code on any child who 20225
is a resident of this state and is convicted of or pleads guilty 20226
to a violation of a statute of any other state or a municipal 20227
ordinance of a municipal corporation located in any other state 20228
that is substantially similar to section 4511.19 of the Revised 20229
Code. Upon receipt of a report from another state made pursuant 20230
to section 4510.61 of the Revised Code indicating that a child 20231
who is a resident of this state was convicted of or pleaded 20232
guilty to an offense described in this division, the registrar 20233
shall send a notice by regular first class mail to the child, at 20234
the child's last known address as shown in the records of the 20235
bureau of motor vehicles, informing the child of the suspension, 20236
that the suspension will take effect twenty-one days from the 20237
date of the notice, and that, if the child wishes to appeal the 20238

suspension, the child must file a notice of appeal within 20239
twenty-one days of the date of the notice requesting a hearing 20240
on the matter. If the child requests a hearing, the registrar 20241
shall hold the hearing not more than forty days after receipt by 20242
the registrar of the notice of appeal. The filing of a notice of 20243
appeal does not stay the operation of the suspension that must 20244
be imposed pursuant to this division. The scope of the hearing 20245
shall be limited to whether the child actually was convicted of 20246
or pleaded guilty to the offense for which the suspension is to 20247
be imposed. 20248

The suspension the registrar is required to impose under 20249
this division shall end either on the last day of the class D 20250
suspension period or of the suspension of the child's 20251
nonresident operating privilege imposed by the state or federal 20252
court, whichever is earlier. If the child is a resident of this 20253
state who is sixteen years of age or older and does not have a 20254
current, valid Ohio driver's or commercial driver's license or 20255
permit, the notice shall inform the child that the child will be 20256
denied issuance of a driver's or commercial driver's license or 20257
permit for six months beginning on the date of the notice. If 20258
the child has not attained the age of sixteen years on the date 20259
of the notice, the notice shall inform the child that the period 20260
of denial of six months shall commence on the date the child 20261
attains the age of sixteen years. 20262

(E) (1) Any person whose license or permit has been 20263
suspended pursuant to this section may file a petition in the 20264
municipal or county court, or in case the person is under 20265
eighteen years of age, the juvenile court, in whose jurisdiction 20266
the person resides, requesting limited driving privileges and 20267
agreeing to pay the cost of the proceedings. Except as provided 20268
in division (E) (2) or (3) of this section, the judge may grant 20269

the person limited driving privileges during the period during 20270
which the suspension otherwise would be imposed for any of the 20271
purposes set forth in division (A) of section 4510.021 of the 20272
Revised Code. 20273

(2) No judge shall grant limited driving privileges for 20274
employment as a driver of a commercial motor vehicle to any 20275
person who would be disqualified from operating a commercial 20276
motor vehicle under section 4506.16 of the Revised Code if the 20277
violation had occurred in this state. Further, no judge shall 20278
grant limited driving privileges during any of the following 20279
periods of time: 20280

(a) The first fifteen days of a suspension under division 20281
(B) or (D) of this section, if the person has not been convicted 20282
within ten years of the date of the offense giving rise to the 20283
suspension under this section of a violation of any of the 20284
following: 20285

(i) ~~Section~~ Division (A) of section 4511.19 of the Revised 20286
Code, or a municipal ordinance relating to operating a vehicle 20287
while under the influence of alcohol, a drug of abuse, or 20288
alcohol and a drug of abuse; 20289

(ii) A municipal ordinance relating to operating a motor 20290
vehicle with a prohibited concentration of alcohol, a controlled 20291
substance, or a metabolite of a controlled substance in the 20292
whole blood, blood serum or plasma, breath, or urine; 20293

(iii) Section 2903.04 of the Revised Code in a case in 20294
which the person was subject to the sanctions described in 20295
division (D) of that section; 20296

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 20297
of section 2903.08 of the Revised Code or a municipal ordinance 20298

that is substantially similar to either of those divisions; 20299

(v) Division (A) (2), (3), or (4) of section 2903.06, 20300
division (A) (2) of section 2903.08, or as it existed prior to 20301
March 23, 2000, section 2903.07 of the Revised Code, or a 20302
municipal ordinance that is substantially similar to any of 20303
those divisions or that former section, in a case in which the 20304
jury or judge found that the person was under the influence of 20305
alcohol, a drug of abuse, or alcohol and a drug of abuse. 20306

(b) The first thirty days of a suspension under division 20307
(B) or (D) of this section, if the person has been convicted one 20308
time within ten years of the date of the offense giving rise to 20309
the suspension under this section of any violation identified in 20310
division (E) (1) (a) of this section. 20311

(c) The first one hundred eighty days of a suspension 20312
under division (B) or (D) of this section, if the person has 20313
been convicted two times within ten years of the date of the 20314
offense giving rise to the suspension under this section of any 20315
violation identified in division (E) (1) (a) of this section. 20316

(3) No limited driving privileges may be granted if the 20317
person has been convicted three or more times within five years 20318
of the date of the offense giving rise to a suspension under 20319
division (B) or (D) of this section of any violation identified 20320
in division (E) (1) (a) of this section. 20321

(4) In accordance with section 4510.022 of the Revised 20322
Code, a person may petition for, and a judge may grant, 20323
unlimited driving privileges with a certified ignition interlock 20324
device during the period of suspension imposed under division 20325
(B) or (D) of this section to a person described in division (E) 20326
(2) (a) of this section. 20327

(5) If a person petitions for limited driving privileges 20328
under division (E) (1) of this section or unlimited driving 20329
privileges with a certified ignition interlock device as 20330
provided in division (E) (4) of this section, the registrar shall 20331
be represented by the county prosecutor of the county in which 20332
the person resides if the petition is filed in a juvenile court 20333
or county court, except that if the person resides within a city 20334
or village that is located within the jurisdiction of the county 20335
in which the petition is filed, the city director of law or 20336
village solicitor of that city or village shall represent the 20337
registrar. If the petition is filed in a municipal court, the 20338
registrar shall be represented as provided in section 1901.34 of 20339
the Revised Code. 20340

(6) (a) In issuing an order granting limited driving 20341
privileges under division (E) (1) of this section, the court may 20342
impose any condition it considers reasonable and necessary to 20343
limit the use of a vehicle by the person. The court shall 20344
deliver to the person a copy of the order setting forth the 20345
time, place, and other conditions limiting the person's use of a 20346
motor vehicle. Unless division (E) (6) (b) of this section 20347
applies, the grant of limited driving privileges shall be 20348
conditioned upon the person's having the order in the person's 20349
possession at all times during which the person is operating a 20350
vehicle. 20351

(b) If, under the order, the court requires the use of an 20352
immobilizing or disabling device as a condition of the grant of 20353
limited or unlimited driving privileges, the person shall 20354
present to the registrar or to a deputy registrar the copy of 20355
the order granting limited driving privileges and a certificate 20356
affirming the installation of an immobilizing or disabling 20357
device that is in a form established by the director of public 20358

safety and is signed by the person who installed the device. 20359
Upon presentation of the order and the certificate to the 20360
registrar or a deputy registrar, the registrar or deputy 20361
registrar shall issue to the offender a restricted license, 20362
unless the offender's driver's or commercial driver's license or 20363
permit is suspended under any other provision of law and limited 20364
driving privileges have not been granted with regard to that 20365
suspension. A restricted license issued under this division 20366
shall be identical to an Ohio driver's license, except that it 20367
shall have printed on its face a statement that the offender is 20368
prohibited from operating any motor vehicle that is not equipped 20369
with an immobilizing or disabling device in violation of the 20370
order. 20371

(7) (a) Unless division (E) (7) (b) applies, a person granted 20372
limited driving privileges who operates a vehicle for other than 20373
limited purposes, in violation of any condition imposed by the 20374
court or without having the order in the person's possession, is 20375
guilty of a violation of section 4510.11 of the Revised Code. 20376

(b) No person who has been granted limited or unlimited 20377
driving privileges under division (E) of this section subject to 20378
an immobilizing or disabling device order shall operate a motor 20379
vehicle prior to obtaining a restricted license. Any person who 20380
violates this prohibition is subject to the penalties prescribed 20381
in section 4510.14 of the Revised Code. 20382

(c) The offenses established under division (E) (7) of this 20383
section are strict liability offenses and section 2901.20 of the 20384
Revised Code does not apply. 20385

(F) The provisions of division (A) (8) of section 4510.13 20386
of the Revised Code apply to a person who has been granted 20387
limited or unlimited driving privileges with a certified 20388

ignition interlock device under this section and who either 20389
commits an ignition interlock device violation as defined under 20390
section 4510.46 of the Revised Code or operates a motor vehicle 20391
that is not equipped with a certified ignition interlock device. 20392

(G) Any person whose license or permit has been suspended 20393
under division (A) or (C) of this section may file a petition in 20394
the municipal or county court, or in case the person is under 20395
eighteen years of age, the juvenile court, in whose jurisdiction 20396
the person resides, requesting the termination of the suspension 20397
and agreeing to pay the cost of the proceedings. If the court, 20398
in its discretion, determines that a termination of the 20399
suspension is appropriate, the court shall issue an order to the 20400
registrar to terminate the suspension. Upon receiving such an 20401
order, the registrar shall reinstate the license. 20402

(H) As used in divisions (C) and (D) of this section: 20403

(1) "Child" means a person who is under the age of 20404
eighteen years, except that any person who violates a statute or 20405
ordinance described in division (C) or (D) of this section prior 20406
to attaining eighteen years of age shall be deemed a "child" 20407
irrespective of the person's age at the time the complaint or 20408
other equivalent document is filed in the other state or a 20409
hearing, trial, or other proceeding is held in the other state 20410
on the complaint or other equivalent document, and irrespective 20411
of the person's age when the period of license suspension or 20412
denial prescribed in division (C) or (D) of this section is 20413
imposed. 20414

(2) "Is convicted of or pleads guilty to" means, as it 20415
relates to a child who is a resident of this state, that in a 20416
proceeding conducted in a state or federal court located in 20417
another state for a violation of a statute or ordinance 20418

described in division (C) or (D) of this section, the result of 20419
the proceeding is any of the following: 20420

(a) Under the laws that govern the proceedings of the 20421
court, the child is adjudicated to be or admits to being a 20422
delinquent child or a juvenile traffic offender for a violation 20423
described in division (C) or (D) of this section that would be a 20424
crime if committed by an adult; 20425

(b) Under the laws that govern the proceedings of the 20426
court, the child is convicted of or pleads guilty to a violation 20427
described in division (C) or (D) of this section; 20428

(c) Under the laws that govern the proceedings of the 20429
court, irrespective of the terminology utilized in those laws, 20430
the result of the court's proceedings is the functional 20431
equivalent of division (H)(2)(a) or (b) of this section. 20432

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 20433
the Revised Code: 20434

(A) "Equivalent offense" means any of the following: 20435

(1) A violation of division (A) ~~or (B)~~ of section 4511.19 20436
of the Revised Code; 20437

(2) A violation of a municipal OVI ordinance; 20438

(3) A violation of section 2903.04 of the Revised Code in 20439
a case in which the offender was subject to the sanctions 20440
described in division (D) of that section; 20441

(4) A violation of division (A)(1) of section 2903.06 or 20442
2903.08 of the Revised Code or a municipal ordinance that is 20443
substantially equivalent to either of those divisions; 20444

(5) A violation of division (A)(2), (3), or (4) of section 20445

2903.06, division (A) (2) of section 2903.08, or former section 20446
2903.07 of the Revised Code, or a municipal ordinance that is 20447
substantially equivalent to any of those divisions or that 20448
former section, in a case in which a judge or jury as the trier 20449
of fact found that the offender was under the influence of 20450
alcohol, a drug of abuse, or a combination of them; 20451

(6) A violation of division (A) ~~or (B)~~ of section 1547.11 20452
of the Revised Code; 20453

(7) A violation of a municipal ordinance prohibiting a 20454
person from operating or being in physical control of any vessel 20455
underway or from manipulating any water skis, aquaplane, or 20456
similar device on the waters of this state while under the 20457
influence of alcohol, a drug of abuse, or a combination of them 20458
or prohibiting a person from operating or being in physical 20459
control of any vessel underway or from manipulating any water 20460
skis, aquaplane, or similar device on the waters of this state 20461
with a prohibited concentration of alcohol, a controlled 20462
substance, or a metabolite of a controlled substance in the 20463
whole blood, blood serum or plasma, breath, or urine; 20464

(8) A violation of an existing or former municipal 20465
ordinance, law of another state, or law of the United States 20466
that is substantially equivalent to division (A) ~~or (B)~~ of 20467
section 4511.19 or division (A) ~~or (B)~~ of section 1547.11 of the 20468
Revised Code; 20469

(9) A violation of a former law of this state that was 20470
substantially equivalent to division (A) ~~or (B)~~ of section 20471
4511.19 or division (A) ~~or (B)~~ of section 1547.11 of the Revised 20472
Code. 20473

(B) "Mandatory jail term" means the mandatory term in jail 20474

of three, six, ten, twenty, thirty, or sixty days that must be 20475
imposed under division (G) (1) (a), (b), or (c) of section 4511.19 20476
of the Revised Code upon an offender convicted of a violation of 20477
division (A) of that section and in relation to which all of the 20478
following apply: 20479

(1) Except as specifically authorized under section 20480
4511.19 of the Revised Code, the term must be served in a jail. 20481

(2) Except as specifically authorized under section 20482
4511.19 of the Revised Code, the term cannot be suspended, 20483
reduced, or otherwise modified pursuant to sections 2929.21 to 20484
2929.28 or any other provision of the Revised Code. 20485

(C) "Municipal OVI ordinance" and "municipal OVI offense" 20486
mean any municipal ordinance prohibiting a person from operating 20487
a vehicle while under the influence of alcohol, a drug of abuse, 20488
or a combination of them or prohibiting a person from operating 20489
a vehicle with a prohibited concentration of alcohol, a 20490
controlled substance, or a metabolite of a controlled substance 20491
in the whole blood, blood serum or plasma, breath, or urine. 20492

(D) "Community residential sanction," "continuous alcohol 20493
monitoring," "jail," "mandatory prison term," "mandatory term of 20494
local incarceration," "sanction," and "prison term" have the 20495
same meanings as in section 2929.01 of the Revised Code. 20496

(E) "Drug of abuse" has the same meaning as in section 20497
4506.01 of the Revised Code. 20498

(F) "Equivalent offense that is vehicle-related" means an 20499
equivalent offense that is any of the following: 20500

(1) A violation described in division (A) (1), (2), (3), 20501
(4), or (5) of this section; 20502

(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. 20531
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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. 20534
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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. 20537
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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. 20540
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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: 20543
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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. 20548
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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. 20554
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(iii) The person has a concentration of cocaine metabolite 20560
in the person's urine of at least one hundred fifty nanograms of 20561
cocaine metabolite per milliliter of the person's urine or has a 20562
concentration of cocaine metabolite in the person's whole blood 20563
or blood serum or plasma of at least fifty nanograms of cocaine 20564
metabolite per milliliter of the person's whole blood or blood 20565
serum or plasma. 20566

(iv) The person has a concentration of heroin in the 20567
person's urine of at least two thousand nanograms of heroin per 20568
milliliter of the person's urine or has a concentration of 20569
heroin in the person's whole blood or blood serum or plasma of 20570
at least fifty nanograms of heroin per milliliter of the 20571
person's whole blood or blood serum or plasma. 20572

(v) The person has a concentration of heroin metabolite 20573
(6-monoacetyl morphine) in the person's urine of at least ten 20574
nanograms of heroin metabolite (6-monoacetyl morphine) per 20575
milliliter of the person's urine or has a concentration of 20576
heroin metabolite (6-monoacetyl morphine) in the person's whole 20577
blood or blood serum or plasma of at least ten nanograms of 20578
heroin metabolite (6-monoacetyl morphine) per milliliter of the 20579
person's whole blood or blood serum or plasma. 20580

(vi) The person has a concentration of L.S.D. in the 20581
person's urine of at least twenty-five nanograms of L.S.D. per 20582
milliliter of the person's urine or a concentration of L.S.D. in 20583
the person's whole blood or blood serum or plasma of at least 20584
ten nanograms of L.S.D. per milliliter of the person's whole 20585
blood or blood serum or plasma. 20586

(vii) The person has a concentration of marihuana in the 20587
person's urine of at least ten nanograms of marihuana per 20588
milliliter of the person's urine or has a concentration of 20589

marihuana in the person's whole blood or blood serum or plasma 20590
of at least two nanograms of marihuana per milliliter of the 20591
person's whole blood or blood serum or plasma. 20592

(viii) Either of the following applies: 20593

(I) The person is under the influence of alcohol, a drug 20594
of abuse, or a combination of them, and the person has a 20595
concentration of marihuana metabolite in the person's urine of 20596
at least fifteen nanograms of marihuana metabolite per 20597
milliliter of the person's urine or has a concentration of 20598
marihuana metabolite in the person's whole blood or blood serum 20599
or plasma of at least five nanograms of marihuana metabolite per 20600
milliliter of the person's whole blood or blood serum or plasma. 20601

(II) The person has a concentration of marihuana 20602
metabolite in the person's urine of at least thirty-five 20603
nanograms of marihuana metabolite per milliliter of the person's 20604
urine or has a concentration of marihuana metabolite in the 20605
person's whole blood or blood serum or plasma of at least fifty 20606
nanograms of marihuana metabolite per milliliter of the person's 20607
whole blood or blood serum or plasma. 20608

(ix) The person has a concentration of methamphetamine in 20609
the person's urine of at least five hundred nanograms of 20610
methamphetamine per milliliter of the person's urine or has a 20611
concentration of methamphetamine in the person's whole blood or 20612
blood serum or plasma of at least one hundred nanograms of 20613
methamphetamine per milliliter of the person's whole blood or 20614
blood serum or plasma. 20615

(x) The person has a concentration of phencyclidine in the 20616
person's urine of at least twenty-five nanograms of 20617
phencyclidine per milliliter of the person's urine or has a 20618

concentration of phencyclidine in the person's whole blood or 20619
blood serum or plasma of at least ten nanograms of phencyclidine 20620
per milliliter of the person's whole blood or blood serum or 20621
plasma. 20622

(xi) The state board of pharmacy has adopted a rule 20623
pursuant to section 4729.041 of the Revised Code that specifies 20624
the amount of salvia divinorum and the amount of salvinorin A 20625
that constitute concentrations of salvia divinorum and 20626
salvinorin A in a person's urine, in a person's whole blood, or 20627
in a person's blood serum or plasma at or above which the person 20628
is impaired for purposes of operating any vehicle, streetcar, or 20629
trackless trolley within this state, the rule is in effect, and 20630
the person has a concentration of salvia divinorum or salvinorin 20631
A of at least that amount so specified by rule in the person's 20632
urine, in the person's whole blood, or in the person's blood 20633
serum or plasma. 20634

(2) No person who, within twenty years of the conduct 20635
described in division (A) (2) (a) of this section, previously has 20636
been convicted of or pleaded guilty to a violation of this 20637
division, a violation of division (A) (1) ~~or (B)~~ of this section, 20638
or any other equivalent offense shall do both of the following: 20639

(a) Operate any vehicle, streetcar, or trackless trolley 20640
within this state while under the influence of alcohol, a drug 20641
of abuse, or a combination of them; 20642

(b) Subsequent to being arrested for operating the 20643
vehicle, streetcar, or trackless trolley as described in 20644
division (A) (2) (a) of this section, being asked by a law 20645
enforcement officer to submit to a chemical test or tests under 20646
section 4511.191 of the Revised Code, and being advised by the 20647
officer in accordance with section 4511.192 of the Revised Code 20648

of the consequences of the person's refusal or submission to the 20649
test or tests, refuse to submit to the test or tests. 20650

(B) No person under twenty-one years of age shall operate 20651
any vehicle, streetcar, or trackless trolley within this state, 20652
if, at the time of the operation, any of the following apply: 20653

(1) The person has a concentration of at least two- 20654
hundredths of one per cent but less than eight-hundredths of one 20655
per cent by weight per unit volume of alcohol in the person's 20656
whole blood. 20657

(2) The person has a concentration of at least three- 20658
hundredths of one per cent but less than ninety-six-thousandths 20659
of one per cent by weight per unit volume of alcohol in the 20660
person's blood serum or plasma. 20661

(3) The person has a concentration of at least two- 20662
hundredths of one gram but less than eight-hundredths of one 20663
gram by weight of alcohol per two hundred ten liters of the 20664
person's breath. 20665

(4) The person has a concentration of at least twenty- 20666
eight one-thousandths of one gram but less than eleven- 20667
hundredths of one gram by weight of alcohol per one hundred 20668
milliliters of the person's urine. 20669

(C) In any proceeding arising out of one incident, a 20670
person may be charged with a violation of division (A) (1) (a) or 20671
(A) (2) and a violation of division (B) (1), (2), or (3) of this 20672
section, but the person may not be convicted of more than one 20673
violation of these divisions. 20674

(D) (1) (a) In any criminal prosecution or juvenile court 20675
proceeding for a violation of division (A) (1) (a) of this section 20676
or for an equivalent offense that is vehicle-related, the result 20677

of any test of any blood or urine withdrawn and analyzed at any 20678
health care provider, as defined in section 2317.02 of the 20679
Revised Code, may be admitted with expert testimony to be 20680
considered with any other relevant and competent evidence in 20681
determining the guilt or innocence of the defendant. 20682

(b) In any criminal prosecution or juvenile court 20683
proceeding for a violation of division (A) or (B) of this 20684
section or for an equivalent offense that is vehicle-related, 20685
the court may admit evidence on the concentration of alcohol, 20686
drugs of abuse, controlled substances, metabolites of a 20687
controlled substance, or a combination of them in the 20688
defendant's whole blood, blood serum or plasma, breath, urine, 20689
or other bodily substance at the time of the alleged violation 20690
as shown by chemical analysis of the substance withdrawn within 20691
three hours of the time of the alleged violation. The three-hour 20692
time limit specified in this division regarding the admission of 20693
evidence does not extend or affect the two-hour time limit 20694
specified in division (A) of section 4511.192 of the Revised 20695
Code as the maximum period of time during which a person may 20696
consent to a chemical test or tests as described in that 20697
section. The court may admit evidence on the concentration of 20698
alcohol, drugs of abuse, or a combination of them as described 20699
in this division when a person submits to a blood, breath, 20700
urine, or other bodily substance test at the request of a law 20701
enforcement officer under section 4511.191 of the Revised Code 20702
or a blood or urine sample is obtained pursuant to a search 20703
warrant. Only a physician, a registered nurse, an emergency 20704
medical technician-intermediate, an emergency medical 20705
technician-paramedic, or a qualified technician, chemist, or 20706
phlebotomist shall withdraw a blood sample for the purpose of 20707
determining the alcohol, drug, controlled substance, metabolite 20708

of a controlled substance, or combination content of the whole 20709
blood, blood serum, or blood plasma. This limitation does not 20710
apply to the taking of breath or urine specimens. A person 20711
authorized to withdraw blood under this division may refuse to 20712
withdraw blood under this division, if in that person's opinion, 20713
the physical welfare of the person would be endangered by the 20714
withdrawing of blood. 20715

The bodily substance withdrawn under division (D) (1) (b) of 20716
this section shall be analyzed in accordance with methods 20717
approved by the director of health by an individual possessing a 20718
valid permit issued by the director pursuant to section 3701.143 20719
of the Revised Code. 20720

(c) As used in division (D) (1) (b) of this section, 20721
"emergency medical technician-intermediate" and "emergency 20722
medical technician-paramedic" have the same meanings as in 20723
section 4765.01 of the Revised Code. 20724

(2) In a criminal prosecution or juvenile court proceeding 20725
for a violation of division (A) of this section or for an 20726
equivalent offense that is vehicle-related, if there was at the 20727
time the bodily substance was withdrawn a concentration of less 20728
than the applicable concentration of alcohol specified in 20729
divisions (A) (1) (b), (c), (d), and (e) of this section or less 20730
than the applicable concentration of a listed controlled 20731
substance or a listed metabolite of a controlled substance 20732
specified for a violation of division (A) (1) (j) of this section, 20733
that fact may be considered with other competent evidence in 20734
determining the guilt or innocence of the defendant. This 20735
division does not limit or affect a criminal prosecution or 20736
juvenile court proceeding for a violation of division (B) of 20737
this section or for an equivalent offense that is substantially 20738

equivalent to that division. 20739

(3) Upon the request of the person who was tested, the 20740
results of the chemical test shall be made available to the 20741
person or the person's attorney, immediately upon the completion 20742
of the chemical test analysis. 20743

If the chemical test was obtained pursuant to division (D) 20744
(1) (b) of this section, the person tested may have a physician, 20745
a registered nurse, or a qualified technician, chemist, or 20746
phlebotomist of the person's own choosing administer a chemical 20747
test or tests, at the person's expense, in addition to any 20748
administered at the request of a law enforcement officer. If the 20749
person was under arrest as described in division (A) (5) of 20750
section 4511.191 of the Revised Code, the arresting officer 20751
shall advise the person at the time of the arrest that the 20752
person may have an independent chemical test taken at the 20753
person's own expense. If the person was under arrest other than 20754
described in division (A) (5) of section 4511.191 of the Revised 20755
Code, the form to be read to the person to be tested, as 20756
required under section 4511.192 of the Revised Code, shall state 20757
that the person may have an independent test performed at the 20758
person's expense. The failure or inability to obtain an 20759
additional chemical test by a person shall not preclude the 20760
admission of evidence relating to the chemical test or tests 20761
taken at the request of a law enforcement officer. 20762

(4) (a) As used in divisions (D) (4) (b) and (c) of this 20763
section, "national highway traffic safety administration" means 20764
the national highway traffic safety administration established 20765
as an administration of the United States department of 20766
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 20767

(b) In any criminal prosecution or juvenile court 20768

proceeding for a violation of division (A) or (B) of this 20769
section, of a municipal ordinance relating to operating a 20770
vehicle while under the influence of alcohol, a drug of abuse, 20771
or alcohol and a drug of abuse, or of a municipal ordinance 20772
relating to operating a vehicle with a prohibited concentration 20773
of alcohol, a controlled substance, or a metabolite of a 20774
controlled substance in the whole blood, blood serum or plasma, 20775
breath, or urine, if a law enforcement officer has administered 20776
a field sobriety test to the operator of the vehicle involved in 20777
the violation and if it is shown by clear and convincing 20778
evidence that the officer administered the test in substantial 20779
compliance with the testing standards for any reliable, 20780
credible, and generally accepted field sobriety tests that were 20781
in effect at the time the tests were administered, including, 20782
but not limited to, any testing standards then in effect that 20783
were set by the national highway traffic safety administration, 20784
all of the following apply: 20785

(i) The officer may testify concerning the results of the 20786
field sobriety test so administered. 20787

(ii) The prosecution may introduce the results of the 20788
field sobriety test so administered as evidence in any 20789
proceedings in the criminal prosecution or juvenile court 20790
proceeding. 20791

(iii) If testimony is presented or evidence is introduced 20792
under division (D) (4) (b) (i) or (ii) of this section and if the 20793
testimony or evidence is admissible under the Rules of Evidence, 20794
the court shall admit the testimony or evidence and the trier of 20795
fact shall give it whatever weight the trier of fact considers 20796
to be appropriate. 20797

(c) Division (D) (4) (b) of this section does not limit or 20798

preclude a court, in its determination of whether the arrest of 20799
a person was supported by probable cause or its determination of 20800
any other matter in a criminal prosecution or juvenile court 20801
proceeding of a type described in that division, from 20802
considering evidence or testimony that is not otherwise 20803
disallowed by division (D) (4) (b) of this section. 20804

(E) (1) Subject to division (E) (3) of this section, in any 20805
criminal prosecution or juvenile court proceeding for a 20806
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 20807
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 20808
an equivalent offense that is substantially equivalent to any of 20809
those divisions, a laboratory report from any laboratory 20810
personnel issued a permit by the department of health 20811
authorizing an analysis as described in this division that 20812
contains an analysis of the whole blood, blood serum or plasma, 20813
breath, urine, or other bodily substance tested and that 20814
contains all of the information specified in this division shall 20815
be admitted as prima-facie evidence of the information and 20816
statements that the report contains. The laboratory report shall 20817
contain all of the following: 20818

(a) The signature, under oath, of any person who performed 20819
the analysis; 20820

(b) Any findings as to the identity and quantity of 20821
alcohol, a drug of abuse, a controlled substance, a metabolite 20822
of a controlled substance, or a combination of them that was 20823
found; 20824

(c) A copy of a notarized statement by the laboratory 20825
director or a designee of the director that contains the name of 20826
each certified analyst or test performer involved with the 20827
report, the analyst's or test performer's employment 20828

relationship with the laboratory that issued the report, and a 20829
notation that performing an analysis of the type involved is 20830
part of the analyst's or test performer's regular duties; 20831

(d) An outline of the analyst's or test performer's 20832
education, training, and experience in performing the type of 20833
analysis involved and a certification that the laboratory 20834
satisfies appropriate quality control standards in general and, 20835
in this particular analysis, under rules of the department of 20836
health. 20837

(2) Notwithstanding any other provision of law regarding 20838
the admission of evidence, a report of the type described in 20839
division (E) (1) of this section is not admissible against the 20840
defendant to whom it pertains in any proceeding, other than a 20841
preliminary hearing or a grand jury proceeding, unless the 20842
prosecutor has served a copy of the report on the defendant's 20843
attorney or, if the defendant has no attorney, on the defendant. 20844

(3) A report of the type described in division (E) (1) of 20845
this section shall not be prima-facie evidence of the contents, 20846
identity, or amount of any substance if, within seven days after 20847
the defendant to whom the report pertains or the defendant's 20848
attorney receives a copy of the report, the defendant or the 20849
defendant's attorney demands the testimony of the person who 20850
signed the report. The judge in the case may extend the seven- 20851
day time limit in the interest of justice. 20852

(F) Except as otherwise provided in this division, any 20853
physician, registered nurse, emergency medical technician- 20854
intermediate, emergency medical technician-paramedic, or 20855
qualified technician, chemist, or phlebotomist who withdraws 20856
blood from a person pursuant to this section or section 4511.191 20857
or 4511.192 of the Revised Code, and any hospital, first-aid 20858

station, or clinic at which blood is withdrawn from a person 20859
pursuant to this section or section 4511.191 or 4511.192 of the 20860
Revised Code, is immune from criminal liability and civil 20861
liability based upon a claim of assault and battery or any other 20862
claim that is not a claim of malpractice, for any act performed 20863
in withdrawing blood from the person. The immunity provided in 20864
this division also extends to an emergency medical service 20865
organization that employs an emergency medical technician- 20866
intermediate or emergency medical technician-paramedic who 20867
withdraws blood under this section. The immunity provided in 20868
this division is not available to a person who withdraws blood 20869
if the person engages in willful or wanton misconduct. 20870

As used in this division, "emergency medical technician- 20871
intermediate" and "emergency medical technician-paramedic" have 20872
the same meanings as in section 4765.01 of the Revised Code. 20873

(G) (1) Whoever violates any provision of divisions (A) (1) 20874
(a) to (i) or (A) (2) of this section is guilty of operating a 20875
vehicle under the influence of alcohol, a drug of abuse, or a 20876
combination of them. Whoever violates division (A) (1) (j) of this 20877
section is guilty of operating a vehicle while under the 20878
influence of a listed controlled substance or a listed 20879
metabolite of a controlled substance. The court shall sentence 20880
the offender for either offense under Chapter 2929. of the 20881
Revised Code, except as otherwise authorized or required by 20882
divisions (G) (1) (a) to (e) of this section: 20883

(a) Except as otherwise provided in division (G) (1) (b), 20884
(c), (d), or (e) of this section, the offender is guilty of a 20885
misdemeanor of the first degree, and the court shall sentence 20886
the offender to all of the following: 20887

(i) If the sentence is being imposed for a violation of 20888

division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 20889
a mandatory jail term of three consecutive days. As used in this 20890
division, three consecutive days means seventy-two consecutive 20891
hours. The court may sentence an offender to both an 20892
intervention program and a jail term. The court may impose a 20893
jail term in addition to the three-day mandatory jail term or 20894
intervention program. However, in no case shall the cumulative 20895
jail term imposed for the offense exceed six months. 20896

The court may suspend the execution of the three-day jail 20897
term under this division if the court, in lieu of that suspended 20898
term, places the offender under a community control sanction 20899
pursuant to section 2929.25 of the Revised Code and requires the 20900
offender to attend, for three consecutive days, a drivers' 20901
intervention program certified under section 5119.38 of the 20902
Revised Code. The court also may suspend the execution of any 20903
part of the three-day jail term under this division if it places 20904
the offender under a community control sanction pursuant to 20905
section 2929.25 of the Revised Code for part of the three days, 20906
requires the offender to attend for the suspended part of the 20907
term a drivers' intervention program so certified, and sentences 20908
the offender to a jail term equal to the remainder of the three 20909
consecutive days that the offender does not spend attending the 20910
program. The court may require the offender, as a condition of 20911
community control and in addition to the required attendance at 20912
a drivers' intervention program, to attend and satisfactorily 20913
complete any treatment or education programs that comply with 20914
the minimum standards adopted pursuant to Chapter 5119. of the 20915
Revised Code by the director of mental health and addiction 20916
services that the operators of the drivers' intervention program 20917
determine that the offender should attend and to report 20918
periodically to the court on the offender's progress in the 20919

programs. The court also may impose on the offender any other 20920
conditions of community control that it considers necessary. 20921

If the court grants unlimited driving privileges to a 20922
first-time offender under section 4510.022 of the Revised Code, 20923
all penalties imposed upon the offender by the court under 20924
division (G) (1) (a) (i) of this section for the offense apply, 20925
except that the court shall suspend any mandatory or additional 20926
jail term imposed by the court under division (G) (1) (a) (i) of 20927
this section upon granting unlimited driving privileges in 20928
accordance with section 4510.022 of the Revised Code. 20929

(ii) If the sentence is being imposed for a violation of 20930
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 20931
section, except as otherwise provided in this division, a 20932
mandatory jail term of at least three consecutive days and a 20933
requirement that the offender attend, for three consecutive 20934
days, a drivers' intervention program that is certified pursuant 20935
to section 5119.38 of the Revised Code. As used in this 20936
division, three consecutive days means seventy-two consecutive 20937
hours. If the court determines that the offender is not 20938
conducive to treatment in a drivers' intervention program, if 20939
the offender refuses to attend a drivers' intervention program, 20940
or if the jail at which the offender is to serve the jail term 20941
imposed can provide a driver's intervention program, the court 20942
shall sentence the offender to a mandatory jail term of at least 20943
six consecutive days. 20944

If the court grants unlimited driving privileges to a 20945
first-time offender under section 4510.022 of the Revised Code, 20946
all penalties imposed upon the offender by the court under 20947
division (G) (1) (a) (ii) of this section for the offense apply, 20948
except that the court shall suspend any mandatory or additional 20949

jail term imposed by the court under division (G) (1) (a) (ii) of 20950
this section upon granting unlimited driving privileges in 20951
accordance with section 4510.022 of the Revised Code. 20952

The court may require the offender, under a community 20953
control sanction imposed under section 2929.25 of the Revised 20954
Code, to attend and satisfactorily complete any treatment or 20955
education programs that comply with the minimum standards 20956
adopted pursuant to Chapter 5119. of the Revised Code by the 20957
director of mental health and addiction services, in addition to 20958
the required attendance at drivers' intervention program, that 20959
the operators of the drivers' intervention program determine 20960
that the offender should attend and to report periodically to 20961
the court on the offender's progress in the programs. The court 20962
also may impose any other conditions of community control on the 20963
offender that it considers necessary. 20964

(iii) In all cases, a fine of not less than three hundred 20965
seventy-five and not more than one thousand seventy-five 20966
dollars; 20967

(iv) In all cases, a suspension of the offender's driver's 20968
or commercial driver's license or permit or nonresident 20969
operating privilege for a definite period of one to three years. 20970
The court may grant limited driving privileges relative to the 20971
suspension under sections 4510.021 and 4510.13 of the Revised 20972
Code. The court may grant unlimited driving privileges with an 20973
ignition interlock device relative to the suspension and may 20974
reduce the period of suspension as authorized under section 20975
4510.022 of the Revised Code. 20976

(b) Except as otherwise provided in division (G) (1) (e) of 20977
this section, an offender who, within ten years of the offense, 20978
previously has been convicted of or pleaded guilty to one 20979

violation of division (A) ~~or (B)~~ of this section or one other 20980
equivalent offense is guilty of a misdemeanor of the first 20981
degree. The court shall sentence the offender to all of the 20982
following: 20983

(i) If the sentence is being imposed for a violation of 20984
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 20985
a mandatory jail term of ten consecutive days. The court shall 20986
impose the ten-day mandatory jail term under this division 20987
unless, subject to division (G)(3) of this section, it instead 20988
imposes a sentence under that division consisting of both a jail 20989
term and a term of house arrest with electronic monitoring, with 20990
continuous alcohol monitoring, or with both electronic 20991
monitoring and continuous alcohol monitoring. The court may 20992
impose a jail term in addition to the ten-day mandatory jail 20993
term. The cumulative jail term imposed for the offense shall not 20994
exceed six months. 20995

In addition to the jail term or the term of house arrest 20996
with electronic monitoring or continuous alcohol monitoring or 20997
both types of monitoring and jail term, the court shall require 20998
the offender to be assessed by a community addiction services 20999
provider that is authorized by section 5119.21 of the Revised 21000
Code, subject to division (I) of this section, and shall order 21001
the offender to follow the treatment recommendations of the 21002
services provider. The purpose of the assessment is to determine 21003
the degree of the offender's alcohol usage and to determine 21004
whether or not treatment is warranted. Upon the request of the 21005
court, the services provider shall submit the results of the 21006
assessment to the court, including all treatment recommendations 21007
and clinical diagnoses related to alcohol use. 21008

(ii) If the sentence is being imposed for a violation of 21009

division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 21010
section, except as otherwise provided in this division, a 21011
mandatory jail term of twenty consecutive days. The court shall 21012
impose the twenty-day mandatory jail term under this division 21013
unless, subject to division (G)(3) of this section, it instead 21014
imposes a sentence under that division consisting of both a jail 21015
term and a term of house arrest with electronic monitoring, with 21016
continuous alcohol monitoring, or with both electronic 21017
monitoring and continuous alcohol monitoring. The court may 21018
impose a jail term in addition to the twenty-day mandatory jail 21019
term. The cumulative jail term imposed for the offense shall not 21020
exceed six months. 21021

In addition to the jail term or the term of house arrest 21022
with electronic monitoring or continuous alcohol monitoring or 21023
both types of monitoring and jail term, the court shall require 21024
the offender to be assessed by a community addiction service 21025
provider that is authorized by section 5119.21 of the Revised 21026
Code, subject to division (I) of this section, and shall order 21027
the offender to follow the treatment recommendations of the 21028
services provider. The purpose of the assessment is to determine 21029
the degree of the offender's alcohol usage and to determine 21030
whether or not treatment is warranted. Upon the request of the 21031
court, the services provider shall submit the results of the 21032
assessment to the court, including all treatment recommendations 21033
and clinical diagnoses related to alcohol use. 21034

(iii) In all cases, notwithstanding the fines set forth in 21035
Chapter 2929. of the Revised Code, a fine of not less than five 21036
hundred twenty-five and not more than one thousand six hundred 21037
twenty-five dollars; 21038

(iv) In all cases, a suspension of the offender's driver's 21039

license, commercial driver's license, temporary instruction 21040
permit, probationary license, or nonresident operating privilege 21041
for a definite period of one to seven years. The court may grant 21042
limited driving privileges relative to the suspension under 21043
sections 4510.021 and 4510.13 of the Revised Code. 21044

(v) In all cases, if the vehicle is registered in the 21045
offender's name, immobilization of the vehicle involved in the 21046
offense for ninety days in accordance with section 4503.233 of 21047
the Revised Code and impoundment of the license plates of that 21048
vehicle for ninety days. 21049

(c) Except as otherwise provided in division (G)(1)(e) of 21050
this section, an offender who, within ten years of the offense, 21051
previously has been convicted of or pleaded guilty to two 21052
violations of division (A) ~~or (B)~~ of this section or other 21053
equivalent offenses is guilty of a misdemeanor. The court shall 21054
sentence the offender to all of the following: 21055

(i) If the sentence is being imposed for a violation of 21056
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 21057
a mandatory jail term of thirty consecutive days. The court 21058
shall impose the thirty-day mandatory jail term under this 21059
division unless, subject to division (G)(3) of this section, it 21060
instead imposes a sentence under that division consisting of 21061
both a jail term and a term of house arrest with electronic 21062
monitoring, with continuous alcohol monitoring, or with both 21063
electronic monitoring and continuous alcohol monitoring. The 21064
court may impose a jail term in addition to the thirty-day 21065
mandatory jail term. Notwithstanding the jail terms set forth in 21066
sections 2929.21 to 2929.28 of the Revised Code, the additional 21067
jail term shall not exceed one year, and the cumulative jail 21068
term imposed for the offense shall not exceed one year. 21069

(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 21131
of sixty consecutive days in accordance with division (G) (2) of 21132
that section if the offender is not convicted of and does not 21133
plead guilty to a specification of that type. If the court 21134
imposes a mandatory term of local incarceration, it may impose a 21135
jail term in addition to the sixty-day mandatory term, the 21136
cumulative total of the mandatory term and the jail term for the 21137
offense shall not exceed one year, and, except as provided in 21138
division (A) (1) of section 2929.13 of the Revised Code, no 21139
prison term is authorized for the offense. If the court imposes 21140
a mandatory prison term, notwithstanding division (A) (4) of 21141
section 2929.14 of the Revised Code, it also may sentence the 21142
offender to a definite prison term that shall be not less than 21143
six months and not more than thirty months and the prison terms 21144
shall be imposed as described in division (G) (2) of section 21145
2929.13 of the Revised Code. If the court imposes a mandatory 21146
prison term or mandatory prison term and additional prison term, 21147
in addition to the term or terms so imposed, the court also may 21148
sentence the offender to a community control sanction for the 21149
offense, but the offender shall serve all of the prison terms so 21150
imposed prior to serving the community control sanction. 21151

(ii) If the sentence is being imposed for a violation of 21152
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 21153
section, a mandatory prison term of one, two, three, four, or 21154
five years as required by and in accordance with division (G) (2) 21155
of section 2929.13 of the Revised Code if the offender also is 21156
convicted of or also pleads guilty to a specification of the 21157
type described in section 2941.1413 of the Revised Code or, in 21158
the discretion of the court, either a mandatory term of local 21159
incarceration of one hundred twenty consecutive days in 21160
accordance with division (G) (1) of section 2929.13 of the 21161

Revised Code or a mandatory prison term of one hundred twenty 21162
consecutive days in accordance with division (G) (2) of that 21163
section if the offender is not convicted of and does not plead 21164
guilty to a specification of that type. If the court imposes a 21165
mandatory term of local incarceration, it may impose a jail term 21166
in addition to the one hundred twenty-day mandatory term, the 21167
cumulative total of the mandatory term and the jail term for the 21168
offense shall not exceed one year, and, except as provided in 21169
division (A) (1) of section 2929.13 of the Revised Code, no 21170
prison term is authorized for the offense. If the court imposes 21171
a mandatory prison term, notwithstanding division (A) (4) of 21172
section 2929.14 of the Revised Code, it also may sentence the 21173
offender to a definite prison term that shall be not less than 21174
six months and not more than thirty months and the prison terms 21175
shall be imposed as described in division (G) (2) of section 21176
2929.13 of the Revised Code. If the court imposes a mandatory 21177
prison term or mandatory prison term and additional prison term, 21178
in addition to the term or terms so imposed, the court also may 21179
sentence the offender to a community control sanction for the 21180
offense, but the offender shall serve all of the prison terms so 21181
imposed prior to serving the community control sanction. 21182

(iii) In all cases, notwithstanding section 2929.18 of the 21183
Revised Code, a fine of not less than one thousand three hundred 21184
fifty nor more than ten thousand five hundred dollars; 21185

(iv) In all cases, a class two license suspension of the 21186
offender's driver's license, commercial driver's license, 21187
temporary instruction permit, probationary license, or 21188
nonresident operating privilege from the range specified in 21189
division (A) (2) of section 4510.02 of the Revised Code. The 21190
court may grant limited driving privileges relative to the 21191
suspension under sections 4510.021 and 4510.13 of the Revised 21192

Code. 21193

(v) In all cases, if the vehicle is registered in the 21194
offender's name, criminal forfeiture of the vehicle involved in 21195
the offense in accordance with section 4503.234 of the Revised 21196
Code. Division (G) (6) of this section applies regarding any 21197
vehicle that is subject to an order of criminal forfeiture under 21198
this division. 21199

(vi) In all cases, the court shall order the offender to 21200
participate with a community addiction services provider 21201
authorized by section 5119.21 of the Revised Code, subject to 21202
division (I) of this section, and shall order the offender to 21203
follow the treatment recommendations of the services provider. 21204
The operator of the services provider shall determine and assess 21205
the degree of the offender's alcohol dependency and shall make 21206
recommendations for treatment. Upon the request of the court, 21207
the services provider shall submit the results of the assessment 21208
to the court, including all treatment recommendations and 21209
clinical diagnoses related to alcohol use. 21210

(vii) In all cases, if the court sentences the offender to 21211
a mandatory term of local incarceration, in addition to the 21212
mandatory term, the court, pursuant to section 2929.17 of the 21213
Revised Code, may impose a term of house arrest with electronic 21214
monitoring. The term shall not commence until after the offender 21215
has served the mandatory term of local incarceration. 21216

(e) An offender who previously has been convicted of or 21217
pleaded guilty to a violation of division (A) of this section 21218
that was a felony, regardless of when the violation and the 21219
conviction or guilty plea occurred, is guilty of a felony of the 21220
third degree. The court shall sentence the offender to all of 21221
the following: 21222

(i) If the offender is being sentenced for a violation of 21223
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 21224
a mandatory prison term of one, two, three, four, or five years 21225
as required by and in accordance with division (G)(2) of section 21226
2929.13 of the Revised Code if the offender also is convicted of 21227
or also pleads guilty to a specification of the type described 21228
in section 2941.1413 of the Revised Code or a mandatory prison 21229
term of sixty consecutive days in accordance with division (G) 21230
(2) of section 2929.13 of the Revised Code if the offender is 21231
not convicted of and does not plead guilty to a specification of 21232
that type. The court may impose a prison term in addition to the 21233
mandatory prison term. The cumulative total of a sixty-day 21234
mandatory prison term and the additional prison term for the 21235
offense shall not exceed five years. In addition to the 21236
mandatory prison term or mandatory prison term and additional 21237
prison term the court imposes, the court also may sentence the 21238
offender to a community control sanction for the offense, but 21239
the offender shall serve all of the prison terms so imposed 21240
prior to serving the community control sanction. 21241

(ii) If the sentence is being imposed for a violation of 21242
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 21243
section, a mandatory prison term of one, two, three, four, or 21244
five years as required by and in accordance with division (G)(2) 21245
of section 2929.13 of the Revised Code if the offender also is 21246
convicted of or also pleads guilty to a specification of the 21247
type described in section 2941.1413 of the Revised Code or a 21248
mandatory prison term of one hundred twenty consecutive days in 21249
accordance with division (G)(2) of section 2929.13 of the 21250
Revised Code if the offender is not convicted of and does not 21251
plead guilty to a specification of that type. The court may 21252
impose a prison term in addition to the mandatory prison term. 21253

The cumulative total of a one hundred twenty-day mandatory 21254
prison term and the additional prison term for the offense shall 21255
not exceed five years. In addition to the mandatory prison term 21256
or mandatory prison term and additional prison term the court 21257
imposes, the court also may sentence the offender to a community 21258
control sanction for the offense, but the offender shall serve 21259
all of the prison terms so imposed prior to serving the 21260
community control sanction. 21261

(iii) In all cases, notwithstanding section 2929.18 of the 21262
Revised Code, a fine of not less than one thousand three hundred 21263
fifty nor more than ten thousand five hundred dollars; 21264

(iv) In all cases, a class two license suspension of the 21265
offender's driver's license, commercial driver's license, 21266
temporary instruction permit, probationary license, or 21267
nonresident operating privilege from the range specified in 21268
division (A) (2) of section 4510.02 of the Revised Code. The 21269
court may grant limited driving privileges relative to the 21270
suspension under sections 4510.021 and 4510.13 of the Revised 21271
Code. 21272

(v) In all cases, if the vehicle is registered in the 21273
offender's name, criminal forfeiture of the vehicle involved in 21274
the offense in accordance with section 4503.234 of the Revised 21275
Code. Division (G) (6) of this section applies regarding any 21276
vehicle that is subject to an order of criminal forfeiture under 21277
this division. 21278

(vi) In all cases, the court shall order the offender to 21279
participate with a community addiction services provider 21280
authorized by section 5119.21 of the Revised Code, subject to 21281
division (I) of this section, and shall order the offender to 21282
follow the treatment recommendations of the services provider. 21283

The operator of the services provider shall determine and assess 21284
the degree of the offender's alcohol dependency and shall make 21285
recommendations for treatment. Upon the request of the court, 21286
the services provider shall submit the results of the assessment 21287
to the court, including all treatment recommendations and 21288
clinical diagnoses related to alcohol use. 21289

(2) An offender who is convicted of or pleads guilty to a 21290
violation of division (A) of this section and who subsequently 21291
seeks reinstatement of the driver's or occupational driver's 21292
license or permit or nonresident operating privilege suspended 21293
under this section as a result of the conviction or guilty plea 21294
shall pay a reinstatement fee as provided in division (F) (2) of 21295
section 4511.191 of the Revised Code. 21296

(3) If an offender is sentenced to a jail term under 21297
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 21298
section and if, within sixty days of sentencing of the offender, 21299
the court issues a written finding on the record that, due to 21300
the unavailability of space at the jail where the offender is 21301
required to serve the term, the offender will not be able to 21302
begin serving that term within the sixty-day period following 21303
the date of sentencing, the court may impose an alternative 21304
sentence under this division that includes a term of house 21305
arrest with electronic monitoring, with continuous alcohol 21306
monitoring, or with both electronic monitoring and continuous 21307
alcohol monitoring. 21308

As an alternative to a mandatory jail term of ten 21309
consecutive days required by division (G) (1) (b) (i) of this 21310
section, the court, under this division, may sentence the 21311
offender to five consecutive days in jail and not less than 21312
eighteen consecutive days of house arrest with electronic 21313

monitoring, with continuous alcohol monitoring, or with both 21314
electronic monitoring and continuous alcohol monitoring. The 21315
cumulative total of the five consecutive days in jail and the 21316
period of house arrest with electronic monitoring, continuous 21317
alcohol monitoring, or both types of monitoring shall not exceed 21318
six months. The five consecutive days in jail do not have to be 21319
served prior to or consecutively to the period of house arrest. 21320

As an alternative to the mandatory jail term of twenty 21321
consecutive days required by division (G) (1) (b) (ii) of this 21322
section, the court, under this division, may sentence the 21323
offender to ten consecutive days in jail and not less than 21324
thirty-six consecutive days of house arrest with electronic 21325
monitoring, with continuous alcohol monitoring, or with both 21326
electronic monitoring and continuous alcohol monitoring. The 21327
cumulative total of the ten consecutive days in jail and the 21328
period of house arrest with electronic monitoring, continuous 21329
alcohol monitoring, or both types of monitoring shall not exceed 21330
six months. The ten consecutive days in jail do not have to be 21331
served prior to or consecutively to the period of house arrest. 21332

As an alternative to a mandatory jail term of thirty 21333
consecutive days required by division (G) (1) (c) (i) of this 21334
section, the court, under this division, may sentence the 21335
offender to fifteen consecutive days in jail and not less than 21336
fifty-five consecutive days of house arrest with electronic 21337
monitoring, with continuous alcohol monitoring, or with both 21338
electronic monitoring and continuous alcohol monitoring. The 21339
cumulative total of the fifteen consecutive days in jail and the 21340
period of house arrest with electronic monitoring, continuous 21341
alcohol monitoring, or both types of monitoring shall not exceed 21342
one year. The fifteen consecutive days in jail do not have to be 21343
served prior to or consecutively to the period of house arrest. 21344

As an alternative to the mandatory jail term of sixty 21345
consecutive days required by division (G) (1) (c) (ii) of this 21346
section, the court, under this division, may sentence the 21347
offender to thirty consecutive days in jail and not less than 21348
one hundred ten consecutive days of house arrest with electronic 21349
monitoring, with continuous alcohol monitoring, or with both 21350
electronic monitoring and continuous alcohol monitoring. The 21351
cumulative total of the thirty consecutive days in jail and the 21352
period of house arrest with electronic monitoring, continuous 21353
alcohol monitoring, or both types of monitoring shall not exceed 21354
one year. The thirty consecutive days in jail do not have to be 21355
served prior to or consecutively to the period of house arrest. 21356

(4) If an offender's driver's or occupational driver's 21357
license or permit or nonresident operating privilege is 21358
suspended under division (G) of this section and if section 21359
4510.13 of the Revised Code permits the court to grant limited 21360
driving privileges, the court may grant the limited driving 21361
privileges in accordance with that section. If division (A) (7) 21362
of that section requires that the court impose as a condition of 21363
the privileges that the offender must display on the vehicle 21364
that is driven subject to the privileges restricted license 21365
plates that are issued under section 4503.231 of the Revised 21366
Code, except as provided in division (B) of that section, the 21367
court shall impose that condition as one of the conditions of 21368
the limited driving privileges granted to the offender, except 21369
as provided in division (B) of section 4503.231 of the Revised 21370
Code. 21371

(5) Fines imposed under this section for a violation of 21372
division (A) of this section shall be distributed as follows: 21373

(a) Twenty-five dollars of the fine imposed under division 21374

(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 21375
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 21376
fine imposed under division (G) (1) (c) (iii), and two hundred ten 21377
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 21378
(iii) of this section shall be paid to an enforcement and 21379
education fund established by the legislative authority of the 21380
law enforcement agency in this state that primarily was 21381
responsible for the arrest of the offender, as determined by the 21382
court that imposes the fine. The agency shall use this share to 21383
pay only those costs it incurs in enforcing this section or a 21384
municipal OVI ordinance and in informing the public of the laws 21385
governing the operation of a vehicle while under the influence 21386
of alcohol, the dangers of the operation of a vehicle under the 21387
influence of alcohol, and other information relating to the 21388
operation of a vehicle under the influence of alcohol and the 21389
consumption of alcoholic beverages. 21390

(b) Fifty dollars of the fine imposed under division (G) 21391
(1) (a) (iii) of this section shall be paid to the political 21392
subdivision that pays the cost of housing the offender during 21393
the offender's term of incarceration. If the offender is being 21394
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 21395
(e), or (j) of this section and was confined as a result of the 21396
offense prior to being sentenced for the offense but is not 21397
sentenced to a term of incarceration, the fifty dollars shall be 21398
paid to the political subdivision that paid the cost of housing 21399
the offender during that period of confinement. The political 21400
subdivision shall use the share under this division to pay or 21401
reimburse incarceration or treatment costs it incurs in housing 21402
or providing drug and alcohol treatment to persons who violate 21403
this section or a municipal OVI ordinance, costs of any 21404
immobilizing or disabling device used on the offender's vehicle, 21405

and costs of electronic house arrest equipment needed for 21406
persons who violate this section. 21407

(c) Twenty-five dollars of the fine imposed under division 21408
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 21409
division (G) (1) (b) (iii) of this section shall be deposited into 21410
the county or municipal indigent drivers' alcohol treatment fund 21411
under the control of that court, as created by the county or 21412
municipal corporation under division (F) of section 4511.191 of 21413
the Revised Code. 21414

(d) One hundred fifteen dollars of the fine imposed under 21415
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 21416
the fine imposed under division (G) (1) (c) (iii), and four hundred 21417
forty dollars of the fine imposed under division (G) (1) (d) (iii) 21418
or (e) (iii) of this section shall be paid to the political 21419
subdivision that pays the cost of housing the offender during 21420
the offender's term of incarceration. The political subdivision 21421
shall use this share to pay or reimburse incarceration or 21422
treatment costs it incurs in housing or providing drug and 21423
alcohol treatment to persons who violate this section or a 21424
municipal OVI ordinance, costs for any immobilizing or disabling 21425
device used on the offender's vehicle, and costs of electronic 21426
house arrest equipment needed for persons who violate this 21427
section. 21428

(e) Fifty dollars of the fine imposed under divisions (G) 21429
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 21430
(G) (1) (e) (iii) of this section shall be deposited into the 21431
special projects fund of the court in which the offender was 21432
convicted and that is established under division (E) (1) of 21433
section 2303.201, division (B) (1) of section 1901.26, or 21434
division (B) (1) of section 1907.24 of the Revised Code, to be 21435

used exclusively to cover the cost of immobilizing or disabling 21436
devices, including certified ignition interlock devices, and 21437
remote alcohol monitoring devices for indigent offenders who are 21438
required by a judge to use either of these devices. If the court 21439
in which the offender was convicted does not have a special 21440
projects fund that is established under division (E) (1) of 21441
section 2303.201, division (B) (1) of section 1901.26, or 21442
division (B) (1) of section 1907.24 of the Revised Code, the 21443
fifty dollars shall be deposited into the indigent drivers 21444
interlock and alcohol monitoring fund under division (I) of 21445
section 4511.191 of the Revised Code. 21446

(f) Seventy-five dollars of the fine imposed under 21447
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 21448
fine imposed under division (G) (1) (b) (iii), two hundred fifty 21449
dollars of the fine imposed under division (G) (1) (c) (iii), and 21450
five hundred dollars of the fine imposed under division (G) (1) 21451
(d) (iii) or (e) (iii) of this section shall be transmitted to the 21452
treasurer of state for deposit into the indigent defense support 21453
fund established under section 120.08 of the Revised Code. 21454

(g) The balance of the fine imposed under division (G) (1) 21455
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 21456
section shall be disbursed as otherwise provided by law. 21457

(6) If title to a motor vehicle that is subject to an 21458
order of criminal forfeiture under division (G) (1) (c), (d), or 21459
(e) of this section is assigned or transferred and division (B) 21460
(2) or (3) of section 4503.234 of the Revised Code applies, in 21461
addition to or independent of any other penalty established by 21462
law, the court may fine the offender the value of the vehicle as 21463
determined by publications of the national automobile dealers 21464
association. The proceeds of any fine so imposed shall be 21465

distributed in accordance with division (C) (2) of that section. 21466

(7) In all cases in which an offender is sentenced under 21467
division (G) of this section, the offender shall provide the 21468
court with proof of financial responsibility as defined in 21469
section 4509.01 of the Revised Code. If the offender fails to 21470
provide that proof of financial responsibility, the court, in 21471
addition to any other penalties provided by law, may order 21472
restitution pursuant to section 2929.18 or 2929.28 of the 21473
Revised Code in an amount not exceeding five thousand dollars 21474
for any economic loss arising from an accident or collision that 21475
was the direct and proximate result of the offender's operation 21476
of the vehicle before, during, or after committing the offense 21477
for which the offender is sentenced under division (G) of this 21478
section. 21479

(8) A court may order an offender to reimburse a law 21480
enforcement agency for any costs incurred by the agency with 21481
respect to a chemical test or tests administered to the offender 21482
if all of the following apply: 21483

(a) The offender is convicted of or pleads guilty to a 21484
violation of division (A) of this section. 21485

(b) The test or tests were of the offender's whole blood, 21486
blood serum or plasma, or urine. 21487

(c) The test or tests indicated that the offender had a 21488
prohibited concentration of a controlled substance or a 21489
metabolite of a controlled substance in the offender's whole 21490
blood, blood serum or plasma, or urine at the time of the 21491
offense. 21492

(9) As used in division (G) of this section, "electronic 21493
monitoring," "mandatory prison term," and "mandatory term of 21494

local incarceration" have the same meanings as in section 21495
2929.01 of the Revised Code. 21496

(H) Whoever violates division (B) of this section is 21497
guilty of operating a vehicle after underage alcohol consumption 21498
and shall be punished as follows: 21499

(1) Except as otherwise provided in division (H) (2) of 21500
this section, the offender is guilty of a misdemeanor of the 21501
fourth degree. In addition to any other sanction imposed for the 21502
offense, the court shall impose a class six suspension of the 21503
offender's driver's license, commercial driver's license, 21504
temporary instruction permit, probationary license, or 21505
nonresident operating privilege from the range specified in 21506
division (A) (6) of section 4510.02 of the Revised Code. The 21507
court may grant limited driving privileges relative to the 21508
suspension under sections 4510.021 and 4510.13 of the Revised 21509
Code. The court may grant unlimited driving privileges with an 21510
ignition interlock device relative to the suspension and may 21511
reduce the period of suspension as authorized under section 21512
4510.022 of the Revised Code. If the court grants unlimited 21513
driving privileges under section 4510.022 of the Revised Code, 21514
the court shall suspend any jail term imposed under division (H) 21515
(1) of this section as required under that section. 21516

(2) If, within one year of the offense, the offender 21517
previously has been convicted of or pleaded guilty to one or 21518
more violations of division (A) ~~or (B)~~ of this section or other 21519
equivalent offenses, the offender is guilty of a misdemeanor of 21520
the third degree. In addition to any other sanction imposed for 21521
the offense, the court shall impose a class four suspension of 21522
the offender's driver's license, commercial driver's license, 21523
temporary instruction permit, probationary license, or 21524

nonresident operating privilege from the range specified in 21525
division (A) (4) of section 4510.02 of the Revised Code. The 21526
court may grant limited driving privileges relative to the 21527
suspension under sections 4510.021 and 4510.13 of the Revised 21528
Code. 21529

~~(3) If the offender also is convicted of or also pleads 21530
guilty to a specification of the type described in section 21531
2941.1416 of the Revised Code and if the court imposes a jail 21532
term for the violation of division (B) of this section, the 21533
court shall impose upon the offender an additional definite jail 21534
term pursuant to division (E) of section 2929.24 of the Revised 21535
Code. 21536~~

~~(4) The offender shall provide the court with proof of 21537
financial responsibility as defined in section 4509.01 of the 21538
Revised Code. If the offender fails to provide that proof of 21539
financial responsibility, then, in addition to any other 21540
penalties provided by law, the court may order restitution 21541
pursuant to section 2929.28 of the Revised Code in an amount not 21542
exceeding five thousand dollars for any economic loss arising 21543
from an accident or collision that was the direct and proximate 21544
result of the offender's operation of the vehicle before, 21545
during, or after committing the violation of division (B) of 21546
this section. 21547~~

(I) (1) No court shall sentence an offender to an alcohol 21548
treatment program under this section unless the treatment 21549
program complies with the minimum standards for alcohol 21550
treatment programs adopted under Chapter 5119. of the Revised 21551
Code by the director of mental health and addiction services. 21552

(2) An offender who stays in a drivers' intervention 21553
program or in an alcohol treatment program under an order issued 21554

under this section shall pay the cost of the stay in the 21555
program. However, if the court determines that an offender who 21556
stays in an alcohol treatment program under an order issued 21557
under this section is unable to pay the cost of the stay in the 21558
program, the court may order that the cost be paid from the 21559
court's indigent drivers' alcohol treatment fund. 21560

(J) If a person whose driver's or commercial driver's 21561
license or permit or nonresident operating privilege is 21562
suspended under this section files an appeal regarding any 21563
aspect of the person's trial or sentence, the appeal itself does 21564
not stay the operation of the suspension. 21565

(K) Division (A) (1) (j) of this section does not apply to a 21566
person who operates a vehicle, streetcar, or trackless trolley 21567
while the person has a concentration of a listed controlled 21568
substance or a listed metabolite of a controlled substance in 21569
the person's whole blood, blood serum or plasma, or urine that 21570
equals or exceeds the amount specified in that division, if both 21571
of the following apply: 21572

(1) The person obtained the controlled substance pursuant 21573
to a prescription issued by a licensed health professional 21574
authorized to prescribe drugs. 21575

(2) The person injected, ingested, or inhaled the 21576
controlled substance in accordance with the health 21577
professional's directions. 21578

(L) The prohibited concentrations of a controlled 21579
substance or a metabolite of a controlled substance listed in 21580
division (A) (1) (j) of this section also apply in a prosecution 21581
of a violation of division (D) of section 2923.16 of the Revised 21582
Code in the same manner as if the offender is being prosecuted 21583

for a prohibited concentration of alcohol. 21584

(M) All terms defined in section 4510.01 of the Revised 21585
Code apply to this section. If the meaning of a term defined in 21586
section 4510.01 of the Revised Code conflicts with the meaning 21587
of the same term as defined in section 4501.01 or 4511.01 of the 21588
Revised Code, the term as defined in section 4510.01 of the 21589
Revised Code applies to this section. 21590

(N) (1) The Ohio Traffic Rules in effect on January 1, 21591
2004, as adopted by the supreme court under authority of section 21592
2937.46 of the Revised Code, do not apply to felony violations 21593
of this section. Subject to division (N) (2) of this section, the 21594
Rules of Criminal Procedure apply to felony violations of this 21595
section. 21596

(2) If, on or after January 1, 2004, the supreme court 21597
modifies the Ohio Traffic Rules to provide procedures to govern 21598
felony violations of this section, the modified rules shall 21599
apply to felony violations of this section. 21600

Sec. 4511.191. (A) (1) As used in this section: 21601

(a) "Physical control" has the same meaning as in section 21602
4511.194 of the Revised Code. 21603

(b) "Alcohol monitoring device" means any device that 21604
provides for continuous alcohol monitoring, any ignition 21605
interlock device, any immobilizing or disabling device other 21606
than an ignition interlock device that is constantly available 21607
to monitor the concentration of alcohol in a person's system, or 21608
any other device that provides for the automatic testing and 21609
periodic reporting of alcohol consumption by a person and that a 21610
court orders a person to use as a sanction imposed as a result 21611
of the person's conviction of or plea of guilty to an offense. 21612

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

(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.

(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.

(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

Revised Code. 21643

(5) (a) If a law enforcement officer arrests a person for a 21644
violation of division (A) or (B) of section 4511.19 of the 21645
Revised Code, section 4511.194 of the Revised Code or a 21646
substantially equivalent municipal ordinance, or a municipal OVI 21647
ordinance and if the person if convicted would be required to be 21648
sentenced under division (G) (1) (c), (d), or (e) of section 21649
4511.19 of the Revised Code, the law enforcement officer shall 21650
request the person to submit, and the person shall submit, to a 21651
chemical test or tests of the person's whole blood, blood serum 21652
or plasma, breath, or urine for the purpose of determining the 21653
alcohol, drug of abuse, controlled substance, metabolite of a 21654
controlled substance, or combination content of the person's 21655
whole blood, blood serum or plasma, breath, or urine. A law 21656
enforcement officer who makes a request pursuant to this 21657
division that a person submit to a chemical test or tests is not 21658
required to advise the person of the consequences of submitting 21659
to, or refusing to submit to, the test or tests and is not 21660
required to give the person the form described in division (B) 21661
of section 4511.192 of the Revised Code, but the officer shall 21662
advise the person at the time of the arrest that if the person 21663
refuses to take a chemical test the officer may employ whatever 21664
reasonable means are necessary to ensure that the person submits 21665
to a chemical test of the person's whole blood or blood serum or 21666
plasma. The officer shall also advise the person at the time of 21667
the arrest that the person may have an independent chemical test 21668
taken at the person's own expense. Divisions (A) (3) and (4) of 21669
this section apply to the administration of a chemical test or 21670
tests pursuant to this division. 21671

(b) If a person refuses to submit to a chemical test upon 21672
a request made pursuant to division (A) (5) (a) of this section, 21673

the law enforcement officer who made the request may employ 21674
whatever reasonable means are necessary to ensure that the 21675
person submits to a chemical test of the person's whole blood or 21676
blood serum or plasma. A law enforcement officer who acts 21677
pursuant to this division to ensure that a person submits to a 21678
chemical test of the person's whole blood or blood serum or 21679
plasma is immune from criminal and civil liability based upon a 21680
claim for assault and battery or any other claim for the acts, 21681
unless the officer so acted with malicious purpose, in bad 21682
faith, or in a wanton or reckless manner. 21683

(B) (1) Upon receipt of the sworn report of a law 21684
enforcement officer who arrested a person for a violation of 21685
division (A) or (B) of section 4511.19 of the Revised Code, 21686
section 4511.194 of the Revised Code or a substantially 21687
equivalent municipal ordinance, or a municipal OVI ordinance 21688
that was completed and sent to the registrar of motor vehicles 21689
and a court pursuant to section 4511.192 of the Revised Code in 21690
regard to a person who refused to take the designated chemical 21691
test, the registrar shall enter into the registrar's records the 21692
fact that the person's driver's or commercial driver's license 21693
or permit or nonresident operating privilege was suspended by 21694
the arresting officer under this division and that section and 21695
the period of the suspension, as determined under this section. 21696
The suspension shall be subject to appeal as provided in section 21697
4511.197 of the Revised Code. The suspension shall be for 21698
whichever of the following periods applies: 21699

(a) Except when division (B) (1) (b), (c), or (d) of this 21700
section applies and specifies a different class or length of 21701
suspension, the suspension shall be a class C suspension for the 21702
period of time specified in division (B) (3) of section 4510.02 21703
of the Revised Code. 21704

(b) If the arrested person, within ten years of the date 21705
on which the person refused the request to consent to the 21706
chemical test, had refused one previous request to consent to a 21707
chemical test or had been convicted of or pleaded guilty to one 21708
violation of division (A) ~~or (B)~~ of section 4511.19 of the 21709
Revised Code or one other equivalent offense, the suspension 21710
shall be a class B suspension imposed for the period of time 21711
specified in division (B) (2) of section 4510.02 of the Revised 21712
Code. 21713

(c) If the arrested person, within ten years of the date 21714
on which the person refused the request to consent to the 21715
chemical test, had refused two previous requests to consent to a 21716
chemical test, had been convicted of or pleaded guilty to two 21717
violations of division (A) ~~or (B)~~ of section 4511.19 of the 21718
Revised Code or other equivalent offenses, or had refused one 21719
previous request to consent to a chemical test and also had been 21720
convicted of or pleaded guilty to one violation of division (A) 21721
~~or (B)~~ of section 4511.19 of the Revised Code or other 21722
equivalent offenses, which violation or offense arose from an 21723
incident other than the incident that led to the refusal, the 21724
suspension shall be a class A suspension imposed for the period 21725
of time specified in division (B) (1) of section 4510.02 of the 21726
Revised Code. 21727

(d) If the arrested person, within ten years of the date 21728
on which the person refused the request to consent to the 21729
chemical test, had refused three or more previous requests to 21730
consent to a chemical test, had been convicted of or pleaded 21731
guilty to three or more violations of division (A) ~~or (B)~~ of 21732
section 4511.19 of the Revised Code or other equivalent 21733
offenses, or had refused a number of previous requests to 21734
consent to a chemical test and also had been convicted of or 21735

pleaded guilty to a number of violations of division (A) ~~or (B)~~ 21736
of section 4511.19 of the Revised Code or other equivalent 21737
offenses that cumulatively total three or more such refusals, 21738
convictions, and guilty pleas, the suspension shall be for five 21739
years. 21740

(2) The registrar shall terminate a suspension of the 21741
driver's or commercial driver's license or permit of a resident 21742
or of the operating privilege of a nonresident, or a denial of a 21743
driver's or commercial driver's license or permit, imposed 21744
pursuant to division (B) (1) of this section upon receipt of 21745
notice that the person has entered a plea of guilty to, or that 21746
the person has been convicted after entering a plea of no 21747
contest to, operating a vehicle in violation of section 4511.19 21748
of the Revised Code or in violation of a municipal OVI 21749
ordinance, if the offense for which the conviction is had or the 21750
plea is entered arose from the same incident that led to the 21751
suspension or denial. 21752

The registrar shall credit against any judicial suspension 21753
of a person's driver's or commercial driver's license or permit 21754
or nonresident operating privilege imposed pursuant to section 21755
4511.19 of the Revised Code, or pursuant to section 4510.07 of 21756
the Revised Code for a violation of a municipal OVI ordinance, 21757
any time during which the person serves a related suspension 21758
imposed pursuant to division (B) (1) of this section. 21759

(C) (1) Upon receipt of the sworn report of the law 21760
enforcement officer who arrested a person for a violation of 21761
division (A) or (B) of section 4511.19 of the Revised Code or a 21762
municipal OVI ordinance that was completed and sent to the 21763
registrar and a court pursuant to section 4511.192 of the 21764
Revised Code in regard to a person whose test results indicate 21765

that the person's whole blood, blood serum or plasma, breath, or 21766
urine contained at least the concentration of alcohol specified 21767
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 21768
the Revised Code or at least the concentration of a listed 21769
controlled substance or a listed metabolite of a controlled 21770
substance specified in division (A) (1) (j) of section 4511.19 of 21771
the Revised Code, the registrar shall enter into the registrar's 21772
records the fact that the person's driver's or commercial 21773
driver's license or permit or nonresident operating privilege 21774
was suspended by the arresting officer under this division and 21775
section 4511.192 of the Revised Code and the period of the 21776
suspension, as determined under divisions (C) (1) (a) to (d) of 21777
this section. The suspension shall be subject to appeal as 21778
provided in section 4511.197 of the Revised Code. The suspension 21779
described in this division does not apply to, and shall not be 21780
imposed upon, a person arrested for a violation of section 21781
4511.194 of the Revised Code or a substantially equivalent 21782
municipal ordinance who submits to a designated chemical test. 21783
The suspension shall be for whichever of the following periods 21784
applies: 21785

(a) Except when division (C) (1) (b), (c), or (d) of this 21786
section applies and specifies a different period, the suspension 21787
shall be a class E suspension imposed for the period of time 21788
specified in division (B) (5) of section 4510.02 of the Revised 21789
Code. 21790

(b) The suspension shall be a class C suspension for the 21791
period of time specified in division (B) (3) of section 4510.02 21792
of the Revised Code if the person has been convicted of or 21793
pleaded guilty to, within ten years of the date the test was 21794
conducted, one violation of division (A) ~~or (B)~~ of section 21795
4511.19 of the Revised Code or one other equivalent offense. 21796

(c) If, within ten years of the date the test was 21797
conducted, the person has been convicted of or pleaded guilty to 21798
two violations of a statute or ordinance described in division 21799
(C) (1) (b) of this section, the suspension shall be a class B 21800
suspension imposed for the period of time specified in division 21801
(B) (2) of section 4510.02 of the Revised Code. 21802

(d) If, within ten years of the date the test was 21803
conducted, the person has been convicted of or pleaded guilty to 21804
more than two violations of a statute or ordinance described in 21805
division (C) (1) (b) of this section, the suspension shall be a 21806
class A suspension imposed for the period of time specified in 21807
division (B) (1) of section 4510.02 of the Revised Code. 21808

(2) The registrar shall terminate a suspension of the 21809
driver's or commercial driver's license or permit of a resident 21810
or of the operating privilege of a nonresident, or a denial of a 21811
driver's or commercial driver's license or permit, imposed 21812
pursuant to division (C) (1) of this section upon receipt of 21813
notice that the person has entered a plea of guilty to, or that 21814
the person has been convicted after entering a plea of no 21815
contest to, operating a vehicle in violation of section 4511.19 21816
of the Revised Code or in violation of a municipal OVI 21817
ordinance, if the offense for which the conviction is had or the 21818
plea is entered arose from the same incident that led to the 21819
suspension or denial. 21820

The registrar shall credit against any judicial suspension 21821
of a person's driver's or commercial driver's license or permit 21822
or nonresident operating privilege imposed pursuant to section 21823
4511.19 of the Revised Code, or pursuant to section 4510.07 of 21824
the Revised Code for a violation of a municipal OVI ordinance, 21825
any time during which the person serves a related suspension 21826

imposed pursuant to division (C)(1) of this section. 21827

(D)(1) A suspension of a person's driver's or commercial 21828
driver's license or permit or nonresident operating privilege 21829
under this section for the time described in division (B) or (C) 21830
of this section is effective immediately from the time at which 21831
the arresting officer serves the notice of suspension upon the 21832
arrested person. Any subsequent finding that the person is not 21833
guilty of the charge that resulted in the person being requested 21834
to take the chemical test or tests under division (A) of this 21835
section does not affect the suspension. 21836

(2) If a person is arrested for operating a vehicle, 21837
streetcar, or trackless trolley in violation of division (A) or 21838
(B) of section 4511.19 of the Revised Code or a municipal OVI 21839
ordinance, or for being in physical control of a vehicle, 21840
streetcar, or trackless trolley in violation of section 4511.194 21841
of the Revised Code or a substantially equivalent municipal 21842
ordinance, regardless of whether the person's driver's or 21843
commercial driver's license or permit or nonresident operating 21844
privilege is or is not suspended under division (B) or (C) of 21845
this section or Chapter 4510. of the Revised Code, the person's 21846
initial appearance on the charge resulting from the arrest shall 21847
be held within five days of the person's arrest or the issuance 21848
of the citation to the person, subject to any continuance 21849
granted by the court pursuant to section 4511.197 of the Revised 21850
Code regarding the issues specified in that division. 21851

(E) When it finally has been determined under the 21852
procedures of this section and sections 4511.192 to 4511.197 of 21853
the Revised Code that a nonresident's privilege to operate a 21854
vehicle within this state has been suspended, the registrar 21855
shall give information in writing of the action taken to the 21856

motor vehicle administrator of the state of the person's 21857
residence and of any state in which the person has a license. 21858

(F) At the end of a suspension period under this section, 21859
under section 4511.194, section 4511.196, or division (G) of 21860
section 4511.19 of the Revised Code, or under section 4510.07 of 21861
the Revised Code for a violation of a municipal OVI ordinance 21862
and upon the request of the person whose driver's or commercial 21863
driver's license or permit was suspended and who is not 21864
otherwise subject to suspension, cancellation, or 21865
disqualification, the registrar shall return the driver's or 21866
commercial driver's license or permit to the person upon the 21867
occurrence of all of the conditions specified in divisions (F) 21868
(1) and (2) of this section: 21869

(1) A showing that the person has proof of financial 21870
responsibility, a policy of liability insurance in effect that 21871
meets the minimum standards set forth in section 4509.51 of the 21872
Revised Code, or proof, to the satisfaction of the registrar, 21873
that the person is able to respond in damages in an amount at 21874
least equal to the minimum amounts specified in section 4509.51 21875
of the Revised Code. 21876

(2) Subject to the limitation contained in division (F) (3) 21877
of this section, payment by the person to the registrar or an 21878
eligible deputy registrar of a license reinstatement fee of four 21879
hundred seventy-five dollars, which fee shall be deposited in 21880
the state treasury and credited as follows: 21881

(a) One hundred twelve dollars and fifty cents shall be 21882
credited to the statewide treatment and prevention fund created 21883
by section 4301.30 of the Revised Code. Money credited to the 21884
fund under this section shall be used for purposes identified 21885
under section 5119.22 of the Revised Code. 21886

(b) Seventy-five dollars shall be credited to the 21887
reparations fund created by section 2743.191 of the Revised 21888
Code. 21889

(c) Thirty-seven dollars and fifty cents shall be credited 21890
to the indigent drivers alcohol treatment fund, which is hereby 21891
established in the state treasury. The department of mental 21892
health and addiction services shall distribute the moneys in 21893
that fund to the county indigent drivers alcohol treatment 21894
funds, the county juvenile indigent drivers alcohol treatment 21895
funds, and the municipal indigent drivers alcohol treatment 21896
funds that are required to be established by counties and 21897
municipal corporations pursuant to division (H) of this section 21898
to be used only as provided in division (H) (3) of this section. 21899
Moneys in the fund that are not distributed to a county indigent 21900
drivers alcohol treatment fund, a county juvenile indigent 21901
drivers alcohol treatment fund, or a municipal indigent drivers 21902
alcohol treatment fund under division (H) of this section 21903
because the director of mental health and addiction services 21904
does not have the information necessary to identify the county 21905
or municipal corporation where the offender or juvenile offender 21906
was arrested may be transferred by the director of budget and 21907
management to the statewide treatment and prevention fund 21908
created by section 4301.30 of the Revised Code, upon 21909
certification of the amount by the director of mental health and 21910
addiction services. 21911

(d) Seventy-five dollars shall be credited to the 21912
opportunities for Ohioans with disabilities agency established 21913
by section 3304.15 of the Revised Code, to the services for 21914
rehabilitation fund, which is hereby established. The fund shall 21915
be used to match available federal matching funds where 21916
appropriate, and for any other purpose or program of the agency 21917

to rehabilitate persons with disabilities to help them become 21918
employed and independent. 21919

(e) Seventy-five dollars shall be deposited into the state 21920
treasury and credited to the drug abuse resistance education 21921
programs fund, which is hereby established, to be used by the 21922
attorney general for the purposes specified in division (F) (4) 21923
of this section. 21924

(f) Thirty dollars shall be credited to the public safety 21925
- highway purposes fund created by section 4501.06 of the 21926
Revised Code. 21927

(g) Twenty dollars shall be credited to the trauma and 21928
emergency medical services fund created by section 4513.263 of 21929
the Revised Code. 21930

(h) Fifty dollars shall be credited to the indigent 21931
drivers interlock and alcohol monitoring fund, which is hereby 21932
established in the state treasury. Moneys in the fund shall be 21933
distributed by the department of public safety to the county 21934
indigent drivers interlock and alcohol monitoring funds, the 21935
county juvenile indigent drivers interlock and alcohol 21936
monitoring funds, and the municipal indigent drivers interlock 21937
and alcohol monitoring funds that are required to be established 21938
by counties and municipal corporations pursuant to this section, 21939
and shall be used only to pay the cost of an immobilizing or 21940
disabling device, including a certified ignition interlock 21941
device, or an alcohol monitoring device used by an offender or 21942
juvenile offender who is ordered to use the device by a county, 21943
juvenile, or municipal court judge and who is determined by the 21944
county, juvenile, or municipal court judge not to have the means 21945
to pay for the person's use of the device. 21946

(3) If a person's driver's or commercial driver's license 21947
or permit is suspended under this section, under section 21948
4511.196 or division (G) of section 4511.19 of the Revised Code, 21949
under section 4510.07 of the Revised Code for a violation of a 21950
municipal OVI ordinance or under any combination of the 21951
suspensions described in division (F) (3) of this section, and if 21952
the suspensions arise from a single incident or a single set of 21953
facts and circumstances, the person is liable for payment of, 21954
and shall be required to pay to the registrar or an eligible 21955
deputy registrar, only one reinstatement fee of four hundred 21956
seventy-five dollars. The reinstatement fee shall be distributed 21957
by the bureau in accordance with division (F) (2) of this 21958
section. 21959

(4) The attorney general shall use amounts in the drug 21960
abuse resistance education programs fund to award grants to law 21961
enforcement agencies to establish and implement drug abuse 21962
resistance education programs in public schools. Grants awarded 21963
to a law enforcement agency under this section shall be used by 21964
the agency to pay for not more than fifty per cent of the amount 21965
of the salaries of law enforcement officers who conduct drug 21966
abuse resistance education programs in public schools. The 21967
attorney general shall not use more than six per cent of the 21968
amounts the attorney general's office receives under division 21969
(F) (2) (e) of this section to pay the costs it incurs in 21970
administering the grant program established by division (F) (2) 21971
(e) of this section and in providing training and materials 21972
relating to drug abuse resistance education programs. 21973

The attorney general shall report to the governor and the 21974
general assembly each fiscal year on the progress made in 21975
establishing and implementing drug abuse resistance education 21976
programs. These reports shall include an evaluation of the 21977

effectiveness of these programs. 21978

(5) In addition to the reinstatement fee under this 21979
section, if the person pays the reinstatement fee to a deputy 21980
registrar, the deputy registrar shall collect a service fee of 21981
ten dollars to compensate the deputy registrar for services 21982
performed under this section. The deputy registrar shall retain 21983
eight dollars of the service fee and shall transmit the 21984
reinstatement fee, plus two dollars of the service fee, to the 21985
registrar in the manner the registrar shall determine. 21986

(G) Suspension of a commercial driver's license under 21987
division (B) or (C) of this section shall be concurrent with any 21988
period of disqualification under section 3123.611 or 4506.16 of 21989
the Revised Code or any period of suspension under section 21990
3123.58 of the Revised Code. No person who is disqualified for 21991
life from holding a commercial driver's license under section 21992
4506.16 of the Revised Code shall be issued a driver's license 21993
under Chapter 4507. of the Revised Code during the period for 21994
which the commercial driver's license was suspended under 21995
division (B) or (C) of this section. No person whose commercial 21996
driver's license is suspended under division (B) or (C) of this 21997
section shall be issued a driver's license under Chapter 4507. 21998
of the Revised Code during the period of the suspension. 21999

(H) (1) Each county shall establish an indigent drivers 22000
alcohol treatment fund and a juvenile indigent drivers alcohol 22001
treatment fund. Each municipal corporation in which there is a 22002
municipal court shall establish an indigent drivers alcohol 22003
treatment fund. All revenue that the general assembly 22004
appropriates to the indigent drivers alcohol treatment fund for 22005
transfer to a county indigent drivers alcohol treatment fund, a 22006
county juvenile indigent drivers alcohol treatment fund, or a 22007

municipal indigent drivers alcohol treatment fund, all portions 22008
of fees that are paid under division (F) of this section and 22009
that are credited under that division to the indigent drivers 22010
alcohol treatment fund in the state treasury for a county 22011
indigent drivers alcohol treatment fund, a county juvenile 22012
indigent drivers alcohol treatment fund, or a municipal indigent 22013
drivers alcohol treatment fund, all portions of additional costs 22014
imposed under section 2949.094 of the Revised Code that are 22015
specified for deposit into a county, county juvenile, or 22016
municipal indigent drivers alcohol treatment fund by that 22017
section, and all portions of fines that are specified for 22018
deposit into a county or municipal indigent drivers alcohol 22019
treatment fund by section 4511.193 of the Revised Code shall be 22020
deposited into that county indigent drivers alcohol treatment 22021
fund, county juvenile indigent drivers alcohol treatment fund, 22022
or municipal indigent drivers alcohol treatment fund. The 22023
portions of the fees paid under division (F) of this section 22024
that are to be so deposited shall be determined in accordance 22025
with division (H) (2) of this section. Additionally, all portions 22026
of fines that are paid for a violation of section 4511.19 of the 22027
Revised Code or of any prohibition contained in Chapter 4510. of 22028
the Revised Code, and that are required under section 4511.19 or 22029
any provision of Chapter 4510. of the Revised Code to be 22030
deposited into a county indigent drivers alcohol treatment fund 22031
or municipal indigent drivers alcohol treatment fund shall be 22032
deposited into the appropriate fund in accordance with the 22033
applicable division of the section or provision. 22034

(2) That portion of the license reinstatement fee that is 22035
paid under division (F) of this section and that is credited 22036
under that division to the indigent drivers alcohol treatment 22037
fund shall be deposited into a county indigent drivers alcohol 22038

treatment fund, a county juvenile indigent drivers alcohol 22039
treatment fund, or a municipal indigent drivers alcohol 22040
treatment fund as follows: 22041

(a) Regarding a suspension imposed under this section, 22042
that portion of the fee shall be deposited as follows: 22043

(i) If the fee is paid by a person who was charged in a 22044
county court with the violation that resulted in the suspension 22045
or in the imposition of the court costs, the portion shall be 22046
deposited into the county indigent drivers alcohol treatment 22047
fund under the control of that court; 22048

(ii) If the fee is paid by a person who was charged in a 22049
juvenile court with the violation that resulted in the 22050
suspension or in the imposition of the court costs, the portion 22051
shall be deposited into the county juvenile indigent drivers 22052
alcohol treatment fund established in the county served by the 22053
court; 22054

(iii) If the fee is paid by a person who was charged in a 22055
municipal court with the violation that resulted in the 22056
suspension or in the imposition of the court costs, the portion 22057
shall be deposited into the municipal indigent drivers alcohol 22058
treatment fund under the control of that court. 22059

(b) Regarding a suspension imposed under section 4511.19 22060
of the Revised Code or under section 4510.07 of the Revised Code 22061
for a violation of a municipal OVI ordinance, that portion of 22062
the fee shall be deposited as follows: 22063

(i) If the fee is paid by a person whose license or permit 22064
was suspended by a county court, the portion shall be deposited 22065
into the county indigent drivers alcohol treatment fund under 22066
the control of that court; 22067

(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 22098
5119.36 of the Revised Code; 22099

(iii) To pay the cost of transportation to attend an 22100
assessment as provided under division (H) (3) (b) (i) of this 22101
section or addiction services as provided under division (H) (3) 22102
(b) (ii) of this section. 22103

The alcohol and drug addiction services board or the board 22104
of alcohol, drug addiction, and mental health services 22105
established pursuant to section 340.02 or 340.021 of the Revised 22106
Code and serving the alcohol, drug addiction, and mental health 22107
service district in which the court is located shall administer 22108
the indigent drivers alcohol treatment program of the court. 22109
When a court orders an offender or juvenile traffic offender to 22110
obtain an assessment or attend an alcohol and drug addiction 22111
treatment program, the board shall determine which program is 22112
suitable to meet the needs of the offender or juvenile traffic 22113
offender, and when a suitable program is located and space is 22114
available at the program, the offender or juvenile traffic 22115
offender shall attend the program designated by the board. A 22116
reasonable amount not to exceed five per cent of the amounts 22117
credited to and deposited into the county indigent drivers 22118
alcohol treatment fund, the county juvenile indigent drivers 22119
alcohol treatment fund, or the municipal indigent drivers 22120
alcohol treatment fund serving every court whose program is 22121
administered by that board shall be paid to the board to cover 22122
the costs it incurs in administering those indigent drivers 22123
alcohol treatment programs. 22124

(c) Upon exhaustion of moneys in the indigent drivers 22125
interlock and alcohol monitoring fund for the use of an alcohol 22126
monitoring device, a county, juvenile, or municipal court judge 22127

may use moneys in the county indigent drivers alcohol treatment 22128
fund, county juvenile indigent drivers alcohol treatment fund, 22129
or municipal indigent drivers alcohol treatment fund in either 22130
of the following manners: 22131

(i) If the source of the moneys was an appropriation of 22132
the general assembly, a portion of a fee that was paid under 22133
division (F) of this section, a portion of a fine that was 22134
specified for deposit into the fund by section 4511.193 of the 22135
Revised Code, or a portion of a fine that was paid for a 22136
violation of section 4511.19 of the Revised Code or of a 22137
provision contained in Chapter 4510. of the Revised Code that 22138
was required to be deposited into the fund, to pay for the 22139
continued use of an alcohol monitoring device by an offender or 22140
juvenile traffic offender, in conjunction with a treatment 22141
program approved by the department of mental health and 22142
addiction services, when such use is determined clinically 22143
necessary by the treatment program and when the court determines 22144
that the offender or juvenile traffic offender is unable to pay 22145
all or part of the daily monitoring or cost of the device; 22146

(ii) If the source of the moneys was a portion of an 22147
additional court cost imposed under section 2949.094 of the 22148
Revised Code, to pay for the continued use of an alcohol 22149
monitoring device by an offender or juvenile traffic offender 22150
when the court determines that the offender or juvenile traffic 22151
offender is unable to pay all or part of the daily monitoring or 22152
cost of the device. The moneys may be used for a device as 22153
described in this division if the use of the device is in 22154
conjunction with a treatment program approved by the department 22155
of mental health and addiction services, when the use of the 22156
device is determined clinically necessary by the treatment 22157
program, but the use of a device is not required to be in 22158

conjunction with a treatment program approved by the department 22159
in order for the moneys to be used for the device as described 22160
in this division. 22161

(4) If a county, juvenile, or municipal court determines, 22162
in consultation with the alcohol and drug addiction services 22163
board or the board of alcohol, drug addiction, and mental health 22164
services established pursuant to section 340.02 or 340.021 of 22165
the Revised Code and serving the alcohol, drug addiction, and 22166
mental health district in which the court is located, that the 22167
funds in the county indigent drivers alcohol treatment fund, the 22168
county juvenile indigent drivers alcohol treatment fund, or the 22169
municipal indigent drivers alcohol treatment fund under the 22170
control of the court are more than sufficient to satisfy the 22171
purpose for which the fund was established, as specified in 22172
divisions (H) (1) to (3) of this section, the court may declare a 22173
surplus in the fund. If the court declares a surplus in the 22174
fund, the court may take one or more of the following actions 22175
with regard to the amount of the surplus in the fund: 22176

(a) Expend any of the surplus amount for alcohol and drug 22177
abuse assessment and treatment, and for the cost of 22178
transportation related to assessment and treatment, of persons 22179
who are charged in the court with committing a criminal offense 22180
or with being a delinquent child or juvenile traffic offender 22181
and in relation to whom both of the following apply: 22182

(i) The court determines that substance abuse was a 22183
contributing factor leading to the criminal or delinquent 22184
activity or the juvenile traffic offense with which the person 22185
is charged. 22186

(ii) The court determines that the person is unable to pay 22187
the cost of the alcohol and drug abuse assessment and treatment 22188

for which the surplus money will be used. 22189

(b) Expend any of the surplus amount to pay all or part of 22190
the cost of purchasing alcohol monitoring devices to be used in 22191
conjunction with division (H) (3) (c) of this section, upon 22192
exhaustion of moneys in the indigent drivers interlock and 22193
alcohol monitoring fund for the use of an alcohol monitoring 22194
device. 22195

(c) Transfer to another court in the same county any of 22196
the surplus amount to be utilized in a manner consistent with 22197
division (H) (3) of this section. If surplus funds are 22198
transferred to another court, the court that transfers the funds 22199
shall notify the alcohol and drug addiction services board or 22200
the board of alcohol, drug addiction, and mental health services 22201
that serves the alcohol, drug addiction, and mental health 22202
service district in which that court is located. 22203

(d) Transfer to the alcohol and drug addiction services 22204
board or the board of alcohol, drug addiction, and mental health 22205
services that serves the alcohol, drug addiction, and mental 22206
health service district in which the court is located any of the 22207
surplus amount to be utilized in a manner consistent with 22208
division (H) (3) of this section or for board contracted recovery 22209
support services. 22210

(e) Expend any of the surplus amount for the cost of 22211
staffing, equipment, training, drug testing, supplies, and other 22212
expenses of any specialized docket program established within 22213
the court and certified by the supreme court. 22214

(5) In order to determine if an offender does not have the 22215
means to pay for the offender's attendance at an alcohol and 22216
drug addiction treatment program for purposes of division (H) (3) 22217

of this section or if an alleged offender or delinquent child is 22218
unable to pay the costs specified in division (H) (4) of this 22219
section, the court shall use the indigent client eligibility 22220
guidelines and the standards of indigency established by the 22221
state public defender to make the determination. 22222

(6) The court shall identify and refer any community 22223
addiction services provider that intends to provide alcohol and 22224
drug addiction services and has not had its alcohol and drug 22225
addiction services certified under section 5119.36 of the 22226
Revised Code and that is interested in receiving amounts from 22227
the surplus in the fund declared under division (H) (4) of this 22228
section to the department of mental health and addiction 22229
services in order for the community addiction services provider 22230
to have its alcohol and drug addiction services certified by the 22231
department. The department shall keep a record of applicant 22232
referrals received pursuant to this division and shall submit a 22233
report on the referrals each year to the general assembly. If a 22234
community addiction services provider interested in having its 22235
alcohol and drug addiction services certified makes an 22236
application pursuant to section 5119.36 of the Revised Code, the 22237
community addiction services provider is eligible to receive 22238
surplus funds as long as the application is pending with the 22239
department. The department of mental health and addiction 22240
services must offer technical assistance to the applicant. If 22241
the interested community addiction services provider withdraws 22242
the certification application, the department must notify the 22243
court, and the court shall not provide the interested community 22244
addiction services provider with any further surplus funds. 22245

(7) (a) Each alcohol and drug addiction services board and 22246
board of alcohol, drug addiction, and mental health services 22247
established pursuant to section 340.02 or 340.021 of the Revised 22248

Code shall submit to the department of mental health and 22249
addiction services an annual report for each indigent drivers 22250
alcohol treatment fund in that board's area. 22251

(b) The report, which shall be submitted not later than 22252
sixty days after the end of the state fiscal year, shall provide 22253
the total payment that was made from the fund, including the 22254
number of indigent consumers that received treatment services 22255
and the number of indigent consumers that received an alcohol 22256
monitoring device. The report shall identify the treatment 22257
program and expenditure for an alcohol monitoring device for 22258
which that payment was made. The report shall include the fiscal 22259
year balance of each indigent drivers alcohol treatment fund 22260
located in that board's area. In the event that a surplus is 22261
declared in the fund pursuant to division (H) (4) of this 22262
section, the report also shall provide the total payment that 22263
was made from the surplus moneys and identify the authorized 22264
purpose for which that payment was made. 22265

(c) If a board is unable to obtain adequate information to 22266
develop the report to submit to the department for a particular 22267
indigent drivers alcohol treatment fund, the board shall submit 22268
a report detailing the effort made in obtaining the information. 22269

(I) (1) Each county shall establish an indigent drivers 22270
interlock and alcohol monitoring fund and a juvenile indigent 22271
drivers interlock and alcohol treatment fund. Each municipal 22272
corporation in which there is a municipal court shall establish 22273
an indigent drivers interlock and alcohol monitoring fund. All 22274
revenue that the general assembly appropriates to the indigent 22275
drivers interlock and alcohol monitoring fund for transfer to a 22276
county indigent drivers interlock and alcohol monitoring fund, a 22277
county juvenile indigent drivers interlock and alcohol 22278

monitoring fund, or a municipal indigent drivers interlock and 22279
alcohol monitoring fund, all portions of license reinstatement 22280
fees that are paid under division (F) (2) of this section and 22281
that are credited under that division to the indigent drivers 22282
interlock and alcohol monitoring fund in the state treasury, and 22283
all portions of fines that are paid under division (G) of 22284
section 4511.19 of the Revised Code and that are credited by 22285
division (G) (5) (e) of that section to the indigent drivers 22286
interlock and alcohol monitoring fund in the state treasury 22287
shall be deposited in the appropriate fund in accordance with 22288
division (I) (2) of this section. 22289

(2) That portion of the license reinstatement fee that is 22290
paid under division (F) of this section and that portion of the 22291
fine paid under division (G) of section 4511.19 of the Revised 22292
Code and that is credited under either division to the indigent 22293
drivers interlock and alcohol monitoring fund shall be deposited 22294
into a county indigent drivers interlock and alcohol monitoring 22295
fund, a county juvenile indigent drivers interlock and alcohol 22296
monitoring fund, or a municipal indigent drivers interlock and 22297
alcohol monitoring fund as follows: 22298

(a) If the fee or fine is paid by a person who was charged 22299
in a county court with the violation that resulted in the 22300
suspension or fine, the portion shall be deposited into the 22301
county indigent drivers interlock and alcohol monitoring fund 22302
under the control of that court. 22303

(b) If the fee or fine is paid by a person who was charged 22304
in a juvenile court with the violation that resulted in the 22305
suspension or fine, the portion shall be deposited into the 22306
county juvenile indigent drivers interlock and alcohol 22307
monitoring fund established in the county served by the court. 22308

(c) If the fee or fine is paid by a person who was charged 22309
in a municipal court with the violation that resulted in the 22310
suspension, the portion shall be deposited into the municipal 22311
indigent drivers interlock and alcohol monitoring fund under the 22312
control of that court. 22313

(3) If a county, juvenile, or municipal court determines 22314
that the funds in the county indigent drivers interlock and 22315
alcohol monitoring fund, the county juvenile indigent drivers 22316
interlock and alcohol monitoring fund, or the municipal indigent 22317
drivers interlock and alcohol monitoring fund under the control 22318
of that court are more than sufficient to satisfy the purpose 22319
for which the fund was established as specified in division (F) 22320
(2) (h) of this section, the court may declare a surplus in the 22321
fund. The court then may order the transfer of a specified 22322
amount into the county indigent drivers alcohol treatment fund, 22323
the county juvenile indigent drivers alcohol treatment fund, or 22324
the municipal indigent drivers alcohol treatment fund under the 22325
control of that court to be utilized in accordance with division 22326
(H) of this section. 22327

Sec. 4511.192. (A) Except as provided in division (A) (5) 22328
of section 4511.191 of the Revised Code, the arresting law 22329
enforcement officer shall give advice in accordance with this 22330
section to any person under arrest for a violation of division 22331
(A) or (B) of section 4511.19 of the Revised Code, section 22332
4511.194 of the Revised Code or a substantially equivalent 22333
municipal ordinance, or a municipal OVI ordinance. The officer 22334
shall give that advice in a written form that contains the 22335
information described in division (B) of this section and shall 22336
read the advice to the person. The form shall contain a 22337
statement that the form was shown to the person under arrest and 22338
read to the person by the arresting officer. One or more persons 22339

shall witness the arresting officer's reading of the form, and 22340
the witnesses shall certify to this fact by signing the form. 22341
The person must submit to the chemical test or tests, subsequent 22342
to the request of the arresting officer, within two hours of the 22343
time of the alleged violation and, if the person does not submit 22344
to the test or tests within that two-hour time limit, the 22345
failure to submit automatically constitutes a refusal to submit 22346
to the test or tests. 22347

(B) Except as provided in division (A) (5) of section 22348
4511.191 of the Revised Code, if a person is under arrest as 22349
described in division (A) of this section, before the person may 22350
be requested to submit to a chemical test or tests to determine 22351
the alcohol, drug of abuse, controlled substance, metabolite of 22352
a controlled substance, or combination content of the person's 22353
whole blood, blood serum or plasma, breath, or urine, the 22354
arresting officer shall read the following form to the person: 22355

"You now are under arrest for (specifically state the 22356
offense under state law or a substantially equivalent municipal 22357
ordinance for which the person was arrested - operating a 22358
vehicle under the influence of alcohol, a drug, or a combination 22359
of them; operating a vehicle while under the influence of a 22360
listed controlled substance or a listed metabolite of a 22361
controlled substance; operating a vehicle after underage alcohol 22362
consumption; or having physical control of a vehicle while under 22363
the influence). 22364

If you refuse to take any chemical test required by law, 22365
your Ohio driving privileges will be suspended immediately, and 22366
you will have to pay a fee to have the privileges reinstated. If 22367
you have a prior conviction of OVI, ~~OVUAC,~~ or operating a 22368
vehicle while under the influence of a listed controlled 22369

substance or a listed metabolite of a controlled substance under 22370
state or municipal law within the preceding twenty years, you 22371
now are under arrest for state OVI, and, if you refuse to take a 22372
chemical test, you will face increased penalties if you 22373
subsequently are convicted of the state OVI. 22374

(Read this part unless the person is under arrest for 22375
solely having physical control of a vehicle while under the 22376
influence.) If you take any chemical test required by law and 22377
are found to be at or over the prohibited amount of alcohol, a 22378
controlled substance, or a metabolite of a controlled substance 22379
in your whole blood, blood serum or plasma, breath, or urine as 22380
set by law, your Ohio driving privileges will be suspended 22381
immediately, and you will have to pay a fee to have the 22382
privileges reinstated. 22383

If you take a chemical test, you may have an independent 22384
chemical test taken at your own expense." 22385

(C) If the arresting law enforcement officer does not ask 22386
a person under arrest as described in division (A) of this 22387
section or division (A) (5) of section 4511.191 of the Revised 22388
Code to submit to a chemical test or tests under section 22389
4511.191 of the Revised Code, the arresting officer shall seize 22390
the Ohio or out-of-state driver's or commercial driver's license 22391
or permit of the person and immediately forward it to the court 22392
in which the arrested person is to appear on the charge. If the 22393
arrested person is not in possession of the person's license or 22394
permit or it is not in the person's vehicle, the officer shall 22395
order the person to surrender it to the law enforcement agency 22396
that employs the officer within twenty-four hours after the 22397
arrest, and, upon the surrender, the agency immediately shall 22398
forward the license or permit to the court in which the person 22399

is to appear on the charge. Upon receipt of the license or 22400
permit, the court shall retain it pending the arrested person's 22401
initial appearance and any action taken under section 4511.196 22402
of the Revised Code. 22403

(D) (1) If a law enforcement officer asks a person under 22404
arrest as described in division (A) (5) of section 4511.191 of 22405
the Revised Code to submit to a chemical test or tests under 22406
that section and the test results indicate a prohibited 22407
concentration of alcohol, a controlled substance, or a 22408
metabolite of a controlled substance in the person's whole 22409
blood, blood serum or plasma, breath, or urine at the time of 22410
the alleged offense, or if a law enforcement officer asks a 22411
person under arrest as described in division (A) of this section 22412
to submit to a chemical test or tests under section 4511.191 of 22413
the Revised Code, the officer advises the person in accordance 22414
with this section of the consequences of the person's refusal or 22415
submission, and either the person refuses to submit to the test 22416
or tests or, unless the arrest was for a violation of section 22417
4511.194 of the Revised Code or a substantially equivalent 22418
municipal ordinance, the person submits to the test or tests and 22419
the test results indicate a prohibited concentration of alcohol, 22420
a controlled substance, or a metabolite of a controlled 22421
substance in the person's whole blood, blood serum or plasma, 22422
breath, or urine at the time of the alleged offense, the 22423
arresting officer shall do all of the following: 22424

(a) On behalf of the registrar of motor vehicles, notify 22425
the person that, independent of any penalties or sanctions 22426
imposed upon the person, the person's Ohio driver's or 22427
commercial driver's license or permit or nonresident operating 22428
privilege is suspended immediately, that the suspension will 22429
last at least until the person's initial appearance on the 22430

charge, which will be held within five days after the date of 22431
the person's arrest or the issuance of a citation to the person, 22432
and that the person may appeal the suspension at the initial 22433
appearance or during the period of time ending thirty days after 22434
that initial appearance; 22435

(b) Seize the driver's or commercial driver's license or 22436
permit of the person and immediately forward it to the 22437
registrar. If the arrested person is not in possession of the 22438
person's license or permit or it is not in the person's vehicle, 22439
the officer shall order the person to surrender it to the law 22440
enforcement agency that employs the officer within twenty-four 22441
hours after the person is given notice of the suspension, and, 22442
upon the surrender, the officer's employing agency immediately 22443
shall forward the license or permit to the registrar. 22444

(c) Verify the person's current residence and, if it 22445
differs from that on the person's driver's or commercial 22446
driver's license or permit, notify the registrar of the change; 22447

(d) Send to the registrar, within forty-eight hours after 22448
the arrest of the person, a sworn report that includes all of 22449
the following statements: 22450

(i) That the officer had reasonable grounds to believe 22451
that, at the time of the arrest, the arrested person was 22452
operating a vehicle, streetcar, or trackless trolley in 22453
violation of division (A) or (B) of section 4511.19 of the 22454
Revised Code or a municipal OVI ordinance or for being in 22455
physical control of a stationary vehicle, streetcar, or 22456
trackless trolley in violation of section 4511.194 of the 22457
Revised Code or a substantially equivalent municipal ordinance; 22458

(ii) That the person was arrested and charged with a 22459

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 22490
person who is arrested for a violation of section 4511.194 of 22491
the Revised Code or a substantially equivalent municipal 22492
ordinance, who is asked by a law enforcement officer to submit 22493
to a chemical test or tests under section 4511.191 of the 22494
Revised Code, and who submits to the test or tests, regardless 22495
of the amount of alcohol, a controlled substance, or a 22496
metabolite of a controlled substance that the test results 22497
indicate is present in the person's whole blood, blood serum or 22498
plasma, breath, or urine. 22499

(E) The arresting officer shall give the officer's sworn 22500
report that is completed under this section to the arrested 22501
person at the time of the arrest, or the registrar of motor 22502
vehicles shall send the report to the person by regular first 22503
class mail as soon as possible after receipt of the report, but 22504
not later than fourteen days after receipt of it. An arresting 22505
officer may give an unsworn report to the arrested person at the 22506
time of the arrest provided the report is complete when given to 22507
the arrested person and subsequently is sworn to by the 22508
arresting officer. As soon as possible, but not later than 22509
forty-eight hours after the arrest of the person, the arresting 22510
officer shall send a copy of the sworn report to the court in 22511
which the arrested person is to appear on the charge for which 22512
the person was arrested. 22513

(F) The sworn report of an arresting officer completed 22514
under this section is prima-facie proof of the information and 22515
statements that it contains. It shall be admitted and considered 22516
as prima-facie proof of the information and statements that it 22517
contains in any appeal under section 4511.197 of the Revised 22518
Code relative to any suspension of a person's driver's or 22519
commercial driver's license or permit or nonresident operating 22520

privilege that results from the arrest covered by the report. 22521

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 22522
for a violation of a municipal OVI ordinance shall be deposited 22523
into the municipal or county indigent drivers alcohol treatment 22524
fund created pursuant to division (H) of section 4511.191 of the 22525
Revised Code in accordance with this section and section 733.40, 22526
divisions (A), (B), and (C) of section 1901.024, division (F) of 22527
section 1901.31, or division (C) of section 1907.20 of the 22528
Revised Code. Regardless of whether the fine is imposed by a 22529
municipal court, a mayor's court, or a juvenile court, if the 22530
fine was imposed for a violation of an ordinance of a municipal 22531
corporation that is within the jurisdiction of a county-operated 22532
municipal court or a municipal court that is not a county- 22533
operated municipal court, the twenty-five dollars that is 22534
subject to this section shall be deposited into the indigent 22535
drivers alcohol treatment fund of the county in which that 22536
municipal corporation is located if the municipal court that has 22537
jurisdiction over that municipal corporation is a county- 22538
operated municipal court or of the municipal corporation in 22539
which is located the municipal court that has jurisdiction over 22540
that municipal corporation if that municipal court is not a 22541
county-operated municipal court. Regardless of whether the fine 22542
is imposed by a county court, a mayor's court, or a juvenile 22543
court, if the fine was imposed for a violation of an ordinance 22544
of a municipal corporation that is within the jurisdiction of a 22545
county court, the twenty-five dollars that is subject to this 22546
section shall be deposited into the indigent drivers alcohol 22547
treatment fund of the county in which is located the county 22548
court that has jurisdiction over that municipal corporation. The 22549
deposit shall be made in accordance with section 733.40, 22550
divisions (A), (B), and (C) of section 1901.024, division (F) of 22551

section 1901.31, or division (C) of section 1907.20 of the Revised Code. 22552
22553

(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 22583
jurisdiction over that municipal corporation. The deposit shall 22584
be made in accordance with section 733.40, divisions (A), (B), 22585
and (C) of section 1901.024, division (F) of section 1901.31, or 22586
division (C) of section 1907.20 of the Revised Code. 22587

(C) (1) The requirements and sanctions imposed by divisions 22588
(C) (1) and (2) of this section are an adjunct to and derive from 22589
the state's exclusive authority over the registration and 22590
titling of motor vehicles and do not comprise a part of the 22591
criminal sentence to be imposed upon a person who violates a 22592
municipal OVI ordinance. 22593

(2) If a person is convicted of or pleads guilty to a 22594
violation of a municipal OVI ordinance, if the vehicle the 22595
offender was operating at the time of the offense is registered 22596
in the offender's name, and if, within ten years of the current 22597
offense, the offender has been convicted of or pleaded guilty to 22598
one or more violations of division (A) ~~or (B)~~ of section 4511.19 22599
of the Revised Code or one or more other equivalent offenses, 22600
the court, in addition to and independent of any sentence that 22601
it imposes upon the offender for the offense, shall do whichever 22602
of the following is applicable: 22603

(a) Except as otherwise provided in division (C) (2) (b) of 22604
this section, if, within ten years of the current offense, the 22605
offender has been convicted of or pleaded guilty to one 22606
violation described in division (C) (2) of this section, the 22607
court shall order the immobilization for ninety days of that 22608
vehicle and the impoundment for ninety days of the license 22609
plates of that vehicle. The order for the immobilization and 22610
impoundment shall be issued and enforced in accordance with 22611
section 4503.233 of the Revised Code. 22612

(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 22642
seized under this section, all lienholders, the arrested person, 22643
the owner of the place of storage at which a vehicle seized 22644
under this section is stored, and the person or entity that 22645
caused the vehicle to be removed. 22646

(B) (1) The arresting officer or another officer of the law 22647
enforcement agency that employs the arresting officer, in 22648
addition to any action that the arresting officer is required or 22649
authorized to take by section 4511.19 or 4511.191 of the Revised 22650
Code or by any other provision of law, shall seize the vehicle 22651
that a person was operating at the time of the alleged offense 22652
and its license plates if the vehicle is registered in the 22653
arrested person's name and if either of the following applies: 22654

(a) The person is arrested for a violation of division (A) 22655
of section 4511.19 of the Revised Code or of a municipal OVI 22656
ordinance and, within ten years of the alleged violation, the 22657
person previously has been convicted of or pleaded guilty to one 22658
or more violations of division (A) ~~or (B)~~ of section 4511.19 of 22659
the Revised Code or one or more other equivalent offenses. 22660

(b) The person is arrested for a violation of division (A) 22661
of section 4511.19 of the Revised Code or of a municipal OVI 22662
ordinance and the person previously has been convicted of or 22663
pleaded guilty to a violation of division (A) of section 4511.19 22664
of the Revised Code under circumstances in which the violation 22665
was a felony, regardless of when the prior felony violation of 22666
division (A) of section 4511.19 of the Revised Code and the 22667
conviction or guilty plea occurred. 22668

(2) A law enforcement agency that employs a law 22669
enforcement officer who makes an arrest of a type that is 22670
described in division (B) (1) of this section and that involves a 22671

rented or leased vehicle that is being rented or leased for a 22672
period of thirty days or less shall notify, within twenty-four 22673
hours after the officer makes the arrest, the lessor or owner of 22674
the vehicle regarding the circumstances of the arrest and the 22675
location at which the vehicle may be picked up. At the time of 22676
the seizure of the vehicle, the law enforcement officer who made 22677
the arrest shall give the arrested person written notice that 22678
the vehicle and its license plates have been seized; that the 22679
vehicle either will be kept by the officer's law enforcement 22680
agency or will be immobilized at least until the operator's 22681
initial appearance on the charge of the offense for which the 22682
arrest was made; that, at the initial appearance, the court in 22683
certain circumstances may order that the vehicle and license 22684
plates be released to the arrested person until the disposition 22685
of that charge; and that, if the arrested person is convicted of 22686
that charge, the court generally must order the immobilization 22687
of the vehicle and the impoundment of its license plates, or the 22688
forfeiture of the vehicle. 22689

(3) The arresting officer or a law enforcement officer of 22690
the agency that employs the arresting officer shall give written 22691
notice of the seizure to the court that will conduct the initial 22692
appearance of the arrested person on the charges arising out of 22693
the arrest. Upon receipt of the notice, the court promptly shall 22694
determine whether the arrested person is the vehicle owner. If 22695
the court determines that the arrested person is not the vehicle 22696
owner, it promptly shall send by regular mail written notice of 22697
the seizure to the vehicle's registered owner. The written 22698
notice shall contain all of the information required by division 22699
(B) (2) of this section to be in a notice to be given to the 22700
arrested person and also shall specify the date, time, and place 22701
of the arrested person's initial appearance. The notice also 22702

shall inform the vehicle owner that if title to a motor vehicle 22703
that is subject to an order for criminal forfeiture under this 22704
section is assigned or transferred and division (B) (2) or (3) of 22705
section 4503.234 of the Revised Code applies, the court may fine 22706
the arrested person the value of the vehicle. The notice also 22707
shall state that if the vehicle is immobilized under division 22708
(A) of section 4503.233 of the Revised Code, seven days after 22709
the end of the period of immobilization a law enforcement agency 22710
will send the vehicle owner a notice, informing the owner that 22711
if the release of the vehicle is not obtained in accordance with 22712
division (D) (3) of section 4503.233 of the Revised Code, the 22713
vehicle shall be forfeited. The notice also shall inform the 22714
vehicle owner that the vehicle owner may be charged expenses or 22715
charges incurred under this section and section 4503.233 of the 22716
Revised Code for the removal and storage of the vehicle. 22717

The written notice that is given to the arrested person 22718
also shall state that if the person is convicted of or pleads 22719
guilty to the offense and the court issues an immobilization and 22720
impoundment order relative to that vehicle, division (D) (4) of 22721
section 4503.233 of the Revised Code prohibits the vehicle from 22722
being sold during the period of immobilization without the prior 22723
approval of the court. 22724

(4) At or before the initial appearance, the vehicle owner 22725
may file a motion requesting the court to order that the vehicle 22726
and its license plates be released to the vehicle owner. Except 22727
as provided in this division and subject to the payment of 22728
expenses or charges incurred in the removal and storage of the 22729
vehicle, the court, in its discretion, then may issue an order 22730
releasing the vehicle and its license plates to the vehicle 22731
owner. Such an order may be conditioned upon such terms as the 22732
court determines appropriate, including the posting of a bond in 22733

an amount determined by the court. If the arrested person is not 22734
the vehicle owner and if the vehicle owner is not present at the 22735
arrested person's initial appearance, and if the court believes 22736
that the vehicle owner was not provided with adequate notice of 22737
the initial appearance, the court, in its discretion, may allow 22738
the vehicle owner to file a motion within seven days of the 22739
initial appearance. If the court allows the vehicle owner to 22740
file such a motion after the initial appearance, the extension 22741
of time granted by the court does not extend the time within 22742
which the initial appearance is to be conducted. If the court 22743
issues an order for the release of the vehicle and its license 22744
plates, a copy of the order shall be made available to the 22745
vehicle owner. If the vehicle owner presents a copy of the order 22746
to the law enforcement agency that employs the law enforcement 22747
officer who arrested the arrested person, the law enforcement 22748
agency promptly shall release the vehicle and its license plates 22749
to the vehicle owner upon payment by the vehicle owner of any 22750
expenses or charges incurred in the removal and storage of the 22751
vehicle. 22752

(5) A vehicle seized under division (B)(1) of this section 22753
either shall be towed to a place specified by the law 22754
enforcement agency that employs the arresting officer to be 22755
safely kept by the agency at that place for the time and in the 22756
manner specified in this section or shall be otherwise 22757
immobilized for the time and in the manner specified in this 22758
section. The license plates shall remain on the seized vehicle 22759
unless otherwise ordered by the court. No vehicle that is seized 22760
and either towed or immobilized pursuant to this division shall 22761
be considered contraband for purposes of Chapter 2981. of the 22762
Revised Code. The vehicle shall not be immobilized at any place 22763
other than a commercially operated private storage lot, a place 22764

owned by a law enforcement agency or other government agency, or 22765
a place to which one of the following applies: 22766

(a) The place is leased by or otherwise under the control 22767
of a law enforcement agency or other government agency. 22768

(b) The place is owned by the vehicle operator, the 22769
vehicle operator's spouse, or a parent or child of the vehicle 22770
operator. 22771

(c) The place is owned by a private person or entity, and, 22772
prior to the immobilization, the private entity or person that 22773
owns the place, or the authorized agent of that private entity 22774
or person, has given express written consent for the 22775
immobilization to be carried out at that place. 22776

(d) The place is a street or highway on which the vehicle 22777
is parked in accordance with the law. 22778

(C) (1) A vehicle seized under division (B) of this section 22779
shall be safely kept at the place to which it is towed or 22780
otherwise moved by the law enforcement agency that employs the 22781
arresting officer until the initial appearance of the arrested 22782
person relative to the charge in question. The license plates 22783
shall remain on the seized vehicle unless otherwise ordered by 22784
the court. 22785

(2) (a) At the initial appearance or not less than seven 22786
days prior to the date of final disposition, the court shall 22787
notify the arrested person that, if title to a motor vehicle 22788
that is subject to an order for criminal forfeiture under this 22789
section is assigned or transferred and division (B) (2) or (3) of 22790
section 4503.234 of the Revised Code applies, the court may fine 22791
the arrested person the value of the vehicle. If, at the initial 22792
appearance, the arrested person pleads guilty to the violation 22793

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 22824
person was operating at the time of the offense if it is 22825
registered in the arrested person's name and the impoundment of 22826
its license plates under section 4503.233 and section 4511.19 or 22827
4511.193 of the Revised Code, or the criminal forfeiture of the 22828
vehicle if it is registered in the arrested person's name under 22829
section 4503.234 and section 4511.19 or 4511.193 of the Revised 22830
Code, whichever is applicable. 22831

(2) If the arrested person is found not guilty of the 22832
violation of division (A) of section 4511.19 of the Revised Code 22833
or of the municipal OVI ordinance, the court shall order that 22834
the vehicle and its license plates immediately be released to 22835
the arrested person. 22836

(3) If the charge that the arrested person violated 22837
division (A) of section 4511.19 of the Revised Code or the 22838
municipal OVI ordinance is dismissed for any reason, the court 22839
shall order that the vehicle and its license plates immediately 22840
be released to the arrested person. 22841

(4) If the impoundment of the vehicle was not authorized 22842
under this section, the court shall order that the vehicle and 22843
its license plates be returned immediately to the arrested 22844
person or, if the arrested person is not the vehicle owner, to 22845
the vehicle owner, and shall order that the state or political 22846
subdivision of the law enforcement agency served by the law 22847
enforcement officer who seized the vehicle pay all expenses and 22848
charges incurred in its removal and storage. 22849

(E) If a vehicle is seized under division (B) of this 22850
section, the time between the seizure of the vehicle and either 22851
its release to the arrested person under division (C) of this 22852
section or the issuance of an order of immobilization of the 22853

vehicle under section 4503.233 of the Revised Code shall be 22854
credited against the period of immobilization ordered by the 22855
court. 22856

(F) (1) Except as provided in division (D) (4) of this 22857
section, the arrested person may be charged expenses or charges 22858
incurred in the removal and storage of the immobilized vehicle. 22859
The court with jurisdiction over the case, after notice to all 22860
interested parties, including lienholders, and after an 22861
opportunity for them to be heard, if the court finds that the 22862
arrested person does not intend to seek release of the vehicle 22863
at the end of the period of immobilization under section 22864
4503.233 of the Revised Code or that the arrested person is not 22865
or will not be able to pay the expenses and charges incurred in 22866
its removal and storage, may order that title to the vehicle be 22867
transferred, in order of priority, first into the name of the 22868
person or entity that removed it, next into the name of a 22869
lienholder, or lastly into the name of the owner of the place of 22870
storage. 22871

Any lienholder that receives title under a court order 22872
shall do so on the condition that it pay any expenses or charges 22873
incurred in the vehicle's removal and storage. If the person or 22874
entity that receives title to the vehicle is the person or 22875
entity that removed it, the person or entity shall receive title 22876
on the condition that it pay any lien on the vehicle. The court 22877
shall not order that title be transferred to any person or 22878
entity other than the owner of the place of storage if the 22879
person or entity refuses to receive the title. Any person or 22880
entity that receives title either may keep title to the vehicle 22881
or may dispose of the vehicle in any legal manner that it 22882
considers appropriate, including assignment of the certificate 22883
of title to the motor vehicle to a salvage dealer or a scrap 22884

metal processing facility. The person or entity shall not 22885
transfer the vehicle to the person who is the vehicle's 22886
immediate previous owner. 22887

If the person or entity that receives title assigns the 22888
motor vehicle to a salvage dealer or scrap metal processing 22889
facility, the person or entity shall send the assigned 22890
certificate of title to the motor vehicle to the clerk of the 22891
court of common pleas of the county in which the salvage dealer 22892
or scrap metal processing facility is located. The person or 22893
entity shall mark the face of the certificate of title with the 22894
words "FOR DESTRUCTION" and shall deliver a photocopy of the 22895
certificate of title to the salvage dealer or scrap metal 22896
processing facility for its records. 22897

(2) Whenever a court issues an order under division (F) (1) 22898
of this section, the court also shall order removal of the 22899
license plates from the vehicle and cause them to be sent to the 22900
registrar of motor vehicles if they have not already been sent 22901
to the registrar. Thereafter, no further proceedings shall take 22902
place under this section or under section 4503.233 of the 22903
Revised Code. 22904

(3) Prior to initiating a proceeding under division (F) (1) 22905
of this section, and upon payment of the fee under division (B) 22906
of section 4505.14 of the Revised Code, any interested party may 22907
cause a search to be made of the public records of the bureau of 22908
motor vehicles or the clerk of the court of common pleas, to 22909
ascertain the identity of any lienholder of the vehicle. The 22910
initiating party shall furnish this information to the clerk of 22911
the court with jurisdiction over the case, and the clerk shall 22912
provide notice to the arrested person, any lienholder, and any 22913
other interested parties listed by the initiating party, at the 22914

last known address supplied by the initiating party, by 22915
certified mail or, at the option of the initiating party, by 22916
personal service or ordinary mail. 22917

Sec. 4511.21. (A) No person shall operate a motor vehicle, 22918
trackless trolley, or streetcar at a speed greater or less than 22919
is reasonable or proper, having due regard to the traffic, 22920
surface, and width of the street or highway and any other 22921
conditions, and no person shall drive any motor vehicle, 22922
trackless trolley, or streetcar in and upon any street or 22923
highway at a greater speed than will permit the person to bring 22924
it to a stop within the assured clear distance ahead. 22925

(B) It is prima-facie lawful, in the absence of a lower 22926
limit declared or established pursuant to this section by the 22927
director of transportation or local authorities, for the 22928
operator of a motor vehicle, trackless trolley, or streetcar to 22929
operate the same at a speed not exceeding the following: 22930

(1) (a) Twenty miles per hour in school zones during school 22931
recess and while children are going to or leaving school during 22932
the opening or closing hours, and when twenty miles per hour 22933
school speed limit signs are erected; except that, on 22934
controlled-access highways and expressways, if the right-of-way 22935
line fence has been erected without pedestrian opening, the 22936
speed shall be governed by division (B) (4) of this section and 22937
on freeways, if the right-of-way line fence has been erected 22938
without pedestrian opening, the speed shall be governed by 22939
divisions (B) (10) and (11) of this section. The end of every 22940
school zone may be marked by a sign indicating the end of the 22941
zone. Nothing in this section or in the manual and 22942
specifications for a uniform system of traffic control devices 22943
shall be construed to require school zones to be indicated by 22944

signs equipped with flashing or other lights, or giving other 22945
special notice of the hours in which the school zone speed limit 22946
is in effect. 22947

(b) As used in this section and in section 4511.212 of the 22948
Revised Code, "school" means all of the following: 22949

(i) Any school chartered under section 3301.16 of the 22950
Revised Code; 22951

(ii) Any nonchartered school that during the preceding 22952
year filed with the department of education in compliance with 22953
rule 3301-35-08 of the Ohio Administrative Code, a copy of the 22954
school's report for the parents of the school's pupils 22955
certifying that the school meets Ohio minimum standards for 22956
nonchartered, nontax-supported schools and presents evidence of 22957
this filing to the jurisdiction from which it is requesting the 22958
establishment of a school zone; 22959

(iii) Any special elementary school that in writing 22960
requests the county engineer of the county in which the special 22961
elementary school is located to create a school zone at the 22962
location of that school. Upon receipt of such a written request, 22963
the county engineer shall create a school zone at that location 22964
by erecting the appropriate signs. 22965

(iv) Any preschool education program operated by an 22966
educational service center that is located on a street or 22967
highway with a speed limit of forty-five miles per hour or more, 22968
when the educational service center in writing requests that the 22969
county engineer of the county in which the program is located 22970
create a school zone at the location of that program. Upon 22971
receipt of such a written request, the county engineer shall 22972
create a school zone at that location by erecting the 22973

appropriate signs. 22974

(c) As used in this section, "school zone" means that 22975
portion of a street or highway passing a school fronting upon 22976
the street or highway that is encompassed by projecting the 22977
school property lines to the fronting street or highway, and 22978
also includes that portion of a state highway. Upon request from 22979
local authorities for streets and highways under their 22980
jurisdiction and that portion of a state highway under the 22981
jurisdiction of the director of transportation or a request from 22982
a county engineer in the case of a school zone for a special 22983
elementary school, the director may extend the traditional 22984
school zone boundaries. The distances in divisions (B) (1) (c) (i), 22985
(ii), and (iii) of this section shall not exceed three hundred 22986
feet per approach per direction and are bounded by whichever of 22987
the following distances or combinations thereof the director 22988
approves as most appropriate: 22989

(i) The distance encompassed by projecting the school 22990
building lines normal to the fronting highway and extending a 22991
distance of three hundred feet on each approach direction; 22992

(ii) The distance encompassed by projecting the school 22993
property lines intersecting the fronting highway and extending a 22994
distance of three hundred feet on each approach direction; 22995

(iii) The distance encompassed by the special marking of 22996
the pavement for a principal school pupil crosswalk plus a 22997
distance of three hundred feet on each approach direction of the 22998
highway. 22999

Nothing in this section shall be construed to invalidate 23000
the director's initial action on August 9, 1976, establishing 23001
all school zones at the traditional school zone boundaries 23002

defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B) (1) (a) and (c) of this section.

(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.

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.

(e) As used in this section, "special elementary school" means a school that meets all of the following criteria:

(i) It is not chartered and does not receive tax revenue from any source.

(ii) It does not educate children beyond the eighth grade.	23032
(iii) It is located outside the limits of a municipal corporation.	23033 23034
(iv) A majority of the total number of students enrolled at the school are not related by blood.	23035 23036
(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.	23037 23038 23039 23040 23041 23042 23043
(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;	23044 23045 23046 23047
(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;	23048 23049 23050 23051
(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;	23052 23053 23054
(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;	23055 23056 23057 23058 23059 23060

(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;	23061 23062 23063
(7) Fifteen miles per hour on all alleys within the municipal corporation;	23064 23065
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	23066 23067
(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;	23068 23069 23070 23071
(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;	23072 23073 23074
(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;	23075 23076 23077
(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;	23078 23079 23080 23081
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	23082 23083
(14) Seventy miles per hour on all rural freeways;	23084
(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)	23085 23086 23087 23088

(16) of this section; 23089

(16) Sixty-five miles per hour on all portions of freeways 23090
or expressways without traffic control signals in urbanized 23091
areas. 23092

(C) It is prima-facie unlawful for any person to exceed 23093
any of the speed limitations in divisions (B) (1) (a), (2), (3), 23094
(4), (6), (7), (8), and (9) of this section, or any declared or 23095
established pursuant to this section by the director or local 23096
authorities and it is unlawful for any person to exceed any of 23097
the speed limitations in division (D) of this section. No person 23098
shall be convicted of more than one violation of this section 23099
for the same conduct, although violations of more than one 23100
provision of this section may be charged in the alternative in a 23101
single affidavit. 23102

(D) No person shall operate a motor vehicle, trackless 23103
trolley, or streetcar upon a street or highway as follows: 23104

(1) At a speed exceeding fifty-five miles per hour, except 23105
upon a two-lane state route as provided in division (B) (10) of 23106
this section and upon a highway, expressway, or freeway as 23107
provided in divisions (B) (12), (13), (14), and (16) of this 23108
section; 23109

(2) At a speed exceeding sixty miles per hour upon a two- 23110
lane state route as provided in division (B) (10) of this section 23111
and upon a highway as provided in division (B) (12) of this 23112
section; 23113

(3) At a speed exceeding sixty-five miles per hour upon an 23114
expressway as provided in division (B) (13) or upon a freeway as 23115
provided in division (B) (16) of this section, except upon a 23116
freeway as provided in division (B) (14) of this section; 23117

(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B)(14) of this section;

(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.

(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.

(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

this section. If it finds no violation of division (B) (1) (a), 23148
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 23149
established pursuant to, this section, it shall then consider 23150
whether the evidence supports a conviction under division (D) of 23151
this section. 23152

(G) Points shall be assessed for violation of a limitation 23153
under division (D) of this section in accordance with section 23154
4510.036 of the Revised Code. 23155

(H) (1) Whenever the director determines upon the basis of 23156
criteria established by an engineering study, as defined by the 23157
director, that any speed limit set forth in divisions (B) (1) (a) 23158
to (D) of this section is greater or less than is reasonable or 23159
safe under the conditions found to exist at any portion of a 23160
street or highway under the jurisdiction of the director, the 23161
director shall determine and declare a reasonable and safe 23162
prima-facie speed limit, which shall be effective when 23163
appropriate signs giving notice of it are erected at the 23164
location. 23165

(2) Whenever the director determines upon the basis of 23166
criteria established by an engineering study, as defined by the 23167
director, that the speed limit of fifty-five miles per hour on a 23168
two-lane state route outside a municipal corporation is less 23169
than is reasonable or safe under the conditions found to exist 23170
at that portion of the state route, the director may determine 23171
and declare a speed limit of sixty miles per hour for that 23172
portion of the state route, which shall be effective when 23173
appropriate signs giving notice of it are erected at the 23174
location. 23175

(3) (a) For purposes of the safe and orderly movement of 23176
traffic upon any portion of a street or highway under the 23177

jurisdiction of the director, the director may establish a 23178
variable speed limit that is different than the speed limit 23179
established by or under this section on all or portions of 23180
interstate six hundred seventy, interstate two hundred seventy- 23181
five, and interstate ninety commencing at the intersection of 23182
that interstate with interstate seventy-one and continuing to 23183
the border of the state of Ohio with the state of Pennsylvania. 23184
The director shall establish criteria for determining the 23185
appropriate use of variable speed limits and shall establish 23186
variable speed limits in accordance with the criteria. The 23187
director may establish variable speed limits based upon the time 23188
of day, weather conditions, traffic incidents, or other factors 23189
that affect the safe speed on a street or highway. The director 23190
shall not establish a variable speed limit that is based on a 23191
particular type or class of vehicle. A variable speed limit 23192
established by the director under this section is effective when 23193
appropriate signs giving notice of the speed limit are displayed 23194
at the location. 23195

(b) Except for variable speed limits established under 23196
division (H) (3) (a) of this section, the director shall establish 23197
a variable speed limit under the authority granted to the 23198
director by this section on not more than two additional 23199
highways and only pursuant to criteria established in rules 23200
adopted in accordance with Chapter 119. of the Revised Code. The 23201
rules shall be based on the criteria described in division (H) 23202
(3) (a) of this section. The rules also shall establish the 23203
parameters of any engineering study necessary for determining 23204
when variable speed limits are appropriate. 23205

(4) Nothing in this section shall be construed to limit 23206
the authority of the director to establish speed limits within a 23207
construction zone as authorized under section 4511.98 of the 23208

Revised Code. 23209

(I) (1) Except as provided in divisions (I) (2), (J), (K), 23210
and (N) of this section, whenever local authorities determine 23211
upon the basis of criteria established by an engineering study, 23212
as defined by the director, that the speed permitted by 23213
divisions (B) (1) (a) to (D) of this section, on any part of a 23214
highway under their jurisdiction, is greater than is reasonable 23215
and safe under the conditions found to exist at such location, 23216
the local authorities may by resolution request the director to 23217
determine and declare a reasonable and safe prima-facie speed 23218
limit. Upon receipt of such request the director may determine 23219
and declare a reasonable and safe prima-facie speed limit at 23220
such location, and if the director does so, then such declared 23221
speed limit shall become effective only when appropriate signs 23222
giving notice thereof are erected at such location by the local 23223
authorities. The director may withdraw the declaration of a 23224
prima-facie speed limit whenever in the director's opinion the 23225
altered prima-facie speed limit becomes unreasonable. Upon such 23226
withdrawal, the declared prima-facie speed limit shall become 23227
ineffective and the signs relating thereto shall be immediately 23228
removed by the local authorities. 23229

(2) A local authority may determine on the basis of 23230
criteria established by an engineering study, as defined by the 23231
director, that the speed limit of sixty-five or seventy miles 23232
per hour on a portion of a freeway under its jurisdiction is 23233
greater than is reasonable or safe under the conditions found to 23234
exist at that portion of the freeway. If the local authority 23235
makes such a determination, the local authority by resolution 23236
may request the director to determine and declare a reasonable 23237
and safe speed limit of not less than fifty-five miles per hour 23238
for that portion of the freeway. If the director takes such 23239

action, the declared speed limit becomes effective only when 23240
appropriate signs giving notice of it are erected at such 23241
location by the local authority. 23242

(J) Local authorities in their respective jurisdictions 23243
may authorize by ordinance higher prima-facie speeds than those 23244
stated in this section upon through highways, or upon highways 23245
or portions thereof where there are no intersections, or between 23246
widely spaced intersections, provided signs are erected giving 23247
notice of the authorized speed, but local authorities shall not 23248
modify or alter the basic rule set forth in division (A) of this 23249
section or in any event authorize by ordinance a speed in excess 23250
of the maximum speed permitted by division (D) of this section 23251
for the specified type of highway. 23252

Alteration of prima-facie limits on state routes by local 23253
authorities shall not be effective until the alteration has been 23254
approved by the director. The director may withdraw approval of 23255
any altered prima-facie speed limits whenever in the director's 23256
opinion any altered prima-facie speed becomes unreasonable, and 23257
upon such withdrawal, the altered prima-facie speed shall become 23258
ineffective and the signs relating thereto shall be immediately 23259
removed by the local authorities. 23260

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 23261
this section, "unimproved highway" means a highway consisting of 23262
any of the following: 23263

(a) Unimproved earth; 23264

(b) Unimproved graded and drained earth; 23265

(c) Gravel. 23266

(2) Except as otherwise provided in divisions (K) (4) and 23267
(5) of this section, whenever a board of township trustees 23268

determines upon the basis of criteria established by an 23269
engineering study, as defined by the director, that the speed 23270
permitted by division (B) (5) of this section on any part of an 23271
unimproved highway under its jurisdiction and in the 23272
unincorporated territory of the township is greater than is 23273
reasonable or safe under the conditions found to exist at the 23274
location, the board may by resolution declare a reasonable and 23275
safe prima-facie speed limit of fifty-five but not less than 23276
twenty-five miles per hour. An altered speed limit adopted by a 23277
board of township trustees under this division becomes effective 23278
when appropriate traffic control devices, as prescribed in 23279
section 4511.11 of the Revised Code, giving notice thereof are 23280
erected at the location, which shall be no sooner than sixty 23281
days after adoption of the resolution. 23282

(3) (a) Whenever, in the opinion of a board of township 23283
trustees, any altered prima-facie speed limit established by the 23284
board under this division becomes unreasonable, the board may 23285
adopt a resolution withdrawing the altered prima-facie speed 23286
limit. Upon the adoption of such a resolution, the altered 23287
prima-facie speed limit becomes ineffective and the traffic 23288
control devices relating thereto shall be immediately removed. 23289

(b) Whenever a highway ceases to be an unimproved highway 23290
and the board has adopted an altered prima-facie speed limit 23291
pursuant to division (K) (2) of this section, the board shall, by 23292
resolution, withdraw the altered prima-facie speed limit as soon 23293
as the highway ceases to be unimproved. Upon the adoption of 23294
such a resolution, the altered prima-facie speed limit becomes 23295
ineffective and the traffic control devices relating thereto 23296
shall be immediately removed. 23297

(4) (a) If the boundary of two townships rests on the 23298

centerline of an unimproved highway in unincorporated territory 23299
and both townships have jurisdiction over the highway, neither 23300
of the boards of township trustees of such townships may declare 23301
an altered prima-facie speed limit pursuant to division (K) (2) 23302
of this section on the part of the highway under their joint 23303
jurisdiction unless the boards of township trustees of both of 23304
the townships determine, upon the basis of criteria established 23305
by an engineering study, as defined by the director, that the 23306
speed permitted by division (B) (5) of this section is greater 23307
than is reasonable or safe under the conditions found to exist 23308
at the location and both boards agree upon a reasonable and safe 23309
prima-facie speed limit of less than fifty-five but not less 23310
than twenty-five miles per hour for that location. If both 23311
boards so agree, each shall follow the procedure specified in 23312
division (K) (2) of this section for altering the prima-facie 23313
speed limit on the highway. Except as otherwise provided in 23314
division (K) (4) (b) of this section, no speed limit altered 23315
pursuant to division (K) (4) (a) of this section may be withdrawn 23316
unless the boards of township trustees of both townships 23317
determine that the altered prima-facie speed limit previously 23318
adopted becomes unreasonable and each board adopts a resolution 23319
withdrawing the altered prima-facie speed limit pursuant to the 23320
procedure specified in division (K) (3) (a) of this section. 23321

(b) Whenever a highway described in division (K) (4) (a) of 23322
this section ceases to be an unimproved highway and two boards 23323
of township trustees have adopted an altered prima-facie speed 23324
limit pursuant to division (K) (4) (a) of this section, both 23325
boards shall, by resolution, withdraw the altered prima-facie 23326
speed limit as soon as the highway ceases to be unimproved. Upon 23327
the adoption of the resolution, the altered prima-facie speed 23328
limit becomes ineffective and the traffic control devices 23329

relating thereto shall be immediately removed. 23330

(5) As used in division (K)(5) of this section: 23331

(a) "Commercial subdivision" means any platted territory 23332
outside the limits of a municipal corporation and fronting a 23333
highway where, for a distance of three hundred feet or more, the 23334
frontage is improved with buildings in use for commercial 23335
purposes, or where the entire length of the highway is less than 23336
three hundred feet long and the frontage is improved with 23337
buildings in use for commercial purposes. 23338

(b) "Residential subdivision" means any platted territory 23339
outside the limits of a municipal corporation and fronting a 23340
highway, where, for a distance of three hundred feet or more, 23341
the frontage is improved with residences or residences and 23342
buildings in use for business, or where the entire length of the 23343
highway is less than three hundred feet long and the frontage is 23344
improved with residences or residences and buildings in use for 23345
business. 23346

Whenever a board of township trustees finds upon the basis 23347
of criteria established by an engineering study, as defined by 23348
the director, that the prima-facie speed permitted by division 23349
(B)(5) of this section on any part of a highway under its 23350
jurisdiction that is located in a commercial or residential 23351
subdivision, except on highways or portions thereof at the 23352
entrances to which vehicular traffic from the majority of 23353
intersecting highways is required to yield the right-of-way to 23354
vehicles on such highways in obedience to stop or yield signs or 23355
traffic control signals, is greater than is reasonable and safe 23356
under the conditions found to exist at the location, the board 23357
may by resolution declare a reasonable and safe prima-facie 23358
speed limit of less than fifty-five but not less than twenty- 23359

five miles per hour at the location. An altered speed limit 23360
adopted by a board of township trustees under this division 23361
shall become effective when appropriate signs giving notice 23362
thereof are erected at the location by the township. Whenever, 23363
in the opinion of a board of township trustees, any altered 23364
prima-facie speed limit established by it under this division 23365
becomes unreasonable, it may adopt a resolution withdrawing the 23366
altered prima-facie speed, and upon such withdrawal, the altered 23367
prima-facie speed shall become ineffective, and the signs 23368
relating thereto shall be immediately removed by the township. 23369

(L) (1) The director of transportation, based upon an 23370
engineering study, as defined by the director, of a highway, 23371
expressway, or freeway described in division (B) (12), (13), 23372
(14), (15), or (16) of this section, in consultation with the 23373
director of public safety and, if applicable, the local 23374
authority having jurisdiction over the studied highway, 23375
expressway, or freeway, may determine and declare that the speed 23376
limit established on such highway, expressway, or freeway under 23377
division (B) (12), (13), (14), (15), or (16) of this section 23378
either is reasonable and safe or is more or less than that which 23379
is reasonable and safe. 23380

(2) If the established speed limit for a highway, 23381
expressway, or freeway studied pursuant to division (L) (1) of 23382
this section is determined to be more or less than that which is 23383
reasonable and safe, the director of transportation, in 23384
consultation with the director of public safety and, if 23385
applicable, the local authority having jurisdiction over the 23386
studied highway, expressway, or freeway, shall determine and 23387
declare a reasonable and safe speed limit for that highway, 23388
expressway, or freeway. 23389

(M) (1) (a) If the boundary of two local authorities rests 23390
on the centerline of a highway and both authorities have 23391
jurisdiction over the highway, the speed limit for the part of 23392
the highway within their joint jurisdiction shall be either one 23393
of the following as agreed to by both authorities: 23394

(i) Either prima-facie speed limit permitted by division 23395
(B) of this section; 23396

(ii) An altered speed limit determined and posted in 23397
accordance with this section. 23398

(b) If the local authorities are unable to reach an 23399
agreement, the speed limit shall remain as established and 23400
posted under this section. 23401

(2) Neither local authority may declare an altered prima- 23402
facie speed limit pursuant to this section on the part of the 23403
highway under their joint jurisdiction unless both of the local 23404
authorities determine, upon the basis of criteria established by 23405
an engineering study, as defined by the director, that the speed 23406
permitted by this section is greater than is reasonable or safe 23407
under the conditions found to exist at the location and both 23408
authorities agree upon a uniform reasonable and safe prima-facie 23409
speed limit of less than fifty-five but not less than twenty- 23410
five miles per hour for that location. If both authorities so 23411
agree, each shall follow the procedure specified in this section 23412
for altering the prima-facie speed limit on the highway, and the 23413
speed limit for the part of the highway within their joint 23414
jurisdiction shall be uniformly altered. No altered speed limit 23415
may be withdrawn unless both local authorities determine that 23416
the altered prima-facie speed limit previously adopted becomes 23417
unreasonable and each adopts a resolution withdrawing the 23418
altered prima-facie speed limit pursuant to the procedure 23419

specified in this section. 23420

(N) The legislative authority of a municipal corporation 23421
or township in which a boarding school is located, by resolution 23422
or ordinance, may establish a boarding school zone. The 23423
legislative authority may alter the speed limit on any street or 23424
highway within the boarding school zone and shall specify the 23425
hours during which the altered speed limit is in effect. For 23426
purposes of determining the boundaries of the boarding school 23427
zone, the altered speed limit within the boarding school zone, 23428
and the hours the altered speed limit is in effect, the 23429
legislative authority shall consult with the administration of 23430
the boarding school and with the county engineer or other 23431
appropriate engineer, as applicable. A boarding school zone 23432
speed limit becomes effective only when appropriate signs giving 23433
notice thereof are erected at the appropriate locations. 23434

(O) As used in this section: 23435

(1) "Interstate system" has the same meaning as in 23 23436
U.S.C. 101. 23437

(2) "Commercial bus" means a motor vehicle designed for 23438
carrying more than nine passengers and used for the 23439
transportation of persons for compensation. 23440

(3) "Noncommercial bus" includes but is not limited to a 23441
school bus or a motor vehicle operated solely for the 23442
transportation of persons associated with a charitable or 23443
nonprofit organization. 23444

(4) "Outerbelt" means a portion of a freeway that is part 23445
of the interstate system and is located in the outer vicinity of 23446
a major municipal corporation or group of municipal 23447
corporations, as designated by the director. 23448

(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 23478
district of a municipal corporation, faster than fifty miles an 23479
hour in other portions of a municipal corporation, or faster 23480
than thirty-five miles an hour in a school zone during recess or 23481
while children are going to or leaving school during the 23482
school's opening or closing hours, a misdemeanor of the fourth 23483
degree. Division (P)(2) of this section does not apply if 23484
penalties may be imposed under division (P)(1)(b) or (c) of this 23485
section. 23486

(3) Notwithstanding division (P)(1) of this section, if 23487
the offender operated a motor vehicle in a construction zone 23488
where a sign was then posted in accordance with section 4511.98 23489
of the Revised Code, the court, in addition to all other 23490
penalties provided by law, shall impose upon the offender a fine 23491
of two times the usual amount imposed for the violation. No 23492
court shall impose a fine of two times the usual amount imposed 23493
for the violation upon an offender if the offender alleges, in 23494
an affidavit filed with the court prior to the offender's 23495
sentencing, that the offender is indigent and is unable to pay 23496
the fine imposed pursuant to this division and if the court 23497
determines that the offender is an indigent person and unable to 23498
pay the fine. 23499

(4) If the offender commits the offense while distracted 23500
and the distracting activity is a contributing factor to the 23501
commission of the offense, the offender is subject to the 23502
additional fine established under section 4511.991 of the 23503
Revised Code. 23504

Sec. 4723.28. (A) The board of nursing, by a vote of a 23505
quorum, may impose one or more of the following sanctions if it 23506
finds that a person committed fraud in passing an examination 23507

required to obtain a license or dialysis technician certificate 23508
issued by the board or to have committed fraud, 23509
misrepresentation, or deception in applying for or securing any 23510
nursing license or dialysis technician certificate issued by the 23511
board: deny, revoke, suspend, or place restrictions on any 23512
nursing license or dialysis technician certificate issued by the 23513
board; reprimand or otherwise discipline a holder of a nursing 23514
license or dialysis technician certificate; or impose a fine of 23515
not more than five hundred dollars per violation. 23516

(B) Except as provided in section 4723.092 of the Revised 23517
Code, the board of nursing, by a vote of a quorum, may impose 23518
one or more of the following sanctions: deny, revoke, suspend, 23519
or place restrictions on any nursing license or dialysis 23520
technician certificate issued by the board; reprimand or 23521
otherwise discipline a holder of a nursing license or dialysis 23522
technician certificate; or impose a fine of not more than five 23523
hundred dollars per violation. The sanctions may be imposed for 23524
any of the following: 23525

(1) Denial, revocation, suspension, or restriction of 23526
authority to engage in a licensed profession or practice a 23527
health care occupation, including nursing or practice as a 23528
dialysis technician, for any reason other than a failure to 23529
renew, in Ohio or another state or jurisdiction; 23530

(2) Engaging in the practice of nursing or engaging in 23531
practice as a dialysis technician, having failed to renew a 23532
nursing license or dialysis technician certificate issued under 23533
this chapter, or while a nursing license or dialysis technician 23534
certificate is under suspension; 23535

(3) Conviction of, a plea of guilty to, a judicial finding 23536
of guilt of, a judicial finding of guilt resulting from a plea 23537

of no contest to, or a judicial finding of eligibility for a 23538
pretrial diversion or similar program or for intervention in 23539
lieu of conviction for, a misdemeanor committed in the course of 23540
practice; 23541

(4) Conviction of, a plea of guilty to, a judicial finding 23542
of guilt of, a judicial finding of guilt resulting from a plea 23543
of no contest to, or a judicial finding of eligibility for a 23544
pretrial diversion or similar program or for intervention in 23545
lieu of conviction for, any felony or of any crime involving 23546
gross immorality or moral turpitude; 23547

(5) Selling, giving away, or administering drugs or 23548
therapeutic devices for other than legal and legitimate 23549
therapeutic purposes; or conviction of, a plea of guilty to, a 23550
judicial finding of guilt of, a judicial finding of guilt 23551
resulting from a plea of no contest to, or a judicial finding of 23552
eligibility for a pretrial diversion or similar program or for 23553
intervention in lieu of conviction for, violating any municipal, 23554
state, county, or federal drug law; 23555

(6) Conviction of, a plea of guilty to, a judicial finding 23556
of guilt of, a judicial finding of guilt resulting from a plea 23557
of no contest to, or a judicial finding of eligibility for a 23558
pretrial diversion or similar program or for intervention in 23559
lieu of conviction for, an act in another jurisdiction that 23560
would constitute a felony or a crime of moral turpitude in Ohio; 23561

(7) Conviction of, a plea of guilty to, a judicial finding 23562
of guilt of, a judicial finding of guilt resulting from a plea 23563
of no contest to, or a judicial finding of eligibility for a 23564
pretrial diversion or similar program or for intervention in 23565
lieu of conviction for, an act in the course of practice in 23566
another jurisdiction that would constitute a misdemeanor in 23567

Ohio;	23568
(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;	23569 23570 23571 23572 23573 23574
(9) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to provide safe nursing care or safe dialysis care;	23575 23576 23577 23578
(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;	23579 23580 23581 23582
(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;	23583 23584 23585
(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;	23586 23587
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	23588 23589
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	23590 23591 23592 23593 23594 23595

(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;	23596 23597 23598
(16) Violation of this chapter or any rules adopted under it;	23599 23600
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	23601 23602
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	23603 23604 23605
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	23606 23607
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	23608 23609 23610
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	23611 23612 23613
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	23614 23615 23616
(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;	23617 23618 23619
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	23620 23621 23622

(a) Waiving the payment of all or any part of a deductible	23623
or copayment that a patient, pursuant to a health insurance or	23624
health care policy, contract, or plan that covers such nursing	23625
services, would otherwise be required to pay if the waiver is	23626
used as an enticement to a patient or group of patients to	23627
receive health care services from that provider;	23628
(b) Advertising that the nurse will waive the payment of	23629
all or any part of a deductible or copayment that a patient,	23630
pursuant to a health insurance or health care policy, contract,	23631
or plan that covers such nursing services, would otherwise be	23632
required to pay.	23633
(25) Failure to comply with the terms and conditions of	23634
participation in the substance use disorder monitoring program	23635
established under section 4723.35 of the Revised Code;	23636
(26) Failure to comply with the terms and conditions	23637
required under the practice intervention and improvement program	23638
established under section 4723.282 of the Revised Code;	23639
(27) In the case of an advanced practice registered nurse:	23640
(a) Engaging in activities that exceed those permitted for	23641
the nurse's nursing specialty under section 4723.43 of the	23642
Revised Code;	23643
(b) Failure to meet the quality assurance standards	23644
established under section 4723.07 of the Revised Code.	23645
(28) In the case of an advanced practice registered nurse	23646
other than a certified registered nurse anesthetist, failure to	23647
maintain a standard care arrangement in accordance with section	23648
4723.431 of the Revised Code or to practice in accordance with	23649
the standard care arrangement;	23650

(29) In the case of an advanced practice registered nurse	23651
who is designated as a clinical nurse specialist, certified	23652
nurse-midwife, or certified nurse practitioner, failure to	23653
prescribe drugs and therapeutic devices in accordance with	23654
section 4723.481 of the Revised Code;	23655
(30) Prescribing any drug or device to perform or induce	23656
an abortion, or otherwise performing or inducing an abortion;	23657
(31) Failure to establish and maintain professional	23658
boundaries with a patient, as specified in rules adopted under	23659
section 4723.07 of the Revised Code;	23660
(32) Regardless of whether the contact or verbal behavior	23661
is consensual, engaging with a patient other than the spouse of	23662
the registered nurse, licensed practical nurse, or dialysis	23663
technician in any of the following:	23664
(a) Sexual contact, as defined in section 2907.01 of the	23665
Revised Code;	23666
(b) Verbal behavior that is sexually demeaning to the	23667
patient or may be reasonably interpreted by the patient as	23668
sexually demeaning.	23669
(33) Assisting suicide, as defined in section 3795.01 of	23670
the Revised Code;	23671
(34) Failure to comply with the requirements in section	23672
3719.061 of the Revised Code before issuing for a minor a	23673
prescription for an opioid analgesic, as defined in section	23674
3719.01 of the Revised Code;	23675
(35) Failure to comply with section 4723.487 of the	23676
Revised Code, unless the state board of pharmacy no longer	23677
maintains a drug database pursuant to section 4729.75 of the	23678

Revised Code; 23679

(36) The revocation, suspension, restriction, reduction, 23680
or termination of clinical privileges by the United States 23681
department of defense or department of veterans affairs or the 23682
termination or suspension of a certificate of registration to 23683
prescribe drugs by the drug enforcement administration of the 23684
United States department of justice; 23685

(37) In the case of an advanced practice registered nurse 23686
who is designated as a clinical nurse specialist, certified 23687
nurse-midwife, or certified nurse practitioner, failure to 23688
comply with the terms of a consult agreement entered into with a 23689
pharmacist pursuant to section 4729.39 of the Revised Code. 23690

(C) Disciplinary actions taken by the board under 23691
divisions (A) and (B) of this section shall be taken pursuant to 23692
an adjudication conducted under Chapter 119. of the Revised 23693
Code, except that in lieu of a hearing, the board may enter into 23694
a consent agreement with an individual to resolve an allegation 23695
of a violation of this chapter or any rule adopted under it. A 23696
consent agreement, when ratified by a vote of a quorum, shall 23697
constitute the findings and order of the board with respect to 23698
the matter addressed in the agreement. If the board refuses to 23699
ratify a consent agreement, the admissions and findings 23700
contained in the agreement shall be of no effect. 23701

(D) The hearings of the board shall be conducted in 23702
accordance with Chapter 119. of the Revised Code, the board may 23703
appoint a hearing examiner, as provided in section 119.09 of the 23704
Revised Code, to conduct any hearing the board is authorized to 23705
hold under Chapter 119. of the Revised Code. 23706

In any instance in which the board is required under 23707

Chapter 119. of the Revised Code to give notice of an 23708
opportunity for a hearing and the applicant, licensee, or 23709
certificate holder does not make a timely request for a hearing 23710
in accordance with section 119.07 of the Revised Code, the board 23711
is not required to hold a hearing, but may adopt, by a vote of a 23712
quorum, a final order that contains the board's findings. In the 23713
final order, the board may order any of the sanctions listed in 23714
division (A) or (B) of this section. 23715

(E) If a criminal action is brought against a registered 23716
nurse, licensed practical nurse, or dialysis technician for an 23717
act or crime described in divisions (B) (3) to (7) of this 23718
section and the action is dismissed by the trial court other 23719
than on the merits, the board shall conduct an adjudication to 23720
determine whether the registered nurse, licensed practical 23721
nurse, or dialysis technician committed the act on which the 23722
action was based. If the board determines on the basis of the 23723
adjudication that the registered nurse, licensed practical 23724
nurse, or dialysis technician committed the act, or if the 23725
registered nurse, licensed practical nurse, or dialysis 23726
technician fails to participate in the adjudication, the board 23727
may take action as though the registered nurse, licensed 23728
practical nurse, or dialysis technician had been convicted of 23729
the act. 23730

If the board takes action on the basis of a conviction, 23731
plea, or a judicial finding as described in divisions (B) (3) to 23732
(7) of this section that is overturned on appeal, the registered 23733
nurse, licensed practical nurse, or dialysis technician may, on 23734
exhaustion of the appeal process, petition the board for 23735
reconsideration of its action. On receipt of the petition and 23736
supporting court documents, the board shall temporarily rescind 23737
its action. If the board determines that the decision on appeal 23738

was a decision on the merits, it shall permanently rescind its 23739
action. If the board determines that the decision on appeal was 23740
not a decision on the merits, it shall conduct an adjudication 23741
to determine whether the registered nurse, licensed practical 23742
nurse, or dialysis technician committed the act on which the 23743
original conviction, plea, or judicial finding was based. If the 23744
board determines on the basis of the adjudication that the 23745
registered nurse, licensed practical nurse, or dialysis 23746
technician committed such act, or if the registered nurse, 23747
licensed practical nurse, or dialysis technician does not 23748
request an adjudication, the board shall reinstate its action; 23749
otherwise, the board shall permanently rescind its action. 23750

Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of 23751
section 2953.32 or division (F) (1) of section 2953.39 of the 23752
Revised Code specifying that if records pertaining to a criminal 23753
case are sealed or expunged under that section the proceedings 23754
in the case shall be deemed not to have occurred, sealing or 23755
expungement of the following records on which the board has 23756
based an action under this section shall have no effect on the 23757
board's action or any sanction imposed by the board under this 23758
section: records of any conviction, guilty plea, judicial 23759
finding of guilt resulting from a plea of no contest, or a 23760
judicial finding of eligibility for a pretrial diversion program 23761
or intervention in lieu of conviction. 23762

The board shall not be required to seal, destroy, redact, 23763
or otherwise modify its records to reflect the court's sealing 23764
or expungement of conviction records. 23765

(F) The board may investigate an individual's criminal 23766
background in performing its duties under this section. As part 23767
of such investigation, the board may order the individual to 23768

submit, at the individual's expense, a request to the bureau of 23769
criminal identification and investigation for a criminal records 23770
check and check of federal bureau of investigation records in 23771
accordance with the procedure described in section 4723.091 of 23772
the Revised Code. 23773

(G) During the course of an investigation conducted under 23774
this section, the board may compel any registered nurse, 23775
licensed practical nurse, or dialysis technician or applicant 23776
under this chapter to submit to a mental or physical 23777
examination, or both, as required by the board and at the 23778
expense of the individual, if the board finds reason to believe 23779
that the individual under investigation may have a physical or 23780
mental impairment that may affect the individual's ability to 23781
provide safe nursing care. Failure of any individual to submit 23782
to a mental or physical examination when directed constitutes an 23783
admission of the allegations, unless the failure is due to 23784
circumstances beyond the individual's control, and a default and 23785
final order may be entered without the taking of testimony or 23786
presentation of evidence. 23787

If the board finds that an individual is impaired, the 23788
board shall require the individual to submit to care, 23789
counseling, or treatment approved or designated by the board, as 23790
a condition for initial, continued, reinstated, or renewed 23791
authority to practice. The individual shall be afforded an 23792
opportunity to demonstrate to the board that the individual can 23793
begin or resume the individual's occupation in compliance with 23794
acceptable and prevailing standards of care under the provisions 23795
of the individual's authority to practice. 23796

For purposes of this division, any registered nurse, 23797
licensed practical nurse, or dialysis technician or applicant 23798

under this chapter shall be deemed to have given consent to 23799
submit to a mental or physical examination when directed to do 23800
so in writing by the board, and to have waived all objections to 23801
the admissibility of testimony or examination reports that 23802
constitute a privileged communication. 23803

(H) The board shall investigate evidence that appears to 23804
show that any person has violated any provision of this chapter 23805
or any rule of the board. Any person may report to the board any 23806
information the person may have that appears to show a violation 23807
of any provision of this chapter or rule of the board. In the 23808
absence of bad faith, any person who reports such information or 23809
who testifies before the board in any adjudication conducted 23810
under Chapter 119. of the Revised Code shall not be liable for 23811
civil damages as a result of the report or testimony. 23812

(I) All of the following apply under this chapter with 23813
respect to the confidentiality of information: 23814

(1) Information received by the board pursuant to a 23815
complaint or an investigation is confidential and not subject to 23816
discovery in any civil action, except that the board may 23817
disclose information to law enforcement officers and government 23818
entities for purposes of an investigation of either a licensed 23819
health care professional, including a registered nurse, licensed 23820
practical nurse, or dialysis technician, or a person who may 23821
have engaged in the unauthorized practice of nursing or dialysis 23822
care. No law enforcement officer or government entity with 23823
knowledge of any information disclosed by the board pursuant to 23824
this division shall divulge the information to any other person 23825
or government entity except for the purpose of a government 23826
investigation, a prosecution, or an adjudication by a court or 23827
government entity. 23828

(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;	23887
(c) Impose a monetary penalty or forfeiture not to exceed	23888
in severity any fine designated under the Revised Code for a	23889
similar offense, or in the case of a violation of a section of	23890
the Revised Code that does not bear a penalty, a monetary	23891
penalty or forfeiture of not more than five hundred dollars.	23892
(2) Except as provided in division (I) of this section,	23893
the board may impose the sanctions listed in division (A) (1) of	23894
this section if the board finds a pharmacist or pharmacy intern:	23895
(a) Has been convicted of a felony, or a crime of moral	23896
turpitude, as defined in section 4776.10 of the Revised Code;	23897
(b) Engaged in dishonesty or unprofessional conduct in the	23898
practice of pharmacy;	23899
(c) Is addicted to or abusing alcohol or drugs or is	23900
impaired physically or mentally to such a degree as to render	23901
the pharmacist or pharmacy intern unfit to practice pharmacy;	23902
(d) Has been convicted of a misdemeanor related to, or	23903
committed in, the practice of pharmacy;	23904
(e) Violated, conspired to violate, attempted to violate,	23905
or aided and abetted the violation of any of the provisions of	23906
this chapter, sections 3715.52 to 3715.72 of the Revised Code,	23907
Chapter 2925. or 3719. of the Revised Code, or any rule adopted	23908
by the board under those provisions;	23909
(f) Permitted someone other than a pharmacist or pharmacy	23910
intern to practice pharmacy;	23911
(g) Knowingly lent the pharmacist's or pharmacy intern's	23912
name to an illegal practitioner of pharmacy or had a	23913
professional connection with an illegal practitioner of	23914

pharmacy;	23915
(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;	23916 23917 23918 23919 23920
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	23921 23922
(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;	23923 23924 23925 23926
(k) Failed to comply with an order of the board or a settlement agreement;	23927 23928
(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.	23929 23930 23931
(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.	23932 23933 23934 23935
(C) As used in this section:	23936
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	23937 23938
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	23939 23940
(2) Except as provided in section 4729.281, 4729.44, or	23941

4729.47 of the Revised Code, the dispensing or sale of any drug 23942
for which a prescription is required, without having received a 23943
prescription for the drug; 23944

(3) Knowingly dispensing medication pursuant to false or 23945
forged prescriptions; 23946

(4) Knowingly failing to maintain complete and accurate 23947
records of all dangerous drugs received or dispensed in 23948
compliance with federal laws and regulations and state laws and 23949
rules; 23950

(5) Obtaining any remuneration by fraud, 23951
misrepresentation, or deception; 23952

(6) Failing to conform to prevailing standards of care of 23953
similar pharmacists or pharmacy interns under the same or 23954
similar circumstances, whether or not actual injury to a patient 23955
is established; 23956

(7) Engaging in any other conduct that the board specifies 23957
as unprofessional conduct in the practice of pharmacy in rules 23958
adopted under section 4729.26 of the Revised Code. 23959

(D) The board may suspend a license under division (B) of 23960
section 3719.121 of the Revised Code by utilizing a telephone 23961
conference call to review the allegations and take a vote. 23962

(E) For purposes of this division, an individual 23963
authorized to practice as a pharmacist or pharmacy intern 23964
accepts the privilege of practicing in this state subject to 23965
supervision by the board. By filing an application for or 23966
holding a license to practice as a pharmacist or pharmacy 23967
intern, an individual gives consent to submit to a mental or 23968
physical examination when ordered to do so by the board in 23969
writing and waives all objections to the admissibility of 23970

testimony or examination reports that constitute privileged 23971
communications. 23972

If the board has reasonable cause to believe that an 23973
individual who is a pharmacist or pharmacy intern is physically 23974
or mentally impaired, the board may require the individual to 23975
submit to a physical or mental examination, or both. The expense 23976
of the examination is the responsibility of the individual 23977
required to be examined. 23978

Failure of an individual who is a pharmacist or pharmacy 23979
intern to submit to a physical or mental examination ordered by 23980
the board, unless the failure is due to circumstances beyond the 23981
individual's control, constitutes an admission of the 23982
allegations and a suspension order shall be entered without the 23983
taking of testimony or presentation of evidence. Any subsequent 23984
adjudication hearing under Chapter 119. of the Revised Code 23985
concerning failure to submit to an examination is limited to 23986
consideration of whether the failure was beyond the individual's 23987
control. 23988

If, based on the results of an examination ordered under 23989
this division, the board determines that the individual's 23990
ability to practice is impaired, the board shall suspend the 23991
individual's license or deny the individual's application and 23992
shall require the individual, as a condition for an initial, 23993
continued, reinstated, or renewed license to practice, to submit 23994
to a physical or mental examination and treatment. 23995

An order of suspension issued under this division shall 23996
not be subject to suspension by a court during pendency of any 23997
appeal filed under section 119.12 of the Revised Code. 23998

(F) If the board is required under Chapter 119. of the 23999

Revised Code to give notice of an opportunity for a hearing and 24000
the applicant or licensee does not make a timely request for a 24001
hearing in accordance with section 119.07 of the Revised Code, 24002
the board is not required to hold a hearing, but may adopt a 24003
final order that contains the board's findings. In the final 24004
order, the board may impose any of the sanctions listed in 24005
division (A) of this section. 24006

(G) Notwithstanding the provision of division ~~(C) (2)~~ (D) 24007
(2) of section 2953.32 or division (F) (1) of section 2953.39 of 24008
the Revised Code specifying that if records pertaining to a 24009
criminal case are sealed or expunged under that section the 24010
proceedings in the case must be deemed not to have occurred, 24011
sealing or expungement of the following records on which the 24012
board has based an action under this section shall have no 24013
effect on the board's action or any sanction imposed by the 24014
board under this section: records of any conviction, guilty 24015
plea, judicial finding of guilt resulting from a plea of no 24016
contest, or a judicial finding of eligibility for a pretrial 24017
diversion program or intervention in lieu of conviction. The 24018
board shall not be required to seal, destroy, redact, or 24019
otherwise modify its records to reflect the court's sealing or 24020
expungement of conviction records. 24021

(H) No pharmacist or pharmacy intern shall knowingly 24022
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 24023
(e) to (l) of this section. 24024

(I) The board shall not refuse to issue a license to an 24025
applicant for a conviction of an offense unless the refusal is 24026
in accordance with section 9.79 of the Revised Code. 24027

Sec. 4729.56. (A) (1) The state board of pharmacy, in 24028
accordance with Chapter 119. of the Revised Code, may impose any 24029

one or more of the following sanctions on a person licensed 24030
under division (B) (1) (a) of section 4729.52 of the Revised Code 24031
for any of the causes set forth in division (A) (2) of this 24032
section: 24033

(a) Suspend, revoke, restrict, limit, or refuse to grant 24034
or renew a license; 24035

(b) Reprimand or place the license holder on probation; 24036

(c) Impose a monetary penalty or forfeiture not to exceed 24037
in severity any fine designated under the Revised Code for a 24038
similar offense or two thousand five hundred dollars if the acts 24039
committed are not classified as an offense by the Revised Code; 24040

(2) The board may impose the sanctions set forth in 24041
division (A) (1) of this section for any of the following: 24042

(a) Making any false material statements in an application 24043
for licensure under section 4729.52 of the Revised Code; 24044

(b) Violating any federal, state, or local drug law; any 24045
provision of this chapter or Chapter 2925., 3715., or 3719. of 24046
the Revised Code; or any rule of the board; 24047

(c) A conviction of a felony; 24048

(d) Failing to satisfy the qualifications for licensure 24049
under section 4729.53 of the Revised Code or the rules of the 24050
board or ceasing to satisfy the qualifications after the 24051
registration is granted or renewed; 24052

(e) Falsely or fraudulently promoting to the public a drug 24053
that is a controlled substance included in schedule I, II, III, 24054
IV, or V, except that nothing in this division prohibits a 24055
manufacturer, outsourcing facility, third-party logistics 24056
provider, repackager, or wholesale distributor of dangerous 24057

drugs from furnishing information concerning a controlled 24058
substance to a health care provider or licensed terminal 24059
distributor; 24060

(f) Violating any provision of the "Federal Food, Drug, 24061
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 24062
Chapter 3715. of the Revised Code; 24063

(g) Any other cause for which the board may impose 24064
sanctions as set forth in rules adopted under section 4729.26 of 24065
the Revised Code. 24066

(B) Upon the suspension or revocation of any license 24067
identified in division (B) (1) (a) of section 4729.52 of the 24068
Revised Code, the licensee shall immediately surrender the 24069
license to the board. 24070

(C) If the board suspends, revokes, or refuses to renew 24071
any license identified in division (B) (1) (a) of section 4729.52 24072
of the Revised Code and determines that there is clear and 24073
convincing evidence of a danger of immediate and serious harm to 24074
any person, the board may place under seal all dangerous drugs 24075
owned by or in the possession, custody, or control of the 24076
affected licensee. Except as provided in this division, the 24077
board shall not dispose of the dangerous drugs sealed under this 24078
division until the licensee exhausts all of the licensee's 24079
appeal rights under Chapter 119. of the Revised Code. The court 24080
involved in such an appeal may order the board, during the 24081
pendency of the appeal, to sell sealed dangerous drugs that are 24082
perishable. The board shall deposit the proceeds of the sale 24083
with the court. 24084

(D) If the board is required under Chapter 119. of the 24085
Revised Code to give notice of an opportunity for a hearing and 24086

the license holder does not make a timely request for a hearing 24087
in accordance with section 119.07 of the Revised Code, the board 24088
is not required to hold a hearing, but may adopt a final order 24089
that contains the board's findings. In the final order, the 24090
board may impose any of the sanctions listed in division (A) of 24091
this section. 24092

(E) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 24093
2953.32 or division (F) (1) of section 2953.39 of the Revised 24094
Code specifying that if records pertaining to a criminal case 24095
are sealed or expunged under that section the proceedings in the 24096
case must be deemed not to have occurred, sealing or expungement 24097
of the following records on which the board has based an action 24098
under this section shall have no effect on the board's action or 24099
any sanction imposed by the board under this section: records of 24100
any conviction, guilty plea, judicial finding of guilt resulting 24101
from a plea of no contest, or a judicial finding of eligibility 24102
for a pretrial diversion program or intervention in lieu of 24103
conviction. The board is not required to seal, destroy, redact, 24104
or otherwise modify its records to reflect the court's sealing 24105
or expungement of conviction records. 24106

Sec. 4729.57. (A) The state board of pharmacy may after 24107
notice and a hearing in accordance with Chapter 119. of the 24108
Revised Code, impose any one or more of the following sanctions 24109
on a terminal distributor of dangerous drugs for any of the 24110
causes set forth in division (B) of this section: 24111

(1) Suspend, revoke, restrict, limit, or refuse to grant 24112
or renew any license; 24113

(2) Reprimand or place the license holder on probation; 24114

(3) Impose a monetary penalty or forfeiture not to exceed 24115

in severity any fine designated under the Revised Code for a 24116
similar offense or one thousand dollars if the acts committed 24117
have not been classified as an offense by the Revised Code. 24118

(B) The board may impose the sanctions listed in division 24119
(A) of this section for any of the following: 24120

(1) Making any false material statements in an application 24121
for a license as a terminal distributor of dangerous drugs; 24122

(2) Violating any rule of the board; 24123

(3) Violating any provision of this chapter; 24124

(4) Except as provided in section 4729.89 of the Revised 24125
Code, violating any provision of the "Federal Food, Drug, and 24126
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 24127
3715. of the Revised Code; 24128

(5) Violating any provision of the federal drug abuse 24129
control laws or Chapter 2925. or 3719. of the Revised Code; 24130

(6) Falsely or fraudulently promoting to the public a 24131
dangerous drug, except that nothing in this division prohibits a 24132
terminal distributor of dangerous drugs from furnishing 24133
information concerning a dangerous drug to a health care 24134
provider or another licensed terminal distributor; 24135

(7) Ceasing to satisfy the qualifications of a terminal 24136
distributor of dangerous drugs set forth in section 4729.55 of 24137
the Revised Code; 24138

(8) Except as provided in division (C) of this section: 24139

(a) Waiving the payment of all or any part of a deductible 24140
or copayment that an individual, pursuant to a health insurance 24141
or health care policy, contract, or plan that covers the 24142

services provided by a terminal distributor of dangerous drugs, 24143
would otherwise be required to pay for the services if the 24144
waiver is used as an enticement to a patient or group of 24145
patients to receive pharmacy services from that terminal 24146
distributor; 24147

(b) Advertising that the terminal distributor will waive 24148
the payment of all or any part of a deductible or copayment that 24149
an individual, pursuant to a health insurance or health care 24150
policy, contract, or plan that covers the pharmaceutical 24151
services, would otherwise be required to pay for the services. 24152

(9) Conviction of a felony; 24153

(10) Any other cause for which the board may impose 24154
discipline as set forth in rules adopted under section 4729.26 24155
of the Revised Code. 24156

(C) Sanctions shall not be imposed under division (B) (8) 24157
of this section against any terminal distributor of dangerous 24158
drugs that waives deductibles and copayments as follows: 24159

(1) In compliance with a health benefit plan that 24160
expressly allows such a practice. Waiver of the deductibles or 24161
copayments shall be made only with the full knowledge and 24162
consent of the plan purchaser, payer, and third-party 24163
administrator. Documentation of the consent shall be made 24164
available to the board on request. 24165

(2) For professional services rendered to any other person 24166
licensed pursuant to this chapter to the extent allowed by this 24167
chapter and the rules of the board. 24168

(D) (1) Upon the suspension or revocation of a license 24169
issued to a terminal distributor of dangerous drugs or the 24170
refusal by the board to renew such a license, the distributor 24171

shall immediately surrender the license to the board. 24172

(2) (a) The board may place under seal all dangerous drugs 24173
that are owned by or in the possession, custody, or control of a 24174
terminal distributor at the time the license is suspended or 24175
revoked or at the time the board refuses to renew the license. 24176
Except as provided in division (D) (2) (b) of this section, 24177
dangerous drugs so sealed shall not be disposed of until appeal 24178
rights under Chapter 119. of the Revised Code have expired or an 24179
appeal filed pursuant to that chapter has been determined. 24180

(b) The court involved in an appeal filed pursuant to 24181
Chapter 119. of the Revised Code may order the board, during the 24182
pendency of the appeal, to sell sealed dangerous drugs that are 24183
perishable. The proceeds of such a sale shall be deposited with 24184
that court. 24185

(E) If the board is required under Chapter 119. of the 24186
Revised Code to give notice of an opportunity for a hearing and 24187
the license holder does not make a timely request for a hearing 24188
in accordance with section 119.07 of the Revised Code, the board 24189
is not required to hold a hearing, but may adopt a final order 24190
that contains the board's findings. In the final order, the 24191
board may impose any of the sanctions listed in division (A) of 24192
this section. 24193

(F) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 24194
2953.32 or division (F) (1) of section 2953.39 of the Revised 24195
Code specifying that if records pertaining to a criminal case 24196
are sealed or expunged under that section the proceedings in the 24197
case must be deemed not to have occurred, sealing or expungement 24198
of the following records on which the board has based an action 24199
under this section shall have no effect on the board's action or 24200
any sanction imposed by the board under this section: records of 24201

any conviction, guilty plea, judicial finding of guilt resulting 24202
from a plea of no contest, or a judicial finding of eligibility 24203
for a pretrial diversion program or intervention in lieu of 24204
conviction. The board is not required to seal, destroy, redact, 24205
or otherwise modify its records to reflect the court's sealing 24206
or expungement of conviction records. 24207

Sec. 4729.96. (A) (1) The state board of pharmacy, after 24208
notice and hearing in accordance with Chapter 119. of the 24209
Revised Code, may impose one or more of the following sanctions 24210
on a pharmacy technician trainee, registered pharmacy 24211
technician, or certified pharmacy technician if the board finds 24212
the individual engaged in any of the conduct set forth in 24213
division (A) (2) of this section: 24214

(a) Revoke, suspend, restrict, limit, or refuse to grant 24215
or renew a registration; 24216

(b) Reprimand or place the holder of the registration on 24217
probation; 24218

(c) Impose a monetary penalty or forfeiture not to exceed 24219
in severity any fine designated under the Revised Code for a 24220
similar offense, or in the case of a violation of a section of 24221
the Revised Code that does not bear a penalty, a monetary 24222
penalty or forfeiture of not more than five hundred dollars. 24223

(2) Except as provided in division (G) of this section, 24224
the board may impose the sanctions listed in division (A) (1) of 24225
this section if the board finds a pharmacy technician trainee, 24226
registered pharmacy technician, or certified pharmacy 24227
technician: 24228

(a) Has been convicted of a felony, or a crime of moral 24229
turpitude, as defined in section 4776.10 of the Revised Code; 24230

(b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code;	24231 24232 24233
(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;	24234 24235 24236
(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;	24237 24238 24239 24240 24241
(e) Committed fraud, misrepresentation, or deception in applying for or securing a registration issued by the board under this chapter;	24242 24243 24244
(f) Failed to comply with an order of the board or a settlement agreement;	24245 24246
(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.	24247 24248 24249
(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.	24250 24251 24252 24253
(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	24254 24255 24256 24257 24258 24259

consent to submit to a mental or physical examination when 24260
ordered to do so by the board in writing and waives all 24261
objections to the admissibility of testimony or examination 24262
reports that constitute privileged communications. 24263

If the board has reasonable cause to believe that an 24264
individual who is a pharmacy technician trainee, registered 24265
pharmacy technician, or certified pharmacy technician is 24266
physically or mentally impaired, the board may require the 24267
individual to submit to a physical or mental examination, or 24268
both. The expense of the examination is the responsibility of 24269
the individual required to be examined. 24270

Failure of an individual who is a pharmacy technician 24271
trainee, registered pharmacy technician, or certified pharmacy 24272
technician to submit to a physical or mental examination ordered 24273
by the board, unless the failure is due to circumstances beyond 24274
the individual's control, constitutes an admission of the 24275
allegations and a suspension order shall be entered without the 24276
taking of testimony or presentation of evidence. Any subsequent 24277
adjudication hearing under Chapter 119. of the Revised Code 24278
concerning failure to submit to an examination is limited to 24279
consideration of whether the failure was beyond the individual's 24280
control. 24281

If, based on the results of an examination ordered under 24282
this division, the board determines that the individual's 24283
ability to practice is impaired, the board shall suspend the 24284
individual's registration or deny the individual's application 24285
and shall require the individual, as a condition for an initial, 24286
continued, reinstated, or renewed registration to practice, to 24287
submit to a physical or mental examination and treatment. 24288

An order of suspension issued under this division shall 24289

not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. 24290
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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. 24292
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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. 24300
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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. 24315
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(G) The board shall not refuse to issue a registration to 24319

an applicant because of a conviction of an offense unless the 24320
refusal is in accordance with section 9.79 of the Revised Code. 24321

Sec. 4730.25. (A) The state medical board, by an 24322
affirmative vote of not fewer than six members, may revoke or 24323
may refuse to grant a license to practice as a physician 24324
assistant to a person found by the board to have committed 24325
fraud, misrepresentation, or deception in applying for or 24326
securing the license. 24327

(B) Except as provided in division (N) of this section, 24328
the board, by an affirmative vote of not fewer than six members, 24329
shall, to the extent permitted by law, limit, revoke, or suspend 24330
an individual's license to practice as a physician assistant or 24331
prescriber number, refuse to issue a license to an applicant, 24332
refuse to renew a license, refuse to reinstate a license, or 24333
reprimand or place on probation the holder of a license for any 24334
of the following reasons: 24335

(1) Failure to practice in accordance with the supervising 24336
physician's supervision agreement with the physician assistant, 24337
including, if applicable, the policies of the health care 24338
facility in which the supervising physician and physician 24339
assistant are practicing; 24340

(2) Failure to comply with the requirements of this 24341
chapter, Chapter 4731. of the Revised Code, or any rules adopted 24342
by the board; 24343

(3) Violating or attempting to violate, directly or 24344
indirectly, or assisting in or abetting the violation of, or 24345
conspiring to violate, any provision of this chapter, Chapter 24346
4731. of the Revised Code, or the rules adopted by the board; 24347

(4) Inability to practice according to acceptable and 24348

prevailing standards of care by reason of mental illness or 24349
physical illness, including physical deterioration that 24350
adversely affects cognitive, motor, or perceptive skills; 24351

(5) Impairment of ability to practice according to 24352
acceptable and prevailing standards of care because of habitual 24353
or excessive use or abuse of drugs, alcohol, or other substances 24354
that impair ability to practice; 24355

(6) Administering drugs for purposes other than those 24356
authorized under this chapter; 24357

(7) Willfully betraying a professional confidence; 24358

(8) Making a false, fraudulent, deceptive, or misleading 24359
statement in soliciting or advertising for employment as a 24360
physician assistant; in connection with any solicitation or 24361
advertisement for patients; in relation to the practice of 24362
medicine as it pertains to physician assistants; or in securing 24363
or attempting to secure a license to practice as a physician 24364
assistant. 24365

As used in this division, "false, fraudulent, deceptive, 24366
or misleading statement" means a statement that includes a 24367
misrepresentation of fact, is likely to mislead or deceive 24368
because of a failure to disclose material facts, is intended or 24369
is likely to create false or unjustified expectations of 24370
favorable results, or includes representations or implications 24371
that in reasonable probability will cause an ordinarily prudent 24372
person to misunderstand or be deceived. 24373

(9) Representing, with the purpose of obtaining 24374
compensation or other advantage personally or for any other 24375
person, that an incurable disease or injury, or other incurable 24376
condition, can be permanently cured; 24377

- (10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 24378
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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; 24381
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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; 24384
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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; 24387
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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; 24391
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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; 24394
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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; 24397
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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; 24400
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- (18) Any of the following actions taken by the state 24405

agency responsible for regulating the practice of physician 24406
assistants in another state, for any reason other than the 24407
nonpayment of fees: the limitation, revocation, or suspension of 24408
an individual's license to practice; acceptance of an 24409
individual's license surrender; denial of a license; refusal to 24410
renew or reinstate a license; imposition of probation; or 24411
issuance of an order of censure or other reprimand; 24412

(19) A departure from, or failure to conform to, minimal 24413
standards of care of similar physician assistants under the same 24414
or similar circumstances, regardless of whether actual injury to 24415
a patient is established; 24416

(20) Violation of the conditions placed by the board on a 24417
license to practice as a physician assistant; 24418

(21) Failure to use universal blood and body fluid 24419
precautions established by rules adopted under section 4731.051 24420
of the Revised Code; 24421

(22) Failure to cooperate in an investigation conducted by 24422
the board under section 4730.26 of the Revised Code, including 24423
failure to comply with a subpoena or order issued by the board 24424
or failure to answer truthfully a question presented by the 24425
board at a deposition or in written interrogatories, except that 24426
failure to cooperate with an investigation shall not constitute 24427
grounds for discipline under this section if a court of 24428
competent jurisdiction has issued an order that either quashes a 24429
subpoena or permits the individual to withhold the testimony or 24430
evidence in issue; 24431

(23) Assisting suicide, as defined in section 3795.01 of 24432
the Revised Code; 24433

(24) Prescribing any drug or device to perform or induce 24434

an abortion, or otherwise performing or inducing an abortion;	24435
(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;	24436 24437 24438
(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;	24439 24440 24441 24442
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	24443 24444 24445
(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;	24446 24447 24448 24449 24450 24451
(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.	24452 24453 24454
(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	24455 24456 24457 24458 24459 24460 24461 24462 24463

respect to the matter addressed in the agreement. If the board 24464
refuses to ratify a consent agreement, the admissions and 24465
findings contained in the consent agreement shall be of no force 24466
or effect. 24467

(D) For purposes of divisions (B) (12), (15), and (16) of 24468
this section, the commission of the act may be established by a 24469
finding by the board, pursuant to an adjudication under Chapter 24470
119. of the Revised Code, that the applicant or license holder 24471
committed the act in question. The board shall have no 24472
jurisdiction under these divisions in cases where the trial 24473
court renders a final judgment in the license holder's favor and 24474
that judgment is based upon an adjudication on the merits. The 24475
board shall have jurisdiction under these divisions in cases 24476
where the trial court issues an order of dismissal upon 24477
technical or procedural grounds. 24478

(E) The sealing or expungement of conviction records by 24479
any court shall have no effect upon a prior board order entered 24480
under the provisions of this section or upon the board's 24481
jurisdiction to take action under the provisions of this section 24482
if, based upon a plea of guilty, a judicial finding of guilt, or 24483
a judicial finding of eligibility for intervention in lieu of 24484
conviction, the board issued a notice of opportunity for a 24485
hearing prior to the court's order to seal or expunge the 24486
records. The board shall not be required to seal, destroy, 24487
redact, or otherwise modify its records to reflect the court's 24488
sealing or expungement of conviction records. 24489

(F) For purposes of this division, any individual who 24490
holds a license issued under this chapter, or applies for a 24491
license issued under this chapter, shall be deemed to have given 24492
consent to submit to a mental or physical examination when 24493

directed to do so in writing by the board and to have waived all 24494
objections to the admissibility of testimony or examination 24495
reports that constitute a privileged communication. 24496

(1) In enforcing division (B)(4) of this section, the 24497
board, upon a showing of a possible violation, may compel any 24498
individual who holds a license issued under this chapter or who 24499
has applied for a license pursuant to this chapter to submit to 24500
a mental examination, physical examination, including an HIV 24501
test, or both a mental and physical examination. The expense of 24502
the examination is the responsibility of the individual 24503
compelled to be examined. Failure to submit to a mental or 24504
physical examination or consent to an HIV test ordered by the 24505
board constitutes an admission of the allegations against the 24506
individual unless the failure is due to circumstances beyond the 24507
individual's control, and a default and final order may be 24508
entered without the taking of testimony or presentation of 24509
evidence. If the board finds a physician assistant unable to 24510
practice because of the reasons set forth in division (B)(4) of 24511
this section, the board shall require the physician assistant to 24512
submit to care, counseling, or treatment by physicians approved 24513
or designated by the board, as a condition for an initial, 24514
continued, reinstated, or renewed license. An individual 24515
affected under this division shall be afforded an opportunity to 24516
demonstrate to the board the ability to resume practicing in 24517
compliance with acceptable and prevailing standards of care. 24518

(2) For purposes of division (B)(5) of this section, if 24519
the board has reason to believe that any individual who holds a 24520
license issued under this chapter or any applicant for a license 24521
suffers such impairment, the board may compel the individual to 24522
submit to a mental or physical examination, or both. The expense 24523
of the examination is the responsibility of the individual 24524

compelled to be examined. Any mental or physical examination 24525
required under this division shall be undertaken by a treatment 24526
provider or physician qualified to conduct such examination and 24527
chosen by the board. 24528

Failure to submit to a mental or physical examination 24529
ordered by the board constitutes an admission of the allegations 24530
against the individual unless the failure is due to 24531
circumstances beyond the individual's control, and a default and 24532
final order may be entered without the taking of testimony or 24533
presentation of evidence. If the board determines that the 24534
individual's ability to practice is impaired, the board shall 24535
suspend the individual's license or deny the individual's 24536
application and shall require the individual, as a condition for 24537
initial, continued, reinstated, or renewed licensure, to submit 24538
to treatment. 24539

Before being eligible to apply for reinstatement of a 24540
license suspended under this division, the physician assistant 24541
shall demonstrate to the board the ability to resume practice or 24542
prescribing in compliance with acceptable and prevailing 24543
standards of care. The demonstration shall include the 24544
following: 24545

(a) Certification from a treatment provider approved under 24546
section 4731.25 of the Revised Code that the individual has 24547
successfully completed any required inpatient treatment; 24548

(b) Evidence of continuing full compliance with an 24549
aftercare contract or consent agreement; 24550

(c) Two written reports indicating that the individual's 24551
ability to practice has been assessed and that the individual 24552
has been found capable of practicing according to acceptable and 24553

prevailing standards of care. The reports shall be made by 24554
individuals or providers approved by the board for making such 24555
assessments and shall describe the basis for their 24556
determination. 24557

The board may reinstate a license suspended under this 24558
division after such demonstration and after the individual has 24559
entered into a written consent agreement. 24560

When the impaired physician assistant resumes practice or 24561
prescribing, the board shall require continued monitoring of the 24562
physician assistant. The monitoring shall include compliance 24563
with the written consent agreement entered into before 24564
reinstatement or with conditions imposed by board order after a 24565
hearing, and, upon termination of the consent agreement, 24566
submission to the board for at least two years of annual written 24567
progress reports made under penalty of falsification stating 24568
whether the physician assistant has maintained sobriety. 24569

(G) If the secretary and supervising member determine that 24570
there is clear and convincing evidence that a physician 24571
assistant has violated division (B) of this section and that the 24572
individual's continued practice or prescribing presents a danger 24573
of immediate and serious harm to the public, they may recommend 24574
that the board suspend the individual's license without a prior 24575
hearing. Written allegations shall be prepared for consideration 24576
by the board. 24577

The board, upon review of those allegations and by an 24578
affirmative vote of not fewer than six of its members, excluding 24579
the secretary and supervising member, may suspend a license 24580
without a prior hearing. A telephone conference call may be 24581
utilized for reviewing the allegations and taking the vote on 24582
the summary suspension. 24583

The board shall issue a written order of suspension by 24584
certified mail or in person in accordance with section 119.07 of 24585
the Revised Code. The order shall not be subject to suspension 24586
by the court during pendency of any appeal filed under section 24587
119.12 of the Revised Code. If the physician assistant requests 24588
an adjudicatory hearing by the board, the date set for the 24589
hearing shall be within fifteen days, but not earlier than seven 24590
days, after the physician assistant requests the hearing, unless 24591
otherwise agreed to by both the board and the license holder. 24592

A summary suspension imposed under this division shall 24593
remain in effect, unless reversed on appeal, until a final 24594
adjudicative order issued by the board pursuant to this section 24595
and Chapter 119. of the Revised Code becomes effective. The 24596
board shall issue its final adjudicative order within sixty days 24597
after completion of its hearing. Failure to issue the order 24598
within sixty days shall result in dissolution of the summary 24599
suspension order, but shall not invalidate any subsequent, final 24600
adjudicative order. 24601

(H) If the board takes action under division (B) (11), 24602
(13), or (14) of this section, and the judicial finding of 24603
guilt, guilty plea, or judicial finding of eligibility for 24604
intervention in lieu of conviction is overturned on appeal, upon 24605
exhaustion of the criminal appeal, a petition for 24606
reconsideration of the order may be filed with the board along 24607
with appropriate court documents. Upon receipt of a petition and 24608
supporting court documents, the board shall reinstate the 24609
individual's license. The board may then hold an adjudication 24610
under Chapter 119. of the Revised Code to determine whether the 24611
individual committed the act in question. Notice of opportunity 24612
for hearing shall be given in accordance with Chapter 119. of 24613
the Revised Code. If the board finds, pursuant to an 24614

adjudication held under this division, that the individual 24615
committed the act, or if no hearing is requested, it may order 24616
any of the sanctions identified under division (B) of this 24617
section. 24618

(I) The license to practice issued to a physician 24619
assistant and the physician assistant's practice in this state 24620
are automatically suspended as of the date the physician 24621
assistant pleads guilty to, is found by a judge or jury to be 24622
guilty of, or is subject to a judicial finding of eligibility 24623
for intervention in lieu of conviction in this state or 24624
treatment or intervention in lieu of conviction in another state 24625
for any of the following criminal offenses in this state or a 24626
substantially equivalent criminal offense in another 24627
jurisdiction: aggravated murder, murder, voluntary manslaughter, 24628
felonious assault, kidnapping, rape, sexual battery, gross 24629
sexual imposition, aggravated arson, aggravated robbery, or 24630
aggravated burglary. Continued practice after the suspension 24631
shall be considered practicing without a license. 24632

The board shall notify the individual subject to the 24633
suspension by certified mail or in person in accordance with 24634
section 119.07 of the Revised Code. If an individual whose 24635
license is suspended under this division fails to make a timely 24636
request for an adjudication under Chapter 119. of the Revised 24637
Code, the board shall enter a final order permanently revoking 24638
the individual's license to practice. 24639

(J) In any instance in which the board is required by 24640
Chapter 119. of the Revised Code to give notice of opportunity 24641
for hearing and the individual subject to the notice does not 24642
timely request a hearing in accordance with section 119.07 of 24643
the Revised Code, the board is not required to hold a hearing, 24644

but may adopt, by an affirmative vote of not fewer than six of 24645
its members, a final order that contains the board's findings. 24646
In that final order, the board may order any of the sanctions 24647
identified under division (A) or (B) of this section. 24648

(K) Any action taken by the board under division (B) of 24649
this section resulting in a suspension shall be accompanied by a 24650
written statement of the conditions under which the physician 24651
assistant's license may be reinstated. The board shall adopt 24652
rules in accordance with Chapter 119. of the Revised Code 24653
governing conditions to be imposed for reinstatement. 24654
Reinstatement of a license suspended pursuant to division (B) of 24655
this section requires an affirmative vote of not fewer than six 24656
members of the board. 24657

(L) When the board refuses to grant or issue to an 24658
applicant a license to practice as a physician assistant, 24659
revokes an individual's license, refuses to renew an 24660
individual's license, or refuses to reinstate an individual's 24661
license, the board may specify that its action is permanent. An 24662
individual subject to a permanent action taken by the board is 24663
forever thereafter ineligible to hold the license and the board 24664
shall not accept an application for reinstatement of the license 24665
or for issuance of a new license. 24666

(M) Notwithstanding any other provision of the Revised 24667
Code, all of the following apply: 24668

(1) The surrender of a license issued under this chapter 24669
is not effective unless or until accepted by the board. 24670
Reinstatement of a license surrendered to the board requires an 24671
affirmative vote of not fewer than six members of the board. 24672

(2) An application made under this chapter for a license 24673

may not be withdrawn without approval of the board. 24674

(3) Failure by an individual to renew a license in 24675
accordance with section 4730.14 of the Revised Code shall not 24676
remove or limit the board's jurisdiction to take disciplinary 24677
action under this section against the individual. 24678

(N) The board shall not refuse to issue a license to an 24679
applicant because of a conviction, plea of guilty, judicial 24680
finding of guilt, judicial finding of eligibility for 24681
intervention in lieu of conviction, or the commission of an act 24682
that constitutes a criminal offense, unless the refusal is in 24683
accordance with section 9.79 of the Revised Code. 24684

Sec. 4731.22. (A) The state medical board, by an 24685
affirmative vote of not fewer than six of its members, may 24686
limit, revoke, or suspend a license or certificate to practice 24687
or certificate to recommend, refuse to grant a license or 24688
certificate, refuse to renew a license or certificate, refuse to 24689
reinstate a license or certificate, or reprimand or place on 24690
probation the holder of a license or certificate if the 24691
individual applying for or holding the license or certificate is 24692
found by the board to have committed fraud during the 24693
administration of the examination for a license or certificate 24694
to practice or to have committed fraud, misrepresentation, or 24695
deception in applying for, renewing, or securing any license or 24696
certificate to practice or certificate to recommend issued by 24697
the board. 24698

(B) Except as provided in division (P) of this section, 24699
the board, by an affirmative vote of not fewer than six members, 24700
shall, to the extent permitted by law, limit, revoke, or suspend 24701
a license or certificate to practice or certificate to 24702
recommend, refuse to issue a license or certificate, refuse to 24703

renew a license or certificate, refuse to reinstate a license or 24704
certificate, or reprimand or place on probation the holder of a 24705
license or certificate for one or more of the following reasons: 24706

(1) Permitting one's name or one's license or certificate 24707
to practice to be used by a person, group, or corporation when 24708
the individual concerned is not actually directing the treatment 24709
given; 24710

(2) Failure to maintain minimal standards applicable to 24711
the selection or administration of drugs, or failure to employ 24712
acceptable scientific methods in the selection of drugs or other 24713
modalities for treatment of disease; 24714

(3) Except as provided in section 4731.97 of the Revised 24715
Code, selling, giving away, personally furnishing, prescribing, 24716
or administering drugs for other than legal and legitimate 24717
therapeutic purposes or a plea of guilty to, a judicial finding 24718
of guilt of, or a judicial finding of eligibility for 24719
intervention in lieu of conviction of, a violation of any 24720
federal or state law regulating the possession, distribution, or 24721
use of any drug; 24722

(4) Willfully betraying a professional confidence. 24723

For purposes of this division, "willfully betraying a 24724
professional confidence" does not include providing any 24725
information, documents, or reports under sections 307.621 to 24726
307.629 of the Revised Code to a child fatality review board; 24727
does not include providing any information, documents, or 24728
reports under sections 307.631 to 307.6410 of the Revised Code 24729
to a drug overdose fatality review committee, a suicide fatality 24730
review committee, or hybrid drug overdose fatality and suicide 24731
fatality review committee; does not include providing any 24732

information, documents, or reports to the director of health 24733
pursuant to guidelines established under section 3701.70 of the 24734
Revised Code; does not include written notice to a mental health 24735
professional under section 4731.62 of the Revised Code; and does 24736
not include the making of a report of an employee's use of a 24737
drug of abuse, or a report of a condition of an employee other 24738
than one involving the use of a drug of abuse, to the employer 24739
of the employee as described in division (B) of section 2305.33 24740
of the Revised Code. Nothing in this division affects the 24741
immunity from civil liability conferred by section 2305.33 or 24742
4731.62 of the Revised Code upon a physician who makes a report 24743
in accordance with section 2305.33 or notifies a mental health 24744
professional in accordance with section 4731.62 of the Revised 24745
Code. As used in this division, "employee," "employer," and 24746
"physician" have the same meanings as in section 2305.33 of the 24747
Revised Code. 24748

(5) Making a false, fraudulent, deceptive, or misleading 24749
statement in the solicitation of or advertising for patients; in 24750
relation to the practice of medicine and surgery, osteopathic 24751
medicine and surgery, podiatric medicine and surgery, or a 24752
limited branch of medicine; or in securing or attempting to 24753
secure any license or certificate to practice issued by the 24754
board. 24755

As used in this division, "false, fraudulent, deceptive, 24756
or misleading statement" means a statement that includes a 24757
misrepresentation of fact, is likely to mislead or deceive 24758
because of a failure to disclose material facts, is intended or 24759
is likely to create false or unjustified expectations of 24760
favorable results, or includes representations or implications 24761
that in reasonable probability will cause an ordinarily prudent 24762
person to misunderstand or be deceived. 24763

- (6) A departure from, or the failure to conform to, 24764
minimal standards of care of similar practitioners under the 24765
same or similar circumstances, whether or not actual injury to a 24766
patient is established; 24767
- (7) Representing, with the purpose of obtaining 24768
compensation or other advantage as personal gain or for any 24769
other person, that an incurable disease or injury, or other 24770
incurable condition, can be permanently cured; 24771
- (8) The obtaining of, or attempting to obtain, money or 24772
anything of value by fraudulent misrepresentations in the course 24773
of practice; 24774
- (9) A plea of guilty to, a judicial finding of guilt of, 24775
or a judicial finding of eligibility for intervention in lieu of 24776
conviction for, a felony; 24777
- (10) Commission of an act that constitutes a felony in 24778
this state, regardless of the jurisdiction in which the act was 24779
committed; 24780
- (11) A plea of guilty to, a judicial finding of guilt of, 24781
or a judicial finding of eligibility for intervention in lieu of 24782
conviction for, a misdemeanor committed in the course of 24783
practice; 24784
- (12) Commission of an act in the course of practice that 24785
constitutes a misdemeanor in this state, regardless of the 24786
jurisdiction in which the act was committed; 24787
- (13) A plea of guilty to, a judicial finding of guilt of, 24788
or a judicial finding of eligibility for intervention in lieu of 24789
conviction for, a misdemeanor involving moral turpitude; 24790
- (14) Commission of an act involving moral turpitude that 24791

constitutes a misdemeanor in this state, regardless of the 24792
jurisdiction in which the act was committed; 24793

(15) Violation of the conditions of limitation placed by 24794
the board upon a license or certificate to practice; 24795

(16) Failure to pay license renewal fees specified in this 24796
chapter; 24797

(17) Except as authorized in section 4731.31 of the 24798
Revised Code, engaging in the division of fees for referral of 24799
patients, or the receiving of a thing of value in return for a 24800
specific referral of a patient to utilize a particular service 24801
or business; 24802

(18) Subject to section 4731.226 of the Revised Code, 24803
violation of any provision of a code of ethics of the American 24804
medical association, the American osteopathic association, the 24805
American podiatric medical association, or any other national 24806
professional organizations that the board specifies by rule. The 24807
state medical board shall obtain and keep on file current copies 24808
of the codes of ethics of the various national professional 24809
organizations. The individual whose license or certificate is 24810
being suspended or revoked shall not be found to have violated 24811
any provision of a code of ethics of an organization not 24812
appropriate to the individual's profession. 24813

For purposes of this division, a "provision of a code of 24814
ethics of a national professional organization" does not include 24815
any provision that would preclude the making of a report by a 24816
physician of an employee's use of a drug of abuse, or of a 24817
condition of an employee other than one involving the use of a 24818
drug of abuse, to the employer of the employee as described in 24819
division (B) of section 2305.33 of the Revised Code. Nothing in 24820

this division affects the immunity from civil liability 24821
conferred by that section upon a physician who makes either type 24822
of report in accordance with division (B) of that section. As 24823
used in this division, "employee," "employer," and "physician" 24824
have the same meanings as in section 2305.33 of the Revised 24825
Code. 24826

(19) Inability to practice according to acceptable and 24827
prevailing standards of care by reason of mental illness or 24828
physical illness, including, but not limited to, physical 24829
deterioration that adversely affects cognitive, motor, or 24830
perceptive skills. 24831

In enforcing this division, the board, upon a showing of a 24832
possible violation, may compel any individual authorized to 24833
practice by this chapter or who has submitted an application 24834
pursuant to this chapter to submit to a mental examination, 24835
physical examination, including an HIV test, or both a mental 24836
and a physical examination. The expense of the examination is 24837
the responsibility of the individual compelled to be examined. 24838
Failure to submit to a mental or physical examination or consent 24839
to an HIV test ordered by the board constitutes an admission of 24840
the allegations against the individual unless the failure is due 24841
to circumstances beyond the individual's control, and a default 24842
and final order may be entered without the taking of testimony 24843
or presentation of evidence. If the board finds an individual 24844
unable to practice because of the reasons set forth in this 24845
division, the board shall require the individual to submit to 24846
care, counseling, or treatment by physicians approved or 24847
designated by the board, as a condition for initial, continued, 24848
reinstated, or renewed authority to practice. An individual 24849
affected under this division shall be afforded an opportunity to 24850
demonstrate to the board the ability to resume practice in 24851

compliance with acceptable and prevailing standards under the 24852
provisions of the individual's license or certificate. For the 24853
purpose of this division, any individual who applies for or 24854
receives a license or certificate to practice under this chapter 24855
accepts the privilege of practicing in this state and, by so 24856
doing, shall be deemed to have given consent to submit to a 24857
mental or physical examination when directed to do so in writing 24858
by the board, and to have waived all objections to the 24859
admissibility of testimony or examination reports that 24860
constitute a privileged communication. 24861

(20) Except as provided in division (F) (1) (b) of section 24862
4731.282 of the Revised Code or when civil penalties are imposed 24863
under section 4731.225 of the Revised Code, and subject to 24864
section 4731.226 of the Revised Code, violating or attempting to 24865
violate, directly or indirectly, or assisting in or abetting the 24866
violation of, or conspiring to violate, any provisions of this 24867
chapter or any rule promulgated by the board. 24868

This division does not apply to a violation or attempted 24869
violation of, assisting in or abetting the violation of, or a 24870
conspiracy to violate, any provision of this chapter or any rule 24871
adopted by the board that would preclude the making of a report 24872
by a physician of an employee's use of a drug of abuse, or of a 24873
condition of an employee other than one involving the use of a 24874
drug of abuse, to the employer of the employee as described in 24875
division (B) of section 2305.33 of the Revised Code. Nothing in 24876
this division affects the immunity from civil liability 24877
conferred by that section upon a physician who makes either type 24878
of report in accordance with division (B) of that section. As 24879
used in this division, "employee," "employer," and "physician" 24880
have the same meanings as in section 2305.33 of the Revised 24881
Code. 24882

(21) The violation of section 3701.79 of the Revised Code 24883
or of any abortion rule adopted by the director of health 24884
pursuant to section 3701.341 of the Revised Code; 24885

(22) Any of the following actions taken by an agency 24886
responsible for authorizing, certifying, or regulating an 24887
individual to practice a health care occupation or provide 24888
health care services in this state or another jurisdiction, for 24889
any reason other than the nonpayment of fees: the limitation, 24890
revocation, or suspension of an individual's license to 24891
practice; acceptance of an individual's license surrender; 24892
denial of a license; refusal to renew or reinstate a license; 24893
imposition of probation; or issuance of an order of censure or 24894
other reprimand; 24895

(23) The violation of section 2919.12 of the Revised Code 24896
or the performance or inducement of an abortion upon a pregnant 24897
woman with actual knowledge that the conditions specified in 24898
division (B) of section 2317.56 of the Revised Code have not 24899
been satisfied or with a heedless indifference as to whether 24900
those conditions have been satisfied, unless an affirmative 24901
defense as specified in division (H)(2) of that section would 24902
apply in a civil action authorized by division (H)(1) of that 24903
section; 24904

(24) The revocation, suspension, restriction, reduction, 24905
or termination of clinical privileges by the United States 24906
department of defense or department of veterans affairs or the 24907
termination or suspension of a certificate of registration to 24908
prescribe drugs by the drug enforcement administration of the 24909
United States department of justice; 24910

(25) Termination or suspension from participation in the 24911
medicare or medicaid programs by the department of health and 24912

human services or other responsible agency; 24913

(26) Impairment of ability to practice according to 24914
acceptable and prevailing standards of care because of habitual 24915
or excessive use or abuse of drugs, alcohol, or other substances 24916
that impair ability to practice. 24917

For the purposes of this division, any individual 24918
authorized to practice by this chapter accepts the privilege of 24919
practicing in this state subject to supervision by the board. By 24920
filing an application for or holding a license or certificate to 24921
practice under this chapter, an individual shall be deemed to 24922
have given consent to submit to a mental or physical examination 24923
when ordered to do so by the board in writing, and to have 24924
waived all objections to the admissibility of testimony or 24925
examination reports that constitute privileged communications. 24926

If it has reason to believe that any individual authorized 24927
to practice by this chapter or any applicant for licensure or 24928
certification to practice suffers such impairment, the board may 24929
compel the individual to submit to a mental or physical 24930
examination, or both. The expense of the examination is the 24931
responsibility of the individual compelled to be examined. Any 24932
mental or physical examination required under this division 24933
shall be undertaken by a treatment provider or physician who is 24934
qualified to conduct the examination and who is chosen by the 24935
board. 24936

Failure to submit to a mental or physical examination 24937
ordered by the board constitutes an admission of the allegations 24938
against the individual unless the failure is due to 24939
circumstances beyond the individual's control, and a default and 24940
final order may be entered without the taking of testimony or 24941
presentation of evidence. If the board determines that the 24942

individual's ability to practice is impaired, the board shall 24943
suspend the individual's license or certificate or deny the 24944
individual's application and shall require the individual, as a 24945
condition for initial, continued, reinstated, or renewed 24946
licensure or certification to practice, to submit to treatment. 24947

Before being eligible to apply for reinstatement of a 24948
license or certificate suspended under this division, the 24949
impaired practitioner shall demonstrate to the board the ability 24950
to resume practice in compliance with acceptable and prevailing 24951
standards of care under the provisions of the practitioner's 24952
license or certificate. The demonstration shall include, but 24953
shall not be limited to, the following: 24954

(a) Certification from a treatment provider approved under 24955
section 4731.25 of the Revised Code that the individual has 24956
successfully completed any required inpatient treatment; 24957

(b) Evidence of continuing full compliance with an 24958
aftercare contract or consent agreement; 24959

(c) Two written reports indicating that the individual's 24960
ability to practice has been assessed and that the individual 24961
has been found capable of practicing according to acceptable and 24962
prevailing standards of care. The reports shall be made by 24963
individuals or providers approved by the board for making the 24964
assessments and shall describe the basis for their 24965
determination. 24966

The board may reinstate a license or certificate suspended 24967
under this division after that demonstration and after the 24968
individual has entered into a written consent agreement. 24969

When the impaired practitioner resumes practice, the board 24970
shall require continued monitoring of the individual. The 24971

monitoring shall include, but not be limited to, compliance with 24972
the written consent agreement entered into before reinstatement 24973
or with conditions imposed by board order after a hearing, and, 24974
upon termination of the consent agreement, submission to the 24975
board for at least two years of annual written progress reports 24976
made under penalty of perjury stating whether the individual has 24977
maintained sobriety. 24978

(27) A second or subsequent violation of section 4731.66 24979
or 4731.69 of the Revised Code; 24980

(28) Except as provided in division (N) of this section: 24981

(a) Waiving the payment of all or any part of a deductible 24982
or copayment that a patient, pursuant to a health insurance or 24983
health care policy, contract, or plan that covers the 24984
individual's services, otherwise would be required to pay if the 24985
waiver is used as an enticement to a patient or group of 24986
patients to receive health care services from that individual; 24987

(b) Advertising that the individual will waive the payment 24988
of all or any part of a deductible or copayment that a patient, 24989
pursuant to a health insurance or health care policy, contract, 24990
or plan that covers the individual's services, otherwise would 24991
be required to pay. 24992

(29) Failure to use universal blood and body fluid 24993
precautions established by rules adopted under section 4731.051 24994
of the Revised Code; 24995

(30) Failure to provide notice to, and receive 24996
acknowledgment of the notice from, a patient when required by 24997
section 4731.143 of the Revised Code prior to providing 24998
nonemergency professional services, or failure to maintain that 24999
notice in the patient's medical record; 25000

(31) Failure of a physician supervising a physician	25001
assistant to maintain supervision in accordance with the	25002
requirements of Chapter 4730. of the Revised Code and the rules	25003
adopted under that chapter;	25004
(32) Failure of a physician or podiatrist to enter into a	25005
standard care arrangement with a clinical nurse specialist,	25006
certified nurse-midwife, or certified nurse practitioner with	25007
whom the physician or podiatrist is in collaboration pursuant to	25008
section 4731.27 of the Revised Code or failure to fulfill the	25009
responsibilities of collaboration after entering into a standard	25010
care arrangement;	25011
(33) Failure to comply with the terms of a consult	25012
agreement entered into with a pharmacist pursuant to section	25013
4729.39 of the Revised Code;	25014
(34) Failure to cooperate in an investigation conducted by	25015
the board under division (F) of this section, including failure	25016
to comply with a subpoena or order issued by the board or	25017
failure to answer truthfully a question presented by the board	25018
in an investigative interview, an investigative office	25019
conference, at a deposition, or in written interrogatories,	25020
except that failure to cooperate with an investigation shall not	25021
constitute grounds for discipline under this section if a court	25022
of competent jurisdiction has issued an order that either	25023
quashes a subpoena or permits the individual to withhold the	25024
testimony or evidence in issue;	25025
(35) Failure to supervise an acupuncturist in accordance	25026
with Chapter 4762. of the Revised Code and the board's rules for	25027
providing that supervision;	25028
(36) Failure to supervise an anesthesiologist assistant in	25029

accordance with Chapter 4760. of the Revised Code and the	25030
board's rules for supervision of an anesthesiologist assistant;	25031
(37) Assisting suicide, as defined in section 3795.01 of	25032
the Revised Code;	25033
(38) Failure to comply with the requirements of section	25034
2317.561 of the Revised Code;	25035
(39) Failure to supervise a radiologist assistant in	25036
accordance with Chapter 4774. of the Revised Code and the	25037
board's rules for supervision of radiologist assistants;	25038
(40) Performing or inducing an abortion at an office or	25039
facility with knowledge that the office or facility fails to	25040
post the notice required under section 3701.791 of the Revised	25041
Code;	25042
(41) Failure to comply with the standards and procedures	25043
established in rules under section 4731.054 of the Revised Code	25044
for the operation of or the provision of care at a pain	25045
management clinic;	25046
(42) Failure to comply with the standards and procedures	25047
established in rules under section 4731.054 of the Revised Code	25048
for providing supervision, direction, and control of individuals	25049
at a pain management clinic;	25050
(43) Failure to comply with the requirements of section	25051
4729.79 or 4731.055 of the Revised Code, unless the state board	25052
of pharmacy no longer maintains a drug database pursuant to	25053
section 4729.75 of the Revised Code;	25054
(44) Failure to comply with the requirements of section	25055
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	25056
to submit to the department of health in accordance with a court	25057

order a complete report as described in section 2919.171 or	25058
2919.202 of the Revised Code;	25059
(45) Practicing at a facility that is subject to licensure	25060
as a category III terminal distributor of dangerous drugs with a	25061
pain management clinic classification unless the person	25062
operating the facility has obtained and maintains the license	25063
with the classification;	25064
(46) Owning a facility that is subject to licensure as a	25065
category III terminal distributor of dangerous drugs with a pain	25066
management clinic classification unless the facility is licensed	25067
with the classification;	25068
(47) Failure to comply with any of the requirements	25069
regarding making or maintaining medical records or documents	25070
described in division (A) of section 2919.192, division (C) of	25071
section 2919.193, division (B) of section 2919.195, or division	25072
(A) of section 2919.196 of the Revised Code;	25073
(48) Failure to comply with the requirements in section	25074
3719.061 of the Revised Code before issuing for a minor a	25075
prescription for an opioid analgesic, as defined in section	25076
3719.01 of the Revised Code;	25077
(49) Failure to comply with the requirements of section	25078
4731.30 of the Revised Code or rules adopted under section	25079
4731.301 of the Revised Code when recommending treatment with	25080
medical marijuana;	25081
(50) Practicing at a facility, clinic, or other location	25082
that is subject to licensure as a category III terminal	25083
distributor of dangerous drugs with an office-based opioid	25084
treatment classification unless the person operating that place	25085
has obtained and maintains the license with the classification;	25086

(51) Owning a facility, clinic, or other location that is 25087
subject to licensure as a category III terminal distributor of 25088
dangerous drugs with an office-based opioid treatment 25089
classification unless that place is licensed with the 25090
classification; 25091

(52) A pattern of continuous or repeated violations of 25092
division (E) (2) or (3) of section 3963.02 of the Revised Code; 25093

(53) Failure to fulfill the responsibilities of a 25094
collaboration agreement entered into with an athletic trainer as 25095
described in section 4755.621 of the Revised Code; 25096

(54) Failure to take the steps specified in section 25097
4731.911 of the Revised Code following an abortion or attempted 25098
abortion in an ambulatory surgical facility or other location 25099
that is not a hospital when a child is born alive. 25100

(C) Disciplinary actions taken by the board under 25101
divisions (A) and (B) of this section shall be taken pursuant to 25102
an adjudication under Chapter 119. of the Revised Code, except 25103
that in lieu of an adjudication, the board may enter into a 25104
consent agreement with an individual to resolve an allegation of 25105
a violation of this chapter or any rule adopted under it. A 25106
consent agreement, when ratified by an affirmative vote of not 25107
fewer than six members of the board, shall constitute the 25108
findings and order of the board with respect to the matter 25109
addressed in the agreement. If the board refuses to ratify a 25110
consent agreement, the admissions and findings contained in the 25111
consent agreement shall be of no force or effect. 25112

A telephone conference call may be utilized for 25113
ratification of a consent agreement that revokes or suspends an 25114
individual's license or certificate to practice or certificate 25115

to recommend. The telephone conference call shall be considered 25116
a special meeting under division (F) of section 121.22 of the 25117
Revised Code. 25118

If the board takes disciplinary action against an 25119
individual under division (B) of this section for a second or 25120
subsequent plea of guilty to, or judicial finding of guilt of, a 25121
violation of section 2919.123 or 2919.124 of the Revised Code, 25122
the disciplinary action shall consist of a suspension of the 25123
individual's license or certificate to practice for a period of 25124
at least one year or, if determined appropriate by the board, a 25125
more serious sanction involving the individual's license or 25126
certificate to practice. Any consent agreement entered into 25127
under this division with an individual that pertains to a second 25128
or subsequent plea of guilty to, or judicial finding of guilt 25129
of, a violation of that section shall provide for a suspension 25130
of the individual's license or certificate to practice for a 25131
period of at least one year or, if determined appropriate by the 25132
board, a more serious sanction involving the individual's 25133
license or certificate to practice. 25134

(D) For purposes of divisions (B) (10), (12), and (14) of 25135
this section, the commission of the act may be established by a 25136
finding by the board, pursuant to an adjudication under Chapter 25137
119. of the Revised Code, that the individual committed the act. 25138
The board does not have jurisdiction under those divisions if 25139
the trial court renders a final judgment in the individual's 25140
favor and that judgment is based upon an adjudication on the 25141
merits. The board has jurisdiction under those divisions if the 25142
trial court issues an order of dismissal upon technical or 25143
procedural grounds. 25144

(E) The sealing or expungement of conviction records by 25145

any court shall have no effect upon a prior board order entered 25146
under this section or upon the board's jurisdiction to take 25147
action under this section if, based upon a plea of guilty, a 25148
judicial finding of guilt, or a judicial finding of eligibility 25149
for intervention in lieu of conviction, the board issued a 25150
notice of opportunity for a hearing prior to the court's order 25151
to seal or expunge the records. The board shall not be required 25152
to seal, expunge, destroy, redact, or otherwise modify its 25153
records to reflect the court's sealing of conviction records. 25154

(F) (1) The board shall investigate evidence that appears 25155
to show that a person has violated any provision of this chapter 25156
or any rule adopted under it. Any person may report to the board 25157
in a signed writing any information that the person may have 25158
that appears to show a violation of any provision of this 25159
chapter or any rule adopted under it. In the absence of bad 25160
faith, any person who reports information of that nature or who 25161
testifies before the board in any adjudication conducted under 25162
Chapter 119. of the Revised Code shall not be liable in damages 25163
in a civil action as a result of the report or testimony. Each 25164
complaint or allegation of a violation received by the board 25165
shall be assigned a case number and shall be recorded by the 25166
board. 25167

(2) Investigations of alleged violations of this chapter 25168
or any rule adopted under it shall be supervised by the 25169
supervising member elected by the board in accordance with 25170
section 4731.02 of the Revised Code and by the secretary as 25171
provided in section 4731.39 of the Revised Code. The president 25172
may designate another member of the board to supervise the 25173
investigation in place of the supervising member. No member of 25174
the board who supervises the investigation of a case shall 25175
participate in further adjudication of the case. 25176

(3) In investigating a possible violation of this chapter 25177
or any rule adopted under this chapter, or in conducting an 25178
inspection under division (E) of section 4731.054 of the Revised 25179
Code, the board may question witnesses, conduct interviews, 25180
administer oaths, order the taking of depositions, inspect and 25181
copy any books, accounts, papers, records, or documents, issue 25182
subpoenas, and compel the attendance of witnesses and production 25183
of books, accounts, papers, records, documents, and testimony, 25184
except that a subpoena for patient record information shall not 25185
be issued without consultation with the attorney general's 25186
office and approval of the secretary and supervising member of 25187
the board. 25188

(a) Before issuance of a subpoena for patient record 25189
information, the secretary and supervising member shall 25190
determine whether there is probable cause to believe that the 25191
complaint filed alleges a violation of this chapter or any rule 25192
adopted under it and that the records sought are relevant to the 25193
alleged violation and material to the investigation. The 25194
subpoena may apply only to records that cover a reasonable 25195
period of time surrounding the alleged violation. 25196

(b) On failure to comply with any subpoena issued by the 25197
board and after reasonable notice to the person being 25198
subpoenaed, the board may move for an order compelling the 25199
production of persons or records pursuant to the Rules of Civil 25200
Procedure. 25201

(c) A subpoena issued by the board may be served by a 25202
sheriff, the sheriff's deputy, or a board employee or agent 25203
designated by the board. Service of a subpoena issued by the 25204
board may be made by delivering a copy of the subpoena to the 25205
person named therein, reading it to the person, or leaving it at 25206

the person's usual place of residence, usual place of business, 25207
or address on file with the board. When serving a subpoena to an 25208
applicant for or the holder of a license or certificate issued 25209
under this chapter, service of the subpoena may be made by 25210
certified mail, return receipt requested, and the subpoena shall 25211
be deemed served on the date delivery is made or the date the 25212
person refuses to accept delivery. If the person being served 25213
refuses to accept the subpoena or is not located, service may be 25214
made to an attorney who notifies the board that the attorney is 25215
representing the person. 25216

(d) A sheriff's deputy who serves a subpoena shall receive 25217
the same fees as a sheriff. Each witness who appears before the 25218
board in obedience to a subpoena shall receive the fees and 25219
mileage provided for under section 119.094 of the Revised Code. 25220

(4) All hearings, investigations, and inspections of the 25221
board shall be considered civil actions for the purposes of 25222
section 2305.252 of the Revised Code. 25223

(5) A report required to be submitted to the board under 25224
this chapter, a complaint, or information received by the board 25225
pursuant to an investigation or pursuant to an inspection under 25226
division (E) of section 4731.054 of the Revised Code is 25227
confidential and not subject to discovery in any civil action. 25228

The board shall conduct all investigations or inspections 25229
and proceedings in a manner that protects the confidentiality of 25230
patients and persons who file complaints with the board. The 25231
board shall not make public the names or any other identifying 25232
information about patients or complainants unless proper consent 25233
is given or, in the case of a patient, a waiver of the patient 25234
privilege exists under division (B) of section 2317.02 of the 25235
Revised Code, except that consent or a waiver of that nature is 25236

not required if the board possesses reliable and substantial 25237
evidence that no bona fide physician-patient relationship 25238
exists. 25239

The board may share any information it receives pursuant 25240
to an investigation or inspection, including patient records and 25241
patient record information, with law enforcement agencies, other 25242
licensing boards, and other governmental agencies that are 25243
prosecuting, adjudicating, or investigating alleged violations 25244
of statutes or administrative rules. An agency or board that 25245
receives the information shall comply with the same requirements 25246
regarding confidentiality as those with which the state medical 25247
board must comply, notwithstanding any conflicting provision of 25248
the Revised Code or procedure of the agency or board that 25249
applies when it is dealing with other information in its 25250
possession. In a judicial proceeding, the information may be 25251
admitted into evidence only in accordance with the Rules of 25252
Evidence, but the court shall require that appropriate measures 25253
are taken to ensure that confidentiality is maintained with 25254
respect to any part of the information that contains names or 25255
other identifying information about patients or complainants 25256
whose confidentiality was protected by the state medical board 25257
when the information was in the board's possession. Measures to 25258
ensure confidentiality that may be taken by the court include 25259
sealing its records or deleting specific information from its 25260
records. 25261

(6) On a quarterly basis, the board shall prepare a report 25262
that documents the disposition of all cases during the preceding 25263
three months. The report shall contain the following information 25264
for each case with which the board has completed its activities: 25265

(a) The case number assigned to the complaint or alleged 25266

violation;	25267
(b) The type of license or certificate to practice, if	25268
any, held by the individual against whom the complaint is	25269
directed;	25270
(c) A description of the allegations contained in the	25271
complaint;	25272
(d) The disposition of the case.	25273
The report shall state how many cases are still pending	25274
and shall be prepared in a manner that protects the identity of	25275
each person involved in each case. The report shall be a public	25276
record under section 149.43 of the Revised Code.	25277
(G) If the secretary and supervising member determine both	25278
of the following, they may recommend that the board suspend an	25279
individual's license or certificate to practice or certificate	25280
to recommend without a prior hearing:	25281
(1) That there is clear and convincing evidence that an	25282
individual has violated division (B) of this section;	25283
(2) That the individual's continued practice presents a	25284
danger of immediate and serious harm to the public.	25285
Written allegations shall be prepared for consideration by	25286
the board. The board, upon review of those allegations and by an	25287
affirmative vote of not fewer than six of its members, excluding	25288
the secretary and supervising member, may suspend a license or	25289
certificate without a prior hearing. A telephone conference call	25290
may be utilized for reviewing the allegations and taking the	25291
vote on the summary suspension.	25292
The board shall issue a written order of suspension by	25293
certified mail or in person in accordance with section 119.07 of	25294

the Revised Code. The order shall not be subject to suspension 25295
by the court during pendency of any appeal filed under section 25296
119.12 of the Revised Code. If the individual subject to the 25297
summary suspension requests an adjudicatory hearing by the 25298
board, the date set for the hearing shall be within fifteen 25299
days, but not earlier than seven days, after the individual 25300
requests the hearing, unless otherwise agreed to by both the 25301
board and the individual. 25302

Any summary suspension imposed under this division shall 25303
remain in effect, unless reversed on appeal, until a final 25304
adjudicative order issued by the board pursuant to this section 25305
and Chapter 119. of the Revised Code becomes effective. The 25306
board shall issue its final adjudicative order within seventy- 25307
five days after completion of its hearing. A failure to issue 25308
the order within seventy-five days shall result in dissolution 25309
of the summary suspension order but shall not invalidate any 25310
subsequent, final adjudicative order. 25311

(H) If the board takes action under division (B) (9), (11), 25312
or (13) of this section and the judicial finding of guilt, 25313
guilty plea, or judicial finding of eligibility for intervention 25314
in lieu of conviction is overturned on appeal, upon exhaustion 25315
of the criminal appeal, a petition for reconsideration of the 25316
order may be filed with the board along with appropriate court 25317
documents. Upon receipt of a petition of that nature and 25318
supporting court documents, the board shall reinstate the 25319
individual's license or certificate to practice. The board may 25320
then hold an adjudication under Chapter 119. of the Revised Code 25321
to determine whether the individual committed the act in 25322
question. Notice of an opportunity for a hearing shall be given 25323
in accordance with Chapter 119. of the Revised Code. If the 25324
board finds, pursuant to an adjudication held under this 25325

division, that the individual committed the act or if no hearing 25326
is requested, the board may order any of the sanctions 25327
identified under division (B) of this section. 25328

(I) The license or certificate to practice issued to an 25329
individual under this chapter and the individual's practice in 25330
this state are automatically suspended as of the date of the 25331
individual's second or subsequent plea of guilty to, or judicial 25332
finding of guilt of, a violation of section 2919.123 or 2919.124 25333
of the Revised Code. In addition, the license or certificate to 25334
practice or certificate to recommend issued to an individual 25335
under this chapter and the individual's practice in this state 25336
are automatically suspended as of the date the individual pleads 25337
guilty to, is found by a judge or jury to be guilty of, or is 25338
subject to a judicial finding of eligibility for intervention in 25339
lieu of conviction in this state or treatment or intervention in 25340
lieu of conviction in another jurisdiction for any of the 25341
following criminal offenses in this state or a substantially 25342
equivalent criminal offense in another jurisdiction: aggravated 25343
murder, murder, voluntary manslaughter, felonious assault, 25344
kidnapping, rape, sexual battery, gross sexual imposition, 25345
aggravated arson, aggravated robbery, or aggravated burglary. 25346
Continued practice after suspension shall be considered 25347
practicing without a license or certificate. 25348

The board shall notify the individual subject to the 25349
suspension by certified mail or in person in accordance with 25350
section 119.07 of the Revised Code. If an individual whose 25351
license or certificate is automatically suspended under this 25352
division fails to make a timely request for an adjudication 25353
under Chapter 119. of the Revised Code, the board shall do 25354
whichever of the following is applicable: 25355

(1) If the automatic suspension under this division is for 25356
a second or subsequent plea of guilty to, or judicial finding of 25357
guilt of, a violation of section 2919.123 or 2919.124 of the 25358
Revised Code, the board shall enter an order suspending the 25359
individual's license or certificate to practice for a period of 25360
at least one year or, if determined appropriate by the board, 25361
imposing a more serious sanction involving the individual's 25362
license or certificate to practice. 25363

(2) In all circumstances in which division (I) (1) of this 25364
section does not apply, enter a final order permanently revoking 25365
the individual's license or certificate to practice. 25366

(J) If the board is required by Chapter 119. of the 25367
Revised Code to give notice of an opportunity for a hearing and 25368
if the individual subject to the notice does not timely request 25369
a hearing in accordance with section 119.07 of the Revised Code, 25370
the board is not required to hold a hearing, but may adopt, by 25371
an affirmative vote of not fewer than six of its members, a 25372
final order that contains the board's findings. In that final 25373
order, the board may order any of the sanctions identified under 25374
division (A) or (B) of this section. 25375

(K) Any action taken by the board under division (B) of 25376
this section resulting in a suspension from practice shall be 25377
accompanied by a written statement of the conditions under which 25378
the individual's license or certificate to practice may be 25379
reinstated. The board shall adopt rules governing conditions to 25380
be imposed for reinstatement. Reinstatement of a license or 25381
certificate suspended pursuant to division (B) of this section 25382
requires an affirmative vote of not fewer than six members of 25383
the board. 25384

(L) When the board refuses to grant or issue a license or 25385

certificate to practice to an applicant, revokes an individual's 25386
license or certificate to practice, refuses to renew an 25387
individual's license or certificate to practice, or refuses to 25388
reinstate an individual's license or certificate to practice, 25389
the board may specify that its action is permanent. An 25390
individual subject to a permanent action taken by the board is 25391
forever thereafter ineligible to hold a license or certificate 25392
to practice and the board shall not accept an application for 25393
reinstatement of the license or certificate or for issuance of a 25394
new license or certificate. 25395

(M) Notwithstanding any other provision of the Revised 25396
Code, all of the following apply: 25397

(1) The surrender of a license or certificate issued under 25398
this chapter shall not be effective unless or until accepted by 25399
the board. A telephone conference call may be utilized for 25400
acceptance of the surrender of an individual's license or 25401
certificate to practice. The telephone conference call shall be 25402
considered a special meeting under division (F) of section 25403
121.22 of the Revised Code. Reinstatement of a license or 25404
certificate surrendered to the board requires an affirmative 25405
vote of not fewer than six members of the board. 25406

(2) An application for a license or certificate made under 25407
the provisions of this chapter may not be withdrawn without 25408
approval of the board. 25409

(3) Failure by an individual to renew a license or 25410
certificate to practice in accordance with this chapter or a 25411
certificate to recommend in accordance with rules adopted under 25412
section 4731.301 of the Revised Code shall not remove or limit 25413
the board's jurisdiction to take any disciplinary action under 25414
this section against the individual. 25415

(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; 25445
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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. 25447
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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; 25452
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(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 25456
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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. 25459
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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. 25462
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Sec. 4731.86. As used in sections 4731.861 to 4731.8611 of the Revised Code: 25468
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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. 25470
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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: 25473
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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; 25477
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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; 25481
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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. 25484
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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. 25489
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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: 25494
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(A) The patient on whom the procedure was performed and the patient's spouse or surviving spouse; 25499
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(B) The child born as a result of the procedure. 25501

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. 25502
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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: 25506
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(A) Performed an assisted reproduction procedure using the donor's human reproductive material; 25510
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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. 25512
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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. 25516
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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. 25520
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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. 25524
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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: 25528
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<u>(1) Reasonable attorney's fees; and</u>	25531
<u>(2) Either of the following:</u>	25532
<u>(a) Compensatory and punitive damages;</u>	25533
<u>(b) Liquidated damages of ten thousand dollars.</u>	25534
<u>(B) A plaintiff who prevails in an action under section</u>	25535
<u>4731.861 of the Revised Code is also entitled to reimbursement</u>	25536
<u>for the cost of the assisted reproduction procedure.</u>	25537
<u>Sec. 4731.8610. Nothing in sections 4731.861 to 4731.8611</u>	25538
<u>of the Revised Code may be construed to prohibit a person from</u>	25539
<u>pursuing any other remedies provided in the Revised Code for an</u>	25540
<u>assisted reproduction procedure performed without consent.</u>	25541
<u>Sec. 4731.8611. It is declared to be against the public</u>	25542
<u>policy of this state for a health care professional or</u>	25543
<u>affiliated person to enter into or require a waiver or provision</u>	25544
<u>with any patient or other person that limits or waives any of</u>	25545
<u>the patient's or other person's claims under section 4731.861,</u>	25546
<u>4731.862, 4731.864, or 4731.865 of the Revised Code or remedies</u>	25547
<u>under section 4731.869 or 4731.8610 of the Revised Code. Any</u>	25548
<u>such provision or waiver is void and unenforceable as against</u>	25549
<u>public policy.</u>	25550
<u>Sec. 4734.31. (A) The state chiropractic board may take</u>	25551
<u>any of the actions specified in division (B) of this section</u>	25552
<u>against an individual who has applied for or holds a license to</u>	25553
<u>practice chiropractic in this state if any of the reasons</u>	25554
<u>specified in division (C) of this section for taking action</u>	25555
<u>against an individual are applicable. Except as provided in</u>	25556
<u>division (D) of this section, actions taken against an</u>	25557
<u>individual shall be taken in accordance with Chapter 119. of the</u>	25558
<u>Revised Code. The board may specify that any action it takes is</u>	25559

a permanent action. The board's authority to take action against 25560
an individual is not removed or limited by the individual's 25561
failure to renew a license. 25562

(B) In its imposition of sanctions against an individual, 25563
the board may do any of the following: 25564

(1) Except as provided in division (I) of this section, 25565
refuse to issue, renew, restore, or reinstate a license to 25566
practice chiropractic or a certificate to practice acupuncture; 25567

(2) Reprimand or censure a license holder; 25568

(3) Place limits, restrictions, or probationary conditions 25569
on a license holder's practice; 25570

(4) Impose a civil fine of not more than five thousand 25571
dollars according to a schedule of fines specified in rules that 25572
the board shall adopt in accordance with Chapter 119. of the 25573
Revised Code. 25574

(5) Suspend a license to practice chiropractic or a 25575
certificate to practice acupuncture for a limited or indefinite 25576
period; 25577

(6) Revoke a license to practice chiropractic or a 25578
certificate to practice acupuncture. 25579

(C) The board may take the actions specified in division 25580
(B) of this section for any of the following reasons: 25581

(1) A plea of guilty to, a judicial finding of guilt of, 25582
or a judicial finding of eligibility for intervention in lieu of 25583
conviction for, a felony in any jurisdiction, in which case a 25584
certified copy of the court record shall be conclusive evidence 25585
of the conviction; 25586

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	25587 25588 25589
(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;	25590 25591 25592 25593 25594
(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;	25595 25596 25597
(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;	25598 25599 25600 25601 25602
(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;	25603 25604 25605
(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;	25606 25607 25608 25609
(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	25610 25611 25612 25613 25614 25615

this section if the board or a court of competent jurisdiction 25616
has issued an order that either quashes a subpoena or permits 25617
the individual to withhold the testimony or evidence in issue; 25618

(9) Engaging in an ongoing professional relationship with 25619
a person or entity that violates any provision of this chapter 25620
or the rules adopted under it, unless the chiropractor makes a 25621
good faith effort to have the person or entity comply with the 25622
provisions; 25623

(10) Retaliating against a chiropractor for the 25624
chiropractor's reporting to the board or any other agency with 25625
jurisdiction any violation of the law or for cooperating with 25626
the board of another agency in the investigation of any 25627
violation of the law; 25628

(11) Aiding, abetting, assisting, counseling, or 25629
conspiring with any person in that person's violation of any 25630
provision of this chapter or the rules adopted under it, 25631
including the practice of chiropractic without a license, the 25632
practice of animal chiropractic in violation of section 4734.151 25633
of the Revised Code, the practice of acupuncture without a 25634
certificate, or aiding, abetting, assisting, counseling, or 25635
conspiring with any person in that person's unlicensed practice 25636
of any other health care profession that has licensing 25637
requirements; 25638

(12) With respect to a report or record that is made, 25639
filed, or signed in connection with the practice of 25640
chiropractic, animal chiropractic, or acupuncture, knowingly 25641
making or filing a report or record that is false, intentionally 25642
or negligently failing to file a report or record required by 25643
federal, state, or local law or willfully impeding or 25644
obstructing the required filing, or inducing another person to 25645

engage in any such acts;	25646
(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;	25647 25648 25649 25650
(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;	25651 25652 25653 25654 25655
(15) Willfully obstructing or hindering the board or any agent of the board in the discharge of the board's duties;	25656 25657
(16) Habitually using drugs or intoxicants to the extent that the person is rendered unfit for the practice of chiropractic, animal chiropractic, or acupuncture;	25658 25659 25660
(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;	25661 25662 25663 25664 25665 25666 25667 25668
(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;	25669 25670 25671 25672
(19) Exploiting a patient for personal or financial gain;	25673

(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;	25674 25675 25676 25677 25678 25679
(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;	25680 25681 25682 25683
(22) Commission of willful or gross malpractice, or willful or gross neglect, in the practice of chiropractic, animal chiropractic, or acupuncture;	25684 25685 25686
(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;	25687 25688 25689 25690 25691
(24) Engaging in any conduct or practice that impairs or may impair the ability to practice chiropractic, animal chiropractic, or acupuncture safely and skillfully;	25692 25693 25694
(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;	25695 25696 25697 25698
(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	25699 25700 25701 25702

responsibilities, if the person knew or had reason to know that	25703
the person was not qualified to perform them;	25704
(27) Delegating any of the professional responsibilities	25705
of a chiropractor, animal chiropractic practitioner, or	25706
chiropractor with a certificate to practice acupuncture to an	25707
employee or other individual when the delegating chiropractor	25708
knows or had reason to know that the employee or other	25709
individual is not qualified by training, experience, or	25710
professional licensure to perform the responsibilities;	25711
(28) Delegating any of the professional responsibilities	25712
of a chiropractor, animal chiropractic practitioner, or	25713
chiropractor with a certificate to practice acupuncture to an	25714
employee or other individual in a negligent manner or failing to	25715
provide proper supervision of the employee or other individual	25716
to whom the responsibilities are delegated;	25717
(29) Failing to refer a patient to another health care	25718
practitioner for consultation or treatment when the chiropractor	25719
knows or has reason to know that the referral is in the best	25720
interest of the patient;	25721
(30) Obtaining or attempting to obtain any fee or other	25722
advantage by fraud or misrepresentation;	25723
(31) Making misleading, deceptive, false, or fraudulent	25724
representations in the practice of chiropractic, animal	25725
chiropractic, or acupuncture;	25726
(32) Being guilty of false, fraudulent, deceptive, or	25727
misleading advertising or other solicitations for patients or	25728
knowingly having professional connection with any person that	25729
advertises or solicits for patients in such a manner;	25730
(33) Violation of a provision of any code of ethics	25731

established or adopted by the board under section 4734.16 of the Revised Code;	25732 25733
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	25734 25735 25736
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	25737 25738 25739
(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;	25740 25741 25742 25743
(37) Except as provided in division (G) of this section:	25744
(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;	25745 25746 25747 25748 25749 25750
(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.	25751 25752 25753 25754 25755
(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.	25756 25757 25758
(D) The adjudication requirements of Chapter 119. of the	25759

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 25789
the chiropractor that contradicts the knowledge and opinions of 25790
the members of the board. 25791

(2) If the board conducts a review or investigation or 25792
takes action against a chiropractor concerning an allegation of 25793
harm to an animal from the practice of animal chiropractic, the 25794
board shall retain as an expert witness a licensed veterinarian 25795
who holds a current, valid certification from a credentialing 25796
organization specified in division (A) (3) of section 4734.151 of 25797
the Revised Code. 25798

(F) The sealing or expungement of conviction records by a 25799
court shall have no effect on a prior board order entered under 25800
this section or on the board's jurisdiction to take action under 25801
this section if, based on a plea of guilty, a judicial finding 25802
of guilt, or a judicial finding of eligibility for intervention 25803
in lieu of conviction, the board issued a notice of opportunity 25804
for a hearing prior to the court's order to seal or expunge the 25805
records. The board shall not be required to seal, destroy, 25806
redact, or otherwise modify its records to reflect the court's 25807
sealing or expungement of conviction records. 25808

(G) Actions shall not be taken pursuant to division (C) 25809
(37) of this section against any chiropractor who waives 25810
deductibles and copayments as follows: 25811

(1) In compliance with the health benefit plan that 25812
expressly allows a practice of that nature. Waiver of the 25813
deductibles or copayments shall be made only with the full 25814
knowledge and consent of the plan purchaser, payer, and third- 25815
party administrator. Documentation of the consent shall be made 25816
available to the board upon request. 25817

(2) For professional services rendered to any other person 25818
licensed pursuant to this chapter, to the extent allowed by this 25819
chapter and the rules of the board. 25820

(H) As used in this section, "animal chiropractic" and 25821
"animal chiropractic practitioner" have the same meanings as in 25822
section 4734.151 of the Revised Code. 25823

(I) The board shall not refuse to issue a license to an 25824
applicant because of a conviction, plea of guilty, judicial 25825
finding of guilt, judicial finding of eligibility for 25826
intervention in lieu of conviction, or the commission of an act 25827
that constitutes a criminal offense, unless the refusal is in 25828
accordance with section 9.79 of the Revised Code. 25829

Sec. 4752.09. (A) The state board of pharmacy may, in 25830
accordance with Chapter 119. of the Revised Code, impose any one 25831
or more of the following sanctions on an applicant for a license 25832
or certificate of registration issued under this chapter or a 25833
license or certificate holder for any of the causes set forth in 25834
division (B) of this section: 25835

(1) Suspend, revoke, restrict, limit, or refuse to grant 25836
or renew a license or certificate of registration; 25837

(2) Reprimand or place the license or certificate holder 25838
on probation; 25839

(3) Impose a monetary penalty or forfeiture not to exceed 25840
in severity any fine designated under the Revised Code for a 25841
similar offense or not more than five thousand dollars if the 25842
acts committed are not classified as an offense by the Revised 25843
Code. 25844

(B) The board may impose the sanctions listed in division 25845
(A) of this section for any of the following: 25846

(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;	25847 25848 25849
(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;	25850 25851 25852 25853
(3) Making a material misstatement in furnishing information to the board;	25854 25855
(4) Professional incompetence;	25856
(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;	25857 25858
(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;	25859 25860 25861 25862
(7) Failing to provide information in response to a written request by the board;	25863 25864
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	25865 25866
(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;	25867 25868 25869 25870
(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;	25871 25872 25873

(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;

(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;

(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.

(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.

(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.

A suspension under this division shall remain in effect, unless reversed by the board, until a final adjudication order

issued by the board pursuant to this section and Chapter 119. of 25903
the Revised Code becomes effective. The board shall issue its 25904
final adjudication order not later than ninety days after 25905
completion of the hearing. The board's failure to issue the 25906
order by that day shall cause the summary suspension to end, but 25907
shall not affect the validity of any subsequent final 25908
adjudication order. 25909

(E) If the board is required under Chapter 119. of the 25910
Revised Code to give notice of an opportunity for a hearing and 25911
the applicant or license or certificate holder does not make a 25912
timely request for a hearing in accordance with section 119.07 25913
of the Revised Code, the board is not required to hold a 25914
hearing, but may adopt a final order that contains the board's 25915
findings. In the final order, the board may impose any of the 25916
sanctions listed in division (A) of this section. 25917

(F) Notwithstanding the provision of division ~~(C)(2)~~ (D) 25918
(2) of section 2953.32 or division (F)(1) of section 2953.39 of 25919
the Revised Code specifying that if records pertaining to a 25920
criminal case are sealed or expunged under that section the 25921
proceedings in the case must be deemed not to have occurred, 25922
sealing or expungement of the following records on which the 25923
board has based an action under this section shall have no 25924
effect on the board's action or any sanction imposed by the 25925
board under this section: records of any conviction, guilty 25926
plea, judicial finding of guilt resulting from a plea of no 25927
contest, or a judicial finding of eligibility for a pretrial 25928
diversion program or intervention in lieu of conviction. The 25929
board shall not be required to seal, destroy, redact, or 25930
otherwise modify its records to reflect the court's sealing or 25931
expungement of conviction records. 25932

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;	25963
(4) A plea of guilty to, a judicial finding of guilt of,	25964
or a judicial finding of eligibility for intervention in lieu of	25965
conviction for, a felony;	25966
(5) Commission of an act that constitutes a felony in this	25967
state, regardless of the jurisdiction in which the act was	25968
committed;	25969
(6) A plea of guilty to, a judicial finding of guilt of,	25970
or a judicial finding of eligibility for intervention in lieu of	25971
conviction for, a misdemeanor committed in the course of	25972
practice;	25973
(7) Commission of an act in the course of practice that	25974
constitutes a misdemeanor in this state, regardless of the	25975
jurisdiction in which the act was committed;	25976
(8) A plea of guilty to, a judicial finding of guilt of,	25977
or a judicial finding of eligibility for intervention in lieu of	25978
conviction for, a misdemeanor involving moral turpitude;	25979
(9) Commission of an act involving moral turpitude that	25980
constitutes a misdemeanor in this state, regardless of the	25981
jurisdiction in which the act was committed;	25982
(10) A record of engaging in incompetent or negligent	25983
conduct in the practice of dietetics;	25984
(11) A departure from, or failure to conform to, minimal	25985
standards of care of similar practitioners under the same or	25986
similar circumstances, whether or not actual injury to a patient	25987
is established;	25988
(12) The obtaining of, or attempting to obtain, money or	25989
anything of value by fraudulent misrepresentations in the course	25990

of practice;	25991
(13) Violation of the conditions of limitation placed by the board on a license or permit;	25992 25993
(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;	25994 25995 25996 25997
(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;	25998 25999 26000 26001 26002 26003 26004 26005 26006 26007
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	26008 26009 26010
(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;	26011 26012 26013 26014 26015
(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;	26016 26017 26018 26019

(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 26050
permit, refuses to renew an individual's license or permit, or 26051
refuses to reinstate an individual's license or permit, the 26052
board may specify that its action is permanent. An individual 26053
subject to a permanent action taken by the board is forever 26054
thereafter ineligible to hold a license or permit and the board 26055
shall not accept an application for reinstatement of the license 26056
or permit or for issuance of a new license or permit. 26057

(E) Disciplinary actions taken by the board under division 26058
(A) of this section shall be taken pursuant to an adjudication 26059
under Chapter 119. of the Revised Code, except that in lieu of 26060
an adjudication, the board may enter into a consent agreement 26061
with an individual to resolve an allegation of a violation of 26062
this chapter or any rule adopted under it. A consent agreement, 26063
when ratified by an affirmative vote of not fewer than six 26064
members of the board, shall constitute the findings and order of 26065
the board with respect to the matter addressed in the agreement. 26066
If the board refuses to ratify a consent agreement, the 26067
admissions and findings contained in the consent agreement shall 26068
be of no force or effect. 26069

A telephone conference call may be utilized for 26070
ratification of a consent agreement that revokes or suspends an 26071
individual's license or permit. The telephone conference call 26072
shall be considered a special meeting under division (F) of 26073
section 121.22 of the Revised Code. 26074

(F) In enforcing division (A)(14) of this section, the 26075
board, upon a showing of a possible violation, may compel any 26076
individual authorized to practice by this chapter or who has 26077
submitted an application pursuant to this chapter to submit to a 26078
mental examination, physical examination, including an HIV test, 26079

or both a mental and a physical examination. The expense of the 26080
examination is the responsibility of the individual compelled to 26081
be examined. Failure to submit to a mental or physical 26082
examination or consent to an HIV test ordered by the board 26083
constitutes an admission of the allegations against the 26084
individual unless the failure is due to circumstances beyond the 26085
individual's control, and a default and final order may be 26086
entered without the taking of testimony or presentation of 26087
evidence. If the board finds an individual unable to practice 26088
because of the reasons set forth in division (A) (14) of this 26089
section, the board shall require the individual to submit to 26090
care, counseling, or treatment by physicians approved or 26091
designated by the board, as a condition for initial, continued, 26092
reinstated, or renewed authority to practice. An individual 26093
affected under this division shall be afforded an opportunity to 26094
demonstrate to the board the ability to resume practice in 26095
compliance with acceptable and prevailing standards under the 26096
provisions of the individual's license or permit. For the 26097
purpose of division (A) (14) of this section, any individual who 26098
applies for or receives a license or permit under this chapter 26099
accepts the privilege of practicing in this state and, by so 26100
doing, shall be deemed to have given consent to submit to a 26101
mental or physical examination when directed to do so in writing 26102
by the board, and to have waived all objections to the 26103
admissibility of testimony or examination reports that 26104
constitute a privileged communication. 26105

(G) For the purposes of division (A) (18) of this section, 26106
any individual authorized to practice by this chapter accepts 26107
the privilege of practicing in this state subject to supervision 26108
by the board. By filing an application for or holding a license 26109
or permit under this chapter, an individual shall be deemed to 26110

have given consent to submit to a mental or physical examination 26111
when ordered to do so by the board in writing, and to have 26112
waived all objections to the admissibility of testimony or 26113
examination reports that constitute privileged communications. 26114

If it has reason to believe that any individual authorized 26115
to practice by this chapter or any applicant for a license or 26116
permit suffers such impairment, the board may compel the 26117
individual to submit to a mental or physical examination, or 26118
both. The expense of the examination is the responsibility of 26119
the individual compelled to be examined. Any mental or physical 26120
examination required under this division shall be undertaken by 26121
a treatment provider or physician who is qualified to conduct 26122
the examination and who is chosen by the board. 26123

Failure to submit to a mental or physical examination 26124
ordered by the board constitutes an admission of the allegations 26125
against the individual unless the failure is due to 26126
circumstances beyond the individual's control, and a default and 26127
final order may be entered without the taking of testimony or 26128
presentation of evidence. If the board determines that the 26129
individual's ability to practice is impaired, the board shall 26130
suspend the individual's license or permit or deny the 26131
individual's application and shall require the individual, as a 26132
condition for an initial, continued, reinstated, or renewed 26133
license or permit, to submit to treatment. 26134

Before being eligible to apply for reinstatement of a 26135
license or permit suspended under this division, the impaired 26136
practitioner shall demonstrate to the board the ability to 26137
resume practice in compliance with acceptable and prevailing 26138
standards of care under the provisions of the practitioner's 26139
license or permit. The demonstration shall include, but shall 26140

not be limited to, the following: 26141

(1) Certification from a treatment provider approved under 26142
section 4731.25 of the Revised Code that the individual has 26143
successfully completed any required inpatient treatment; 26144

(2) Evidence of continuing full compliance with an 26145
aftercare contract or consent agreement; 26146

(3) Two written reports indicating that the individual's 26147
ability to practice has been assessed and that the individual 26148
has been found capable of practicing according to acceptable and 26149
prevailing standards of care. The reports shall be made by 26150
individuals or providers approved by the board for making the 26151
assessments and shall describe the basis for their 26152
determination. 26153

The board may reinstate a license or permit suspended 26154
under this division after that demonstration and after the 26155
individual has entered into a written consent agreement. 26156

When the impaired practitioner resumes practice, the board 26157
shall require continued monitoring of the individual. The 26158
monitoring shall include, but not be limited to, compliance with 26159
the written consent agreement entered into before reinstatement 26160
or with conditions imposed by board order after a hearing, and, 26161
upon termination of the consent agreement, submission to the 26162
board for at least two years of annual written progress reports 26163
made under penalty of perjury stating whether the individual has 26164
maintained sobriety. 26165

(H) If the secretary and supervising member determine both 26166
of the following, they may recommend that the board suspend an 26167
individual's license or permit without a prior hearing: 26168

(1) That there is clear and convincing evidence that an 26169

individual has violated division (A) of this section; 26170

(2) That the individual's continued practice presents a 26171
danger of immediate and serious harm to the public. 26172

Written allegations shall be prepared for consideration by 26173
the board. The board, upon review of those allegations and by an 26174
affirmative vote of not fewer than six of its members, excluding 26175
the secretary and supervising member, may suspend a license or 26176
permit without a prior hearing. A telephone conference call may 26177
be utilized for reviewing the allegations and taking the vote on 26178
the summary suspension. 26179

The board shall issue a written order of suspension by 26180
certified mail or in person in accordance with section 119.07 of 26181
the Revised Code. The order shall not be subject to suspension 26182
by the court during pendency of any appeal filed under section 26183
119.12 of the Revised Code. If the individual subject to the 26184
summary suspension requests an adjudicatory hearing by the 26185
board, the date set for the hearing shall be within fifteen 26186
days, but not earlier than seven days, after the individual 26187
requests the hearing, unless otherwise agreed to by both the 26188
board and the individual. 26189

Any summary suspension imposed under this division shall 26190
remain in effect, unless reversed on appeal, until a final 26191
adjudicative order issued by the board pursuant to this section 26192
and Chapter 119. of the Revised Code becomes effective. The 26193
board shall issue its final adjudicative order within seventy- 26194
five days after completion of its hearing. A failure to issue 26195
the order within seventy-five days shall result in dissolution 26196
of the summary suspension order but shall not invalidate any 26197
subsequent, final adjudicative order. 26198

(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), 26229
or (8) of this section, and the judicial finding of guilt, 26230
guilty plea, or judicial finding of eligibility for intervention 26231
in lieu of conviction is overturned on appeal, upon exhaustion 26232
of the criminal appeal, a petition for reconsideration of the 26233
order may be filed with the board along with appropriate court 26234
documents. Upon receipt of a petition for reconsideration and 26235
supporting court documents, the board shall reinstate the 26236
individual's license or permit. The board may then hold an 26237
adjudication under Chapter 119. of the Revised Code to determine 26238
whether the individual committed the act in question. Notice of 26239
an opportunity for a hearing shall be given in accordance with 26240
Chapter 119. of the Revised Code. If the board finds, pursuant 26241
to an adjudication held under this division, that the individual 26242
committed the act or if no hearing is requested, the board may 26243
order any of the sanctions identified under division (A) of this 26244
section. 26245

(M) The license or permit issued to an individual under 26246
this chapter and the individual's practice in this state are 26247
automatically suspended as of the date the individual pleads 26248
guilty to, is found by a judge or jury to be guilty of, or is 26249
subject to a judicial finding of eligibility for intervention in 26250
lieu of conviction in this state or treatment or intervention in 26251
lieu of conviction in another jurisdiction for any of the 26252
following criminal offenses in this state or a substantially 26253
equivalent criminal offense in another jurisdiction: aggravated 26254
murder, murder, voluntary manslaughter, felonious assault, 26255
kidnapping, rape, sexual battery, gross sexual imposition, 26256
aggravated arson, aggravated robbery, or aggravated burglary. 26257
Continued practice after suspension shall be considered 26258
practicing without a license or permit. 26259

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 26318
adversely affects cognitive, motor, or perceptive skills; 26319

(6) Impairment of ability to practice according to 26320
acceptable and prevailing standards of care because of habitual 26321
or excessive use or abuse of drugs, alcohol, or other substances 26322
that impair ability to practice; 26323

(7) Willfully betraying a professional confidence; 26324

(8) Making a false, fraudulent, deceptive, or misleading 26325
statement in securing or attempting to secure a license to 26326
practice as an anesthesiologist assistant. 26327

As used in this division, "false, fraudulent, deceptive, 26328
or misleading statement" means a statement that includes a 26329
misrepresentation of fact, is likely to mislead or deceive 26330
because of a failure to disclose material facts, is intended or 26331
is likely to create false or unjustified expectations of 26332
favorable results, or includes representations or implications 26333
that in reasonable probability will cause an ordinarily prudent 26334
person to misunderstand or be deceived. 26335

(9) The obtaining of, or attempting to obtain, money or a 26336
thing of value by fraudulent misrepresentations in the course of 26337
practice; 26338

(10) A plea of guilty to, a judicial finding of guilt of, 26339
or a judicial finding of eligibility for intervention in lieu of 26340
conviction for, a felony; 26341

(11) Commission of an act that constitutes a felony in 26342
this state, regardless of the jurisdiction in which the act was 26343
committed; 26344

(12) A plea of guilty to, a judicial finding of guilt of, 26345

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 26375
of the Revised Code; 26376

(20) Failure to cooperate in an investigation conducted by 26377
the board under section 4760.14 of the Revised Code, including 26378
failure to comply with a subpoena or order issued by the board 26379
or failure to answer truthfully a question presented by the 26380
board at a deposition or in written interrogatories, except that 26381
failure to cooperate with an investigation shall not constitute 26382
grounds for discipline under this section if a court of 26383
competent jurisdiction has issued an order that either quashes a 26384
subpoena or permits the individual to withhold the testimony or 26385
evidence in issue; 26386

(21) Failure to comply with any code of ethics established 26387
by the national commission for the certification of 26388
anesthesiologist assistants; 26389

(22) Failure to notify the state medical board of the 26390
revocation or failure to maintain certification from the 26391
national commission for certification of anesthesiologist 26392
assistants. 26393

(C) The board shall not refuse to issue a certificate to 26394
an applicant because of a plea of guilty to, a judicial finding 26395
of guilt of, or a judicial finding of eligibility for 26396
intervention in lieu of conviction for an offense unless the 26397
refusal is in accordance with section 9.79 of the Revised Code. 26398

(D) Disciplinary actions taken by the board under 26399
divisions (A) and (B) of this section shall be taken pursuant to 26400
an adjudication under Chapter 119. of the Revised Code, except 26401
that in lieu of an adjudication, the board may enter into a 26402
consent agreement with an anesthesiologist assistant or 26403

applicant to resolve an allegation of a violation of this 26404
chapter or any rule adopted under it. A consent agreement, when 26405
ratified by an affirmative vote of not fewer than six members of 26406
the board, shall constitute the findings and order of the board 26407
with respect to the matter addressed in the agreement. If the 26408
board refuses to ratify a consent agreement, the admissions and 26409
findings contained in the consent agreement shall be of no force 26410
or effect. 26411

(E) For purposes of divisions (B) (11), (14), and (15) of 26412
this section, the commission of the act may be established by a 26413
finding by the board, pursuant to an adjudication under Chapter 26414
119. of the Revised Code, that the applicant or license holder 26415
committed the act in question. The board shall have no 26416
jurisdiction under these divisions in cases where the trial 26417
court renders a final judgment in the license holder's favor and 26418
that judgment is based upon an adjudication on the merits. The 26419
board shall have jurisdiction under these divisions in cases 26420
where the trial court issues an order of dismissal on technical 26421
or procedural grounds. 26422

(F) The sealing or expungement of conviction records by 26423
any court shall have no effect on a prior board order entered 26424
under the provisions of this section or on the board's 26425
jurisdiction to take action under the provisions of this section 26426
if, based upon a plea of guilty, a judicial finding of guilt, or 26427
a judicial finding of eligibility for intervention in lieu of 26428
conviction, the board issued a notice of opportunity for a 26429
hearing prior to the court's order to seal or expunge the 26430
records. The board shall not be required to seal, destroy, 26431
redact, or otherwise modify its records to reflect the court's 26432
sealing or expungement of conviction records. 26433

(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 26465
license to practice issued under this chapter or any applicant 26466
for a license to practice suffers such impairment, the board may 26467
compel the individual to submit to a mental or physical 26468
examination, or both. The expense of the examination is the 26469
responsibility of the individual compelled to be examined. Any 26470
mental or physical examination required under this division 26471
shall be undertaken by a treatment provider or physician 26472
qualified to conduct such examination and chosen by the board. 26473

Failure to submit to a mental or physical examination 26474
ordered by the board constitutes an admission of the allegations 26475
against the individual unless the failure is due to 26476
circumstances beyond the individual's control, and a default and 26477
final order may be entered without the taking of testimony or 26478
presentation of evidence. If the board determines that the 26479
individual's ability to practice is impaired, the board shall 26480
suspend the individual's license or deny the individual's 26481
application and shall require the individual, as a condition for 26482
an initial, continued, reinstated, or renewed license to 26483
practice, to submit to treatment. 26484

Before being eligible to apply for reinstatement of a 26485
license suspended under this division, the anesthesiologist 26486
assistant shall demonstrate to the board the ability to resume 26487
practice in compliance with acceptable and prevailing standards 26488
of care. The demonstration shall include the following: 26489

(a) Certification from a treatment provider approved under 26490
section 4731.25 of the Revised Code that the individual has 26491
successfully completed any required inpatient treatment; 26492

(b) Evidence of continuing full compliance with an 26493
aftercare contract or consent agreement; 26494

(c) Two written reports indicating that the individual's 26495
ability to practice has been assessed and that the individual 26496
has been found capable of practicing according to acceptable and 26497
prevailing standards of care. The reports shall be made by 26498
individuals or providers approved by the board for making such 26499
assessments and shall describe the basis for their 26500
determination. 26501

The board may reinstate a license suspended under this 26502
division after such demonstration and after the individual has 26503
entered into a written consent agreement. 26504

When the impaired anesthesiologist assistant resumes 26505
practice, the board shall require continued monitoring of the 26506
anesthesiologist assistant. The monitoring shall include 26507
monitoring of compliance with the written consent agreement 26508
entered into before reinstatement or with conditions imposed by 26509
board order after a hearing, and, on termination of the consent 26510
agreement, submission to the board for at least two years of 26511
annual written progress reports made under penalty of 26512
falsification stating whether the anesthesiologist assistant has 26513
maintained sobriety. 26514

(H) If the secretary and supervising member determine that 26515
there is clear and convincing evidence that an anesthesiologist 26516
assistant has violated division (B) of this section and that the 26517
individual's continued practice presents a danger of immediate 26518
and serious harm to the public, they may recommend that the 26519
board suspend the individual's license without a prior hearing. 26520
Written allegations shall be prepared for consideration by the 26521
board. 26522

The board, on review of the allegations and by an 26523
affirmative vote of not fewer than six of its members, excluding 26524

the secretary and supervising member, may suspend a license 26525
without a prior hearing. A telephone conference call may be 26526
utilized for reviewing the allegations and taking the vote on 26527
the summary suspension. 26528

The board shall issue a written order of suspension by 26529
certified mail or in person in accordance with section 119.07 of 26530
the Revised Code. The order shall not be subject to suspension 26531
by the court during pendency of any appeal filed under section 26532
119.12 of the Revised Code. If the anesthesiologist assistant 26533
requests an adjudicatory hearing by the board, the date set for 26534
the hearing shall be within fifteen days, but not earlier than 26535
seven days, after the anesthesiologist assistant requests the 26536
hearing, unless otherwise agreed to by both the board and the 26537
license holder. 26538

A summary suspension imposed under this division shall 26539
remain in effect, unless reversed on appeal, until a final 26540
adjudicative order issued by the board pursuant to this section 26541
and Chapter 119. of the Revised Code becomes effective. The 26542
board shall issue its final adjudicative order within sixty days 26543
after completion of its hearing. Failure to issue the order 26544
within sixty days shall result in dissolution of the summary 26545
suspension order, but shall not invalidate any subsequent, final 26546
adjudicative order. 26547

(I) If the board takes action under division (B) (11), 26548
(13), or (14) of this section, and the judicial finding of 26549
guilt, guilty plea, or judicial finding of eligibility for 26550
intervention in lieu of conviction is overturned on appeal, on 26551
exhaustion of the criminal appeal, a petition for 26552
reconsideration of the order may be filed with the board along 26553
with appropriate court documents. On receipt of a petition and 26554

supporting court documents, the board shall reinstate the 26555
license to practice. The board may then hold an adjudication 26556
under Chapter 119. of the Revised Code to determine whether the 26557
individual committed the act in question. Notice of opportunity 26558
for hearing shall be given in accordance with Chapter 119. of 26559
the Revised Code. If the board finds, pursuant to an 26560
adjudication held under this division, that the individual 26561
committed the act, or if no hearing is requested, it may order 26562
any of the sanctions specified in division (B) of this section. 26563

(J) The license to practice of an anesthesiologist 26564
assistant and the assistant's practice in this state are 26565
automatically suspended as of the date the anesthesiologist 26566
assistant pleads guilty to, is found by a judge or jury to be 26567
guilty of, or is subject to a judicial finding of eligibility 26568
for intervention in lieu of conviction in this state or 26569
treatment of intervention in lieu of conviction in another 26570
jurisdiction for any of the following criminal offenses in this 26571
state or a substantially equivalent criminal offense in another 26572
jurisdiction: aggravated murder, murder, voluntary manslaughter, 26573
felonious assault, kidnapping, rape, sexual battery, gross 26574
sexual imposition, aggravated arson, aggravated robbery, or 26575
aggravated burglary. Continued practice after the suspension 26576
shall be considered practicing without a license. 26577

The board shall notify the individual subject to the 26578
suspension by certified mail or in person in accordance with 26579
section 119.07 of the Revised Code. If an individual whose 26580
license is suspended under this division fails to make a timely 26581
request for an adjudication under Chapter 119. of the Revised 26582
Code, the board shall enter a final order permanently revoking 26583
the individual's license to practice. 26584

(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; 26644

(4) Commission of an act in the course of practice that 26645
constitutes a misdemeanor in this state, regardless of the 26646
jurisdiction in which the act was committed; 26647

(5) A plea of guilty to, a judicial finding of guilt of, 26648
or a judicial finding of eligibility for intervention in lieu of 26649
conviction for, a misdemeanor involving moral turpitude; 26650

(6) Commission of an act involving moral turpitude that 26651
constitutes a misdemeanor in this state, regardless of the 26652
jurisdiction in which the act was committed; 26653

(7) Except when civil penalties are imposed under section 26654
4761.091 of the Revised Code, violating or attempting to 26655
violate, directly or indirectly, or assisting in or abetting the 26656
violation of, or conspiring to violate, any provision of this 26657
chapter or the rules adopted by the board; 26658

(8) Making a false, fraudulent, deceptive, or misleading 26659
statement in the solicitation of or advertising for patients; in 26660
relation to the practice of respiratory care; or in securing or 26661
attempting to secure any license or permit issued by the board 26662
under this chapter. 26663

As used in division (A) (8) of this section, "false, 26664
fraudulent, deceptive, or misleading statement" means a 26665
statement that includes a misrepresentation of fact, is likely 26666
to mislead or deceive because of a failure to disclose material 26667
facts, is intended or is likely to create false or unjustified 26668
expectations of favorable results, or includes representations 26669
or implications that in reasonable probability will cause an 26670
ordinarily prudent person to misunderstand or be deceived. 26671

(9) Committing fraud during the administration of the 26672

examination for a license to practice or committing fraud, 26673
misrepresentation, or deception in applying for, renewing, or 26674
securing any license or permit issued by the board; 26675

(10) A departure from, or failure to conform to, minimal 26676
standards of care of similar practitioners under the same or 26677
similar circumstances, whether or not actual injury to a patient 26678
is established; 26679

(11) Violating the standards of ethical conduct adopted by 26680
the board, in the practice of respiratory care; 26681

(12) The obtaining of, or attempting to obtain, money or 26682
anything of value by fraudulent misrepresentations in the course 26683
of practice; 26684

(13) Violation of the conditions of limitation placed by 26685
the board upon a license or permit; 26686

(14) Inability to practice according to acceptable and 26687
prevailing standards of care by reason of mental illness or 26688
physical illness, including physical deterioration that 26689
adversely affects cognitive, motor, or perceptive skills; 26690

(15) Any of the following actions taken by an agency 26691
responsible for authorizing, certifying, or regulating an 26692
individual to practice a health care occupation or provide 26693
health care services in this state or another jurisdiction, for 26694
any reason other than the nonpayment of fees: the limitation, 26695
revocation, or suspension of an individual's license; acceptance 26696
of an individual's license surrender; denial of a license; 26697
refusal to renew or reinstate a license; imposition of 26698
probation; or issuance of an order of censure or other 26699
reprimand; 26700

(16) The revocation, suspension, restriction, reduction, 26701

or termination of practice privileges by the United States 26702
department of defense or department of veterans affairs; 26703

(17) Termination or suspension from participation in the 26704
medicare or medicaid programs by the department of health and 26705
human services or other responsible agency for any act or acts 26706
that also would constitute a violation of division (A) (10), 26707
(12), or (14) of this section; 26708

(18) Impairment of ability to practice according to 26709
acceptable and prevailing standards of care because of habitual 26710
or excessive use or abuse of drugs, alcohol, or other substances 26711
that impair ability to practice; 26712

(19) Failure to cooperate in an investigation conducted by 26713
the board under division (E) of section 4761.03 of the Revised 26714
Code, including failure to comply with a subpoena or order 26715
issued by the board or failure to answer truthfully a question 26716
presented by the board in an investigative interview, an 26717
investigative office conference, at a deposition, or in written 26718
interrogatories, except that failure to cooperate with an 26719
investigation shall not constitute grounds for discipline under 26720
this section if a court of competent jurisdiction has issued an 26721
order that either quashes a subpoena or permits the individual 26722
to withhold the testimony or evidence in issue; 26723

(20) Practicing in an area of respiratory care for which 26724
the person is clearly untrained or incompetent or practicing in 26725
a manner that conflicts with section 4761.17 of the Revised 26726
Code; 26727

(21) Employing, directing, or supervising a person who is 26728
not authorized to practice respiratory care under this chapter 26729
in the performance of respiratory care procedures; 26730

(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 26760
offense unless the refusal is in accordance with section 9.79 of 26761
the Revised Code. 26762

(C) Any action taken by the board under division (A) of 26763
this section resulting in a suspension from practice shall be 26764
accompanied by a written statement of the conditions under which 26765
the individual's license or permit may be reinstated. The board 26766
shall adopt rules governing conditions to be imposed for 26767
reinstatement. Reinstatement of a license or permit suspended 26768
pursuant to division (A) of this section requires an affirmative 26769
vote of not fewer than six members of the board. 26770

(D) When the board refuses to grant or issue a license or 26771
permit to an applicant, revokes an individual's license or 26772
permit, refuses to renew an individual's license or permit, or 26773
refuses to reinstate an individual's license or permit, the 26774
board may specify that its action is permanent. An individual 26775
subject to a permanent action taken by the board is forever 26776
thereafter ineligible to hold a license or permit and the board 26777
shall not accept an application for reinstatement of the license 26778
or permit or for issuance of a new license or permit. 26779

(E) If the board is required by Chapter 119. of the 26780
Revised Code to give notice of an opportunity for a hearing and 26781
if the individual subject to the notice does not timely request 26782
a hearing in accordance with section 119.07 of the Revised Code, 26783
the board is not required to hold a hearing, but may adopt, by 26784
an affirmative vote of not fewer than six of its members, a 26785
final order that contains the board's findings. In the final 26786
order, the board may order any of the sanctions identified under 26787
division (A) of this section. 26788

(F) In enforcing division (A) (14) of this section, the 26789

board, upon a showing of a possible violation, may compel any 26790
individual authorized to practice by this chapter or who has 26791
submitted an application pursuant to this chapter to submit to a 26792
mental examination, physical examination, including an HIV test, 26793
or both a mental and a physical examination. The expense of the 26794
examination is the responsibility of the individual compelled to 26795
be examined. Failure to submit to a mental or physical 26796
examination or consent to an HIV test ordered by the board 26797
constitutes an admission of the allegations against the 26798
individual unless the failure is due to circumstances beyond the 26799
individual's control, and a default and final order may be 26800
entered without the taking of testimony or presentation of 26801
evidence. If the board finds an individual unable to practice 26802
because of the reasons set forth in division (A)(14) of this 26803
section, the board shall require the individual to submit to 26804
care, counseling, or treatment by physicians approved or 26805
designated by the board, as a condition for initial, continued, 26806
reinstated, or renewed authority to practice. An individual 26807
affected under this division shall be afforded an opportunity to 26808
demonstrate to the board the ability to resume practice in 26809
compliance with acceptable and prevailing standards under the 26810
provisions of the individual's license or permit. For the 26811
purpose of division (A)(14) of this section, any individual who 26812
applies for or receives a license or permit to practice under 26813
this chapter accepts the privilege of practicing in this state 26814
and, by so doing, shall be deemed to have given consent to 26815
submit to a mental or physical examination when directed to do 26816
so in writing by the board, and to have waived all objections to 26817
the admissibility of testimony or examination reports that 26818
constitute a privileged communication. 26819

(G) For the purposes of division (A)(18) of this section, 26820

any individual authorized to practice by this chapter accepts 26821
the privilege of practicing in this state subject to supervision 26822
by the board. By filing an application for or holding a license 26823
or permit under this chapter, an individual shall be deemed to 26824
have given consent to submit to a mental or physical examination 26825
when ordered to do so by the board in writing, and to have 26826
waived all objections to the admissibility of testimony or 26827
examination reports that constitute privileged communications. 26828

If it has reason to believe that any individual authorized 26829
to practice by this chapter or any applicant for a license or 26830
permit suffers such impairment, the board may compel the 26831
individual to submit to a mental or physical examination, or 26832
both. The expense of the examination is the responsibility of 26833
the individual compelled to be examined. Any mental or physical 26834
examination required under this division shall be undertaken by 26835
a treatment provider or physician who is qualified to conduct 26836
the examination and who is chosen by the board. 26837

Failure to submit to a mental or physical examination 26838
ordered by the board constitutes an admission of the allegations 26839
against the individual unless the failure is due to 26840
circumstances beyond the individual's control, and a default and 26841
final order may be entered without the taking of testimony or 26842
presentation of evidence. If the board determines that the 26843
individual's ability to practice is impaired, the board shall 26844
suspend the individual's license or permit or deny the 26845
individual's application and shall require the individual, as a 26846
condition for an initial, continued, reinstated, or renewed 26847
license or permit, to submit to treatment. 26848

Before being eligible to apply for reinstatement of a 26849
license or permit suspended under this division, the impaired 26850

practitioner shall demonstrate to the board the ability to 26851
resume practice in compliance with acceptable and prevailing 26852
standards of care under the provisions of the practitioner's 26853
license or permit. The demonstration shall include, but shall 26854
not be limited to, the following: 26855

(1) Certification from a treatment provider approved under 26856
section 4731.25 of the Revised Code that the individual has 26857
successfully completed any required inpatient treatment; 26858

(2) Evidence of continuing full compliance with an 26859
aftercare contract or consent agreement; 26860

(3) Two written reports indicating that the individual's 26861
ability to practice has been assessed and that the individual 26862
has been found capable of practicing according to acceptable and 26863
prevailing standards of care. The reports shall be made by 26864
individuals or providers approved by the board for making the 26865
assessments and shall describe the basis for their 26866
determination. 26867

The board may reinstate a license or permit suspended 26868
under this division after that demonstration and after the 26869
individual has entered into a written consent agreement. 26870

When the impaired practitioner resumes practice, the board 26871
shall require continued monitoring of the individual. The 26872
monitoring shall include, but not be limited to, compliance with 26873
the written consent agreement entered into before reinstatement 26874
or with conditions imposed by board order after a hearing, and, 26875
upon termination of the consent agreement, submission to the 26876
board for at least two years of annual written progress reports 26877
made under penalty of perjury stating whether the individual has 26878
maintained sobriety. 26879

(H) If the secretary and supervising member determine both 26880
of the following, they may recommend that the board suspend an 26881
individual's license or permit without a prior hearing: 26882

(1) That there is clear and convincing evidence that an 26883
individual has violated division (A) of this section; 26884

(2) That the individual's continued practice presents a 26885
danger of immediate and serious harm to the public. 26886

Written allegations shall be prepared for consideration by 26887
the board. The board, upon review of those allegations and by an 26888
affirmative vote of not fewer than six of its members, excluding 26889
the secretary and supervising member, may suspend a license or 26890
permit without a prior hearing. A telephone conference call may 26891
be utilized for reviewing the allegations and taking the vote on 26892
the summary suspension. 26893

The board shall issue a written order of suspension by 26894
certified mail or in person in accordance with section 119.07 of 26895
the Revised Code. The order shall not be subject to suspension 26896
by the court during pendency of any appeal filed under section 26897
119.12 of the Revised Code. If the individual subject to the 26898
summary suspension requests an adjudicatory hearing by the 26899
board, the date set for the hearing shall be within fifteen 26900
days, but not earlier than seven days, after the individual 26901
requests the hearing, unless otherwise agreed to by both the 26902
board and the individual. 26903

Any summary suspension imposed under this division shall 26904
remain in effect, unless reversed on appeal, until a final 26905
adjudicative order issued by the board pursuant to this section 26906
and Chapter 119. of the Revised Code becomes effective. The 26907
board shall issue its final adjudicative order within seventy- 26908

five days after completion of its hearing. A failure to issue 26909
the order within seventy-five days shall result in dissolution 26910
of the summary suspension order but shall not invalidate any 26911
subsequent, final adjudicative order. 26912

(I) For purposes of divisions (A) (2), (4), and (6) of this 26913
section, the commission of the act may be established by a 26914
finding by the board, pursuant to an adjudication under Chapter 26915
119. of the Revised Code, that the individual committed the act. 26916
The board does not have jurisdiction under those divisions if 26917
the trial court renders a final judgment in the individual's 26918
favor and that judgment is based upon an adjudication on the 26919
merits. The board has jurisdiction under those divisions if the 26920
trial court issues an order of dismissal upon technical or 26921
procedural grounds. 26922

(J) The sealing or expungement of conviction records by 26923
any court shall have no effect upon a prior board order entered 26924
under this section or upon the board's jurisdiction to take 26925
action under this section if, based upon a plea of guilty, a 26926
judicial finding of guilt, or a judicial finding of eligibility 26927
for intervention in lieu of conviction, the board issued a 26928
notice of opportunity for a hearing prior to the court's order 26929
to seal or expunge the records. The board shall not be required 26930
to seal, destroy, redact, or otherwise modify its records to 26931
reflect the court's sealing or expungement of conviction 26932
records. 26933

(K) If the board takes action under division (A) (1), (3), 26934
or (5) of this section, and the judicial finding of guilt, 26935
guilty plea, or judicial finding of eligibility for intervention 26936
in lieu of conviction is overturned on appeal, upon exhaustion 26937
of the criminal appeal, a petition for reconsideration of the 26938

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 26970
permanently revoking the individual's license or permit. 26971

(M) Notwithstanding any other provision of the Revised 26972
Code, all of the following apply: 26973

(1) The surrender of a license or permit issued under this 26974
chapter shall not be effective unless or until accepted by the 26975
board. A telephone conference call may be utilized for 26976
acceptance of the surrender of an individual's license or 26977
permit. The telephone conference call shall be considered a 26978
special meeting under division (F) of section 121.22 of the 26979
Revised Code. Reinstatement of a license or permit surrendered 26980
to the board requires an affirmative vote of not fewer than six 26981
members of the board. 26982

(2) An application for a license or permit made under the 26983
provisions of this chapter may not be withdrawn without approval 26984
of the board. 26985

(3) Failure by an individual to renew a license or permit 26986
in accordance with this chapter shall not remove or limit the 26987
board's jurisdiction to take any disciplinary action under this 26988
section against the individual. 26989

(4) At the request of the board, a license or permit 26990
holder shall immediately surrender to the board a license or 26991
permit that the board has suspended, revoked, or permanently 26992
revoked. 26993

Sec. 4762.13. (A) The state medical board, by an 26994
affirmative vote of not fewer than six members, may revoke or 26995
may refuse to grant a license to practice as an oriental 26996
medicine practitioner or license to practice as an acupuncturist 26997
to a person found by the board to have committed fraud, 26998

misrepresentation, or deception in applying for or securing the license. 26999
27000

(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: 27001
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(1) Permitting the holder's name or license to be used by another person; 27008
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 27010
27011
27012

(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; 27013
27014
27015
27016

(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; 27017
27018
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27020

(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; 27021
27022
27023
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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 27025
27026
27027

that impair ability to practice;	27028
(7) Willfully betraying a professional confidence;	27029
(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.	27030 27031 27032 27033 27034
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.	27035 27036 27037 27038 27039 27040 27041 27042
(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;	27043 27044 27045 27046
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	27047 27048 27049
(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;	27050 27051 27052
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	27053 27054 27055

(13) A plea of guilty to, a judicial finding of guilt of, 27056
or a judicial finding of eligibility for intervention in lieu of 27057
conviction for, a misdemeanor committed in the course of 27058
practice; 27059

(14) A plea of guilty to, a judicial finding of guilt of, 27060
or a judicial finding of eligibility for intervention in lieu of 27061
conviction for, a misdemeanor involving moral turpitude; 27062

(15) Commission of an act in the course of practice that 27063
constitutes a misdemeanor in this state, regardless of the 27064
jurisdiction in which the act was committed; 27065

(16) Commission of an act involving moral turpitude that 27066
constitutes a misdemeanor in this state, regardless of the 27067
jurisdiction in which the act was committed; 27068

(17) A plea of guilty to, a judicial finding of guilt of, 27069
or a judicial finding of eligibility for intervention in lieu of 27070
conviction for violating any state or federal law regulating the 27071
possession, distribution, or use of any drug, including 27072
trafficking in drugs; 27073

(18) Any of the following actions taken by the state 27074
agency responsible for regulating the practice of oriental 27075
medicine or acupuncture in another jurisdiction, for any reason 27076
other than the nonpayment of fees: the limitation, revocation, 27077
or suspension of an individual's license to practice; acceptance 27078
of an individual's license surrender; denial of a license; 27079
refusal to renew or reinstate a license; imposition of 27080
probation; or issuance of an order of censure or other 27081
reprimand; 27082

(19) Violation of the conditions placed by the board on a 27083
license to practice as an oriental medicine practitioner or 27084

license to practice as an acupuncturist; 27085

(20) Failure to use universal blood and body fluid 27086
precautions established by rules adopted under section 4731.051 27087
of the Revised Code; 27088

(21) Failure to cooperate in an investigation conducted by 27089
the board under section 4762.14 of the Revised Code, including 27090
failure to comply with a subpoena or order issued by the board 27091
or failure to answer truthfully a question presented by the 27092
board at a deposition or in written interrogatories, except that 27093
failure to cooperate with an investigation shall not constitute 27094
grounds for discipline under this section if a court of 27095
competent jurisdiction has issued an order that either quashes a 27096
subpoena or permits the individual to withhold the testimony or 27097
evidence in issue; 27098

(22) Failure to comply with the standards of the national 27099
certification commission for acupuncture and oriental medicine 27100
regarding professional ethics, commitment to patients, 27101
commitment to the profession, and commitment to the public; 27102

(23) Failure to have adequate professional liability 27103
insurance coverage in accordance with section 4762.22 of the 27104
Revised Code; 27105

(24) Failure to maintain a current and active designation 27106
as a diplomate in oriental medicine, diplomate of acupuncture 27107
and Chinese herbology, or diplomate in acupuncture, as 27108
applicable, from the national certification commission for 27109
acupuncture and oriental medicine, including revocation by the 27110
commission of the individual's designation, failure by the 27111
individual to meet the commission's requirements for 27112
redesignation, or failure to notify the board that the 27113

appropriate designation has not been maintained. 27114

(C) The board shall not refuse to issue a certificate to 27115
an applicant because of a plea of guilty to, a judicial finding 27116
of guilt of, or a judicial finding of eligibility for 27117
intervention in lieu of conviction for an offense unless the 27118
refusal is in accordance with section 9.79 of the Revised Code. 27119

(D) Disciplinary actions taken by the board under 27120
divisions (A) and (B) of this section shall be taken pursuant to 27121
an adjudication under Chapter 119. of the Revised Code, except 27122
that in lieu of an adjudication, the board may enter into a 27123
consent agreement with an oriental medicine practitioner or 27124
acupuncturist or applicant to resolve an allegation of a 27125
violation of this chapter or any rule adopted under it. A 27126
consent agreement, when ratified by an affirmative vote of not 27127
fewer than six members of the board, shall constitute the 27128
findings and order of the board with respect to the matter 27129
addressed in the agreement. If the board refuses to ratify a 27130
consent agreement, the admissions and findings contained in the 27131
consent agreement shall be of no force or effect. 27132

(E) For purposes of divisions (B) (12), (15), and (16) of 27133
this section, the commission of the act may be established by a 27134
finding by the board, pursuant to an adjudication under Chapter 27135
119. of the Revised Code, that the applicant or license holder 27136
committed the act in question. The board shall have no 27137
jurisdiction under these divisions in cases where the trial 27138
court renders a final judgment in the license holder's favor and 27139
that judgment is based upon an adjudication on the merits. The 27140
board shall have jurisdiction under these divisions in cases 27141
where the trial court issues an order of dismissal upon 27142
technical or procedural grounds. 27143

(F) The sealing or expungement of conviction records by 27144
any court shall have no effect upon a prior board order entered 27145
under the provisions of this section or upon the board's 27146
jurisdiction to take action under the provisions of this section 27147
if, based upon a plea of guilty, a judicial finding of guilt, or 27148
a judicial finding of eligibility for intervention in lieu of 27149
conviction, the board issued a notice of opportunity for a 27150
hearing or entered into a consent agreement prior to the court's 27151
order to seal or expunge the records. The board shall not be 27152
required to seal, destroy, redact, or otherwise modify its 27153
records to reflect the court's sealing or expungement of 27154
conviction records. 27155

(G) For purposes of this division, any individual who 27156
holds a license to practice issued under this chapter, or 27157
applies for a license to practice, shall be deemed to have given 27158
consent to submit to a mental or physical examination when 27159
directed to do so in writing by the board and to have waived all 27160
objections to the admissibility of testimony or examination 27161
reports that constitute a privileged communication. 27162

(1) In enforcing division (B) (5) of this section, the 27163
board, upon a showing of a possible violation, may compel any 27164
individual who holds a license to practice issued under this 27165
chapter or who has applied for a license pursuant to this 27166
chapter to submit to a mental examination, physical examination, 27167
including an HIV test, or both a mental and physical 27168
examination. The expense of the examination is the 27169
responsibility of the individual compelled to be examined. 27170
Failure to submit to a mental or physical examination or consent 27171
to an HIV test ordered by the board constitutes an admission of 27172
the allegations against the individual unless the failure is due 27173
to circumstances beyond the individual's control, and a default 27174

and final order may be entered without the taking of testimony 27175
or presentation of evidence. If the board finds an oriental 27176
medicine practitioner or acupuncturist unable to practice 27177
because of the reasons set forth in division (B)(5) of this 27178
section, the board shall require the individual to submit to 27179
care, counseling, or treatment by physicians approved or 27180
designated by the board, as a condition for an initial, 27181
continued, reinstated, or renewed license to practice. An 27182
individual affected by this division shall be afforded an 27183
opportunity to demonstrate to the board the ability to resume 27184
practicing in compliance with acceptable and prevailing 27185
standards of care. 27186

(2) For purposes of division (B)(6) of this section, if 27187
the board has reason to believe that any individual who holds a 27188
license to practice issued under this chapter or any applicant 27189
for a license suffers such impairment, the board may compel the 27190
individual to submit to a mental or physical examination, or 27191
both. The expense of the examination is the responsibility of 27192
the individual compelled to be examined. Any mental or physical 27193
examination required under this division shall be undertaken by 27194
a treatment provider or physician qualified to conduct such 27195
examination and chosen by the board. 27196

Failure to submit to a mental or physical examination 27197
ordered by the board constitutes an admission of the allegations 27198
against the individual unless the failure is due to 27199
circumstances beyond the individual's control, and a default and 27200
final order may be entered without the taking of testimony or 27201
presentation of evidence. If the board determines that the 27202
individual's ability to practice is impaired, the board shall 27203
suspend the individual's license or deny the individual's 27204
application and shall require the individual, as a condition for 27205

an initial, continued, reinstated, or renewed license, to submit 27206
to treatment. 27207

Before being eligible to apply for reinstatement of a 27208
license suspended under this division, the oriental medicine 27209
practitioner or acupuncturist shall demonstrate to the board the 27210
ability to resume practice in compliance with acceptable and 27211
prevailing standards of care. The demonstration shall include 27212
the following: 27213

(a) Certification from a treatment provider approved under 27214
section 4731.25 of the Revised Code that the individual has 27215
successfully completed any required inpatient treatment; 27216

(b) Evidence of continuing full compliance with an 27217
aftercare contract or consent agreement; 27218

(c) Two written reports indicating that the individual's 27219
ability to practice has been assessed and that the individual 27220
has been found capable of practicing according to acceptable and 27221
prevailing standards of care. The reports shall be made by 27222
individuals or providers approved by the board for making such 27223
assessments and shall describe the basis for their 27224
determination. 27225

The board may reinstate a license suspended under this 27226
division after such demonstration and after the individual has 27227
entered into a written consent agreement. 27228

When the impaired individual resumes practice, the board 27229
shall require continued monitoring of the individual. The 27230
monitoring shall include monitoring of compliance with the 27231
written consent agreement entered into before reinstatement or 27232
with conditions imposed by board order after a hearing, and, 27233
upon termination of the consent agreement, submission to the 27234

board for at least two years of annual written progress reports 27235
made under penalty of falsification stating whether the 27236
individual has maintained sobriety. 27237

(H) If the secretary and supervising member determine both 27238
of the following, they may recommend that the board suspend an 27239
individual's license to practice without a prior hearing: 27240

(1) That there is clear and convincing evidence that an 27241
oriental medicine practitioner or acupuncturist has violated 27242
division (B) of this section; 27243

(2) That the individual's continued practice presents a 27244
danger of immediate and serious harm to the public. 27245

Written allegations shall be prepared for consideration by 27246
the board. The board, upon review of the allegations and by an 27247
affirmative vote of not fewer than six of its members, excluding 27248
the secretary and supervising member, may suspend a license 27249
without a prior hearing. A telephone conference call may be 27250
utilized for reviewing the allegations and taking the vote on 27251
the summary suspension. 27252

The board shall issue a written order of suspension by 27253
certified mail or in person in accordance with section 119.07 of 27254
the Revised Code. The order shall not be subject to suspension 27255
by the court during pendency of any appeal filed under section 27256
119.12 of the Revised Code. If the oriental medicine 27257
practitioner or acupuncturist requests an adjudicatory hearing 27258
by the board, the date set for the hearing shall be within 27259
fifteen days, but not earlier than seven days, after the hearing 27260
is requested, unless otherwise agreed to by both the board and 27261
the license holder. 27262

A summary suspension imposed under this division shall 27263

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 27295
any of the following criminal offenses in this state or a 27296
substantially equivalent criminal offense in another 27297
jurisdiction: aggravated murder, murder, voluntary manslaughter, 27298
felonious assault, kidnapping, rape, sexual battery, gross 27299
sexual imposition, aggravated arson, aggravated robbery, or 27300
aggravated burglary. Continued practice after the suspension 27301
shall be considered practicing without a license. 27302

The board shall notify the individual subject to the 27303
suspension by certified mail or in person in accordance with 27304
section 119.07 of the Revised Code. If an individual whose 27305
license is suspended under this division fails to make a timely 27306
request for an adjudication under Chapter 119. of the Revised 27307
Code, the board shall enter a final order permanently revoking 27308
the individual's license. 27309

(K) In any instance in which the board is required by 27310
Chapter 119. of the Revised Code to give notice of opportunity 27311
for hearing and the individual subject to the notice does not 27312
timely request a hearing in accordance with section 119.07 of 27313
the Revised Code, the board is not required to hold a hearing, 27314
but may adopt, by an affirmative vote of not fewer than six of 27315
its members, a final order that contains the board's findings. 27316
In the final order, the board may order any of the sanctions 27317
identified under division (A) or (B) of this section. 27318

(L) Any action taken by the board under division (B) of 27319
this section resulting in a suspension shall be accompanied by a 27320
written statement of the conditions under which the license may 27321
be reinstated. The board shall adopt rules in accordance with 27322
Chapter 119. of the Revised Code governing conditions to be 27323
imposed for reinstatement. Reinstatement of a license suspended 27324

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
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.

(N) Notwithstanding any other provision of the Revised
Code, all of the following apply:

(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.

(2) An application made under this chapter for a license
may not be withdrawn without approval of the board.

(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.

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

fraud, misrepresentation, or deception in applying for or 27354
securing the license. 27355

(B) The board, by an affirmative vote of not fewer than 27356
six members, shall, except as provided in division (C) of this 27357
section, and to the extent permitted by law, limit, revoke, or 27358
suspend an individual's license to practice as a radiologist 27359
assistant, refuse to issue a license to an applicant, refuse to 27360
renew a license, refuse to reinstate a license, or reprimand or 27361
place on probation the holder of a license for any of the 27362
following reasons: 27363

(1) Permitting the holder's name or license to be used by 27364
another person; 27365

(2) Failure to comply with the requirements of this 27366
chapter, Chapter 4731. of the Revised Code, or any rules adopted 27367
by the board; 27368

(3) Violating or attempting to violate, directly or 27369
indirectly, or assisting in or abetting the violation of, or 27370
conspiring to violate, any provision of this chapter, Chapter 27371
4731. of the Revised Code, or the rules adopted by the board; 27372

(4) A departure from, or failure to conform to, minimal 27373
standards of care of similar practitioners under the same or 27374
similar circumstances whether or not actual injury to the 27375
patient is established; 27376

(5) Inability to practice according to acceptable and 27377
prevailing standards of care by reason of mental illness or 27378
physical illness, including physical deterioration that 27379
adversely affects cognitive, motor, or perceptive skills; 27380

(6) Impairment of ability to practice according to 27381
acceptable and prevailing standards of care because of habitual 27382

or excessive use or abuse of drugs, alcohol, or other substances	27383
that impair ability to practice;	27384
(7) Willfully betraying a professional confidence;	27385
(8) Making a false, fraudulent, deceptive, or misleading	27386
statement in securing or attempting to secure a license to	27387
practice as a radiologist assistant.	27388
As used in this division, "false, fraudulent, deceptive,	27389
or misleading statement" means a statement that includes a	27390
misrepresentation of fact, is likely to mislead or deceive	27391
because of a failure to disclose material facts, is intended or	27392
is likely to create false or unjustified expectations of	27393
favorable results, or includes representations or implications	27394
that in reasonable probability will cause an ordinarily prudent	27395
person to misunderstand or be deceived.	27396
(9) The obtaining of, or attempting to obtain, money or a	27397
thing of value by fraudulent misrepresentations in the course of	27398
practice;	27399
(10) A plea of guilty to, a judicial finding of guilt of,	27400
or a judicial finding of eligibility for intervention in lieu of	27401
conviction for, a felony;	27402
(11) Commission of an act that constitutes a felony in	27403
this state, regardless of the jurisdiction in which the act was	27404
committed;	27405
(12) A plea of guilty to, a judicial finding of guilt of,	27406
or a judicial finding of eligibility for intervention in lieu of	27407
conviction for, a misdemeanor committed in the course of	27408
practice;	27409
(13) A plea of guilty to, a judicial finding of guilt of,	27410

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 27411
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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; 27413
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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; 27416
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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; 27419
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(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; 27424
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 27432
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 27434
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(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 27437
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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 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;

(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code;

(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(C) The board shall not refuse to issue a license 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.

(D) 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 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. 27500

(G) For purposes of this division, any individual who 27501
holds a license to practice as a radiologist assistant issued 27502
under this chapter, or applies for a license, shall be deemed to 27503
have given consent to submit to a mental or physical examination 27504
when directed to do so in writing by the board and to have 27505
waived all objections to the admissibility of testimony or 27506
examination reports that constitute a privileged communication. 27507

(1) In enforcing division (B)(5) of this section, the 27508
board, on a showing of a possible violation, may compel any 27509
individual who holds a license to practice as a radiologist 27510
assistant issued under this chapter or who has applied for a 27511
license to submit to a mental or physical examination, or both. 27512
A physical examination may include an HIV test. The expense of 27513
the examination is the responsibility of the individual 27514
compelled to be examined. Failure to submit to a mental or 27515
physical examination or consent to an HIV test ordered by the 27516
board constitutes an admission of the allegations against the 27517
individual unless the failure is due to circumstances beyond the 27518
individual's control, and a default and final order may be 27519
entered without the taking of testimony or presentation of 27520
evidence. If the board finds a radiologist assistant unable to 27521
practice because of the reasons set forth in division (B)(5) of 27522
this section, the board shall require the radiologist assistant 27523
to submit to care, counseling, or treatment by physicians 27524
approved or designated by the board, as a condition for an 27525
initial, continued, reinstated, or renewed license. An 27526
individual affected by this division shall be afforded an 27527
opportunity to demonstrate to the board the ability to resume 27528
practicing in compliance with acceptable and prevailing 27529
standards of care. 27530

(2) For purposes of division (B)(6) of this section, if 27531
the board has reason to believe that any individual who holds a 27532
license to practice as a radiologist assistant issued under this 27533
chapter or any applicant for a license suffers such impairment, 27534
the board may compel the individual to submit to a mental or 27535
physical examination, or both. The expense of the examination is 27536
the responsibility of the individual compelled to be examined. 27537
Any mental or physical examination required under this division 27538
shall be undertaken by a treatment provider or physician 27539
qualified to conduct such examination and chosen by the board. 27540

Failure to submit to a mental or physical examination 27541
ordered by the board constitutes an admission of the allegations 27542
against the individual unless the failure is due to 27543
circumstances beyond the individual's control, and a default and 27544
final order may be entered without the taking of testimony or 27545
presentation of evidence. If the board determines that the 27546
individual's ability to practice is impaired, the board shall 27547
suspend the individual's license or deny the individual's 27548
application and shall require the individual, as a condition for 27549
an initial, continued, reinstated, or renewed license to 27550
practice, to submit to treatment. 27551

Before being eligible to apply for reinstatement of a 27552
license suspended under this division, the radiologist assistant 27553
shall demonstrate to the board the ability to resume practice in 27554
compliance with acceptable and prevailing standards of care. The 27555
demonstration shall include the following: 27556

(a) Certification from a treatment provider approved under 27557
section 4731.25 of the Revised Code that the individual has 27558
successfully completed any required inpatient treatment; 27559

(b) Evidence of continuing full compliance with an 27560

aftercare contract or consent agreement; 27561

(c) Two written reports indicating that the individual's 27562
ability to practice has been assessed and that the individual 27563
has been found capable of practicing according to acceptable and 27564
prevailing standards of care. The reports shall be made by 27565
individuals or providers approved by the board for making such 27566
assessments and shall describe the basis for their 27567
determination. 27568

The board may reinstate a license suspended under this 27569
division after such demonstration and after the individual has 27570
entered into a written consent agreement. 27571

When the impaired radiologist assistant resumes practice, 27572
the board shall require continued monitoring of the radiologist 27573
assistant. The monitoring shall include monitoring of compliance 27574
with the written consent agreement entered into before 27575
reinstatement or with conditions imposed by board order after a 27576
hearing, and, on termination of the consent agreement, 27577
submission to the board for at least two years of annual written 27578
progress reports made under penalty of falsification stating 27579
whether the radiologist assistant has maintained sobriety. 27580

(H) If the secretary and supervising member determine that 27581
there is clear and convincing evidence that a radiologist 27582
assistant has violated division (B) of this section and that the 27583
individual's continued practice presents a danger of immediate 27584
and serious harm to the public, they may recommend that the 27585
board suspend the individual's license to practice without a 27586
prior hearing. Written allegations shall be prepared for 27587
consideration by the board. 27588

The board, on review of the allegations and by an 27589

affirmative vote of not fewer than six of its members, excluding 27590
the secretary and supervising member, may suspend a license 27591
without a prior hearing. A telephone conference call may be 27592
utilized for reviewing the allegations and taking the vote on 27593
the summary suspension. 27594

The board shall issue a written order of suspension by 27595
certified mail or in person in accordance with section 119.07 of 27596
the Revised Code. The order shall not be subject to suspension 27597
by the court during pendency of any appeal filed under section 27598
119.12 of the Revised Code. If the radiologist assistant 27599
requests an adjudicatory hearing by the board, the date set for 27600
the hearing shall be within fifteen days, but not earlier than 27601
seven days, after the radiologist assistant requests the 27602
hearing, unless otherwise agreed to by both the board and the 27603
license holder. 27604

A summary suspension imposed under this division shall 27605
remain in effect, unless reversed on appeal, until a final 27606
adjudicative order issued by the board pursuant to this section 27607
and Chapter 119. of the Revised Code becomes effective. The 27608
board shall issue its final adjudicative order within sixty days 27609
after completion of its hearing. Failure to issue the order 27610
within sixty days shall result in dissolution of the summary 27611
suspension order, but shall not invalidate any subsequent, final 27612
adjudicative order. 27613

(I) If the board takes action under division (B) (10), 27614
(12), or (13) of this section, and the judicial finding of 27615
guilt, guilty plea, or judicial finding of eligibility for 27616
intervention in lieu of conviction is overturned on appeal, on 27617
exhaustion of the criminal appeal, a petition for 27618
reconsideration of the order may be filed with the board along 27619

with appropriate court documents. On receipt of a petition and 27620
supporting court documents, the board shall reinstate the 27621
license to practice as a radiologist assistant. The board may 27622
then hold an adjudication under Chapter 119. of the Revised Code 27623
to determine whether the individual committed the act in 27624
question. Notice of opportunity for hearing shall be given in 27625
accordance with Chapter 119. of the Revised Code. If the board 27626
finds, pursuant to an adjudication held under this division, 27627
that the individual committed the act, or if no hearing is 27628
requested, it may order any of the sanctions specified in 27629
division (B) of this section. 27630

(J) The license to practice of a radiologist assistant and 27631
the assistant's practice in this state are automatically 27632
suspended as of the date the radiologist assistant pleads guilty 27633
to, is found by a judge or jury to be guilty of, or is subject 27634
to a judicial finding of eligibility for intervention in lieu of 27635
conviction in this state or treatment of intervention in lieu of 27636
conviction in another jurisdiction for any of the following 27637
criminal offenses in this state or a substantially equivalent 27638
criminal offense in another jurisdiction: aggravated murder, 27639
murder, voluntary manslaughter, felonious assault, kidnapping, 27640
rape, sexual battery, gross sexual imposition, aggravated arson, 27641
aggravated robbery, or aggravated burglary. Continued practice 27642
after the suspension shall be considered practicing without a 27643
license. 27644

The board shall notify the individual subject to the 27645
suspension by certified mail or in person in accordance with 27646
section 119.07 of the Revised Code. If an individual whose 27647
license is suspended under this division fails to make a timely 27648
request for an adjudication under Chapter 119. of the Revised 27649
Code, the board shall enter a final order permanently revoking 27650

the individual's license. 27651

(K) In any instance in which the board is required by 27652
Chapter 119. of the Revised Code to give notice of opportunity 27653
for hearing and the individual subject to the notice does not 27654
timely request a hearing in accordance with section 119.07 of 27655
the Revised Code, the board is not required to hold a hearing, 27656
but may adopt, by an affirmative vote of not fewer than six of 27657
its members, a final order that contains the board's findings. 27658
In the final order, the board may order any of the sanctions 27659
identified under division (A) or (B) of this section. 27660

(L) Any action taken by the board under division (B) of 27661
this section resulting in a suspension shall be accompanied by a 27662
written statement of the conditions under which the radiologist 27663
assistant's license may be reinstated. The board shall adopt 27664
rules in accordance with Chapter 119. of the Revised Code 27665
governing conditions to be imposed for reinstatement. 27666
Reinstatement of a license suspended pursuant to division (B) of 27667
this section requires an affirmative vote of not fewer than six 27668
members of the board. 27669

(M) When the board refuses to grant or issue a license to 27670
practice as a radiologist assistant to an applicant, revokes an 27671
individual's license, refuses to renew an individual's license, 27672
or refuses to reinstate an individual's license, the board may 27673
specify that its action is permanent. An individual subject to a 27674
permanent action taken by the board is forever thereafter 27675
ineligible to hold a license to practice as a radiologist 27676
assistant and the board shall not accept an application for 27677
reinstatement of the license or for issuance of a new license. 27678

(N) Notwithstanding any other provision of the Revised 27679
Code, all of the following apply: 27680

(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; 27710

(3) Violating or attempting to violate, directly or 27711
indirectly, or assisting in or abetting the violation of, or 27712
conspiring to violate, any provision of this chapter, Chapter 27713
4731. of the Revised Code, or the rules adopted by the board; 27714

(4) A departure from, or failure to conform to, minimal 27715
standards of care of similar practitioners under the same or 27716
similar circumstances whether or not actual injury to the 27717
patient is established; 27718

(5) Inability to practice according to acceptable and 27719
prevailing standards of care by reason of mental illness or 27720
physical illness, including physical deterioration that 27721
adversely affects cognitive, motor, or perceptive skills; 27722

(6) Impairment of ability to practice according to 27723
acceptable and prevailing standards of care because of habitual 27724
or excessive use or abuse of drugs, alcohol, or other substances 27725
that impair ability to practice; 27726

(7) Willfully betraying a professional confidence; 27727

(8) Making a false, fraudulent, deceptive, or misleading 27728
statement in securing or attempting to secure a license to 27729
practice as a genetic counselor. 27730

As used in this division, "false, fraudulent, deceptive, 27731
or misleading statement" means a statement that includes a 27732
misrepresentation of fact, is likely to mislead or deceive 27733
because of a failure to disclose material facts, is intended or 27734
is likely to create false or unjustified expectations of 27735
favorable results, or includes representations or implications 27736
that in reasonable probability will cause an ordinarily prudent 27737
person to misunderstand or be deceived. 27738

- (9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 27739
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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; 27742
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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; 27745
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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; 27748
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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; 27752
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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; 27755
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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; 27758
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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; 27761
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- (17) Any of the following actions taken by an agency 27766

responsible for authorizing, certifying, or regulating an 27767
individual to practice a health care occupation or provide 27768
health care services in this state or in another jurisdiction, 27769
for any reason other than the nonpayment of fees: the 27770
limitation, revocation, or suspension of an individual's license 27771
to practice; acceptance of an individual's license surrender; 27772
denial of a license; refusal to renew or reinstate a license; 27773
imposition of probation; or issuance of an order of censure or 27774
other reprimand; 27775

(18) Violation of the conditions placed by the board on a 27776
license to practice as a genetic counselor; 27777

(19) Failure to cooperate in an investigation conducted by 27778
the board under section 4778.18 of the Revised Code, including 27779
failure to comply with a subpoena or order issued by the board 27780
or failure to answer truthfully a question presented by the 27781
board at a deposition or in written interrogatories, except that 27782
failure to cooperate with an investigation shall not constitute 27783
grounds for discipline under this section if a court of 27784
competent jurisdiction has issued an order that either quashes a 27785
subpoena or permits the individual to withhold the testimony or 27786
evidence in issue; 27787

(20) Failure to maintain the individual's status as a 27788
certified genetic counselor; 27789

(21) Failure to comply with the code of ethics established 27790
by the national society of genetic counselors. 27791

(C) The board shall not refuse to issue a license to an 27792
applicant because of a plea of guilty to, a judicial finding of 27793
guilt of, or a judicial finding of eligibility for intervention 27794
in lieu of conviction for an offense unless the refusal is in 27795

accordance with section 9.79 of the Revised Code. 27796

(D) Disciplinary actions taken by the board under 27797
divisions (A) and (B) of this section shall be taken pursuant to 27798
an adjudication under Chapter 119. of the Revised Code, except 27799
that in lieu of an adjudication, the board may enter into a 27800
consent agreement with a genetic counselor or applicant to 27801
resolve an allegation of a violation of this chapter or any rule 27802
adopted under it. A consent agreement, when ratified by an 27803
affirmative vote of not fewer than six members of the board, 27804
shall constitute the findings and order of the board with 27805
respect to the matter addressed in the agreement. If the board 27806
refuses to ratify a consent agreement, the admissions and 27807
findings contained in the consent agreement shall be of no force 27808
or effect. 27809

A telephone conference call may be utilized for 27810
ratification of a consent agreement that revokes or suspends an 27811
individual's license. The telephone conference call shall be 27812
considered a special meeting under division (F) of section 27813
121.22 of the Revised Code. 27814

(E) For purposes of divisions (B) (11), (14), and (15) of 27815
this section, the commission of the act may be established by a 27816
finding by the board, pursuant to an adjudication under Chapter 27817
119. of the Revised Code, that the applicant or license holder 27818
committed the act in question. The board shall have no 27819
jurisdiction under these divisions in cases where the trial 27820
court renders a final judgment in the license holder's favor and 27821
that judgment is based upon an adjudication on the merits. The 27822
board shall have jurisdiction under these divisions in cases 27823
where the trial court issues an order of dismissal on technical 27824
or procedural grounds. 27825

(F) The sealing or expungement of conviction records by 27826
any court shall have no effect on a prior board order entered 27827
under the provisions of this section or on the board's 27828
jurisdiction to take action under the provisions of this section 27829
if, based upon a plea of guilty, a judicial finding of guilt, or 27830
a judicial finding of eligibility for intervention in lieu of 27831
conviction, the board issued a notice of opportunity for a 27832
hearing or took other formal action under Chapter 119. of the 27833
Revised Code prior to the court's order to seal or expunge the 27834
records. The board shall not be required to seal, destroy, 27835
redact, or otherwise modify its records to reflect the court's 27836
sealing or expungement of conviction records. 27837

(G) For purposes of this division, any individual who 27838
holds a license to practice as a genetic counselor, or applies 27839
for a license, shall be deemed to have given consent to submit 27840
to a mental or physical examination when directed to do so in 27841
writing by the board and to have waived all objections to the 27842
admissibility of testimony or examination reports that 27843
constitute a privileged communication. 27844

(1) In enforcing division (B) (5) of this section, the 27845
board, on a showing of a possible violation, may compel any 27846
individual who holds a license to practice as a genetic 27847
counselor or who has applied for a license to practice as a 27848
genetic counselor to submit to a mental or physical examination, 27849
or both. A physical examination may include an HIV test. The 27850
expense of the examination is the responsibility of the 27851
individual compelled to be examined. Failure to submit to a 27852
mental or physical examination or consent to an HIV test ordered 27853
by the board constitutes an admission of the allegations against 27854
the individual unless the failure is due to circumstances beyond 27855
the individual's control, and a default and final order may be 27856

entered without the taking of testimony or presentation of 27857
evidence. If the board finds a genetic counselor unable to 27858
practice because of the reasons set forth in division (B) (5) of 27859
this section, the board shall require the genetic counselor to 27860
submit to care, counseling, or treatment by physicians approved 27861
or designated by the board, as a condition for an initial, 27862
continued, reinstated, or renewed license to practice. An 27863
individual affected by this division shall be afforded an 27864
opportunity to demonstrate to the board the ability to resume 27865
practicing in compliance with acceptable and prevailing 27866
standards of care. 27867

(2) For purposes of division (B) (6) of this section, if 27868
the board has reason to believe that any individual who holds a 27869
license to practice as a genetic counselor or any applicant for 27870
a license suffers such impairment, the board may compel the 27871
individual to submit to a mental or physical examination, or 27872
both. The expense of the examination is the responsibility of 27873
the individual compelled to be examined. Any mental or physical 27874
examination required under this division shall be undertaken by 27875
a treatment provider or physician qualified to conduct such 27876
examination and chosen by the board. 27877

Failure to submit to a mental or physical examination 27878
ordered by the board constitutes an admission of the allegations 27879
against the individual unless the failure is due to 27880
circumstances beyond the individual's control, and a default and 27881
final order may be entered without the taking of testimony or 27882
presentation of evidence. If the board determines that the 27883
individual's ability to practice is impaired, the board shall 27884
suspend the individual's license or deny the individual's 27885
application and shall require the individual, as a condition for 27886
an initial, continued, reinstated, or renewed license, to submit 27887

to treatment. 27888

Before being eligible to apply for reinstatement of a 27889
license suspended under this division, the genetic counselor 27890
shall demonstrate to the board the ability to resume practice in 27891
compliance with acceptable and prevailing standards of care. The 27892
demonstration shall include the following: 27893

(a) Certification from a treatment provider approved under 27894
section 4731.25 of the Revised Code that the individual has 27895
successfully completed any required inpatient treatment; 27896

(b) Evidence of continuing full compliance with an 27897
aftercare contract or consent agreement; 27898

(c) Two written reports indicating that the individual's 27899
ability to practice has been assessed and that the individual 27900
has been found capable of practicing according to acceptable and 27901
prevailing standards of care. The reports shall be made by 27902
individuals or providers approved by the board for making such 27903
assessments and shall describe the basis for their 27904
determination. 27905

The board may reinstate a license suspended under this 27906
division after such demonstration and after the individual has 27907
entered into a written consent agreement. 27908

When the impaired genetic counselor resumes practice, the 27909
board shall require continued monitoring of the genetic 27910
counselor. The monitoring shall include monitoring of compliance 27911
with the written consent agreement entered into before 27912
reinstatement or with conditions imposed by board order after a 27913
hearing, and, on termination of the consent agreement, 27914
submission to the board for at least two years of annual written 27915
progress reports made under penalty of falsification stating 27916

whether the genetic counselor has maintained sobriety. 27917

(H) If the secretary and supervising member determine both 27918
of the following, they may recommend that the board suspend an 27919
individual's license to practice without a prior hearing: 27920

(1) That there is clear and convincing evidence that a 27921
genetic counselor has violated division (B) of this section; 27922

(2) That the individual's continued practice presents a 27923
danger of immediate and serious harm to the public. 27924

Written allegations shall be prepared for consideration by 27925
the board. The board, on review of the allegations and by an 27926
affirmative vote of not fewer than six of its members, excluding 27927
the secretary and supervising member, may suspend a license 27928
without a prior hearing. A telephone conference call may be 27929
utilized for reviewing the allegations and taking the vote on 27930
the summary suspension. 27931

The board shall issue a written order of suspension by 27932
certified mail or in person in accordance with section 119.07 of 27933
the Revised Code. The order shall not be subject to suspension 27934
by the court during pendency of any appeal filed under section 27935
119.12 of the Revised Code. If the genetic counselor requests an 27936
adjudicatory hearing by the board, the date set for the hearing 27937
shall be within fifteen days, but not earlier than seven days, 27938
after the genetic counselor requests the hearing, unless 27939
otherwise agreed to by both the board and the genetic counselor. 27940

A summary suspension imposed under this division shall 27941
remain in effect, unless reversed on appeal, until a final 27942
adjudicative order issued by the board pursuant to this section 27943
and Chapter 119. of the Revised Code becomes effective. The 27944
board shall issue its final adjudicative order within sixty days 27945

after completion of its hearing. Failure to issue the order 27946
within sixty days shall result in dissolution of the summary 27947
suspension order, but shall not invalidate any subsequent, final 27948
adjudicative order. 27949

(I) If the board takes action under division (B) (10), 27950
(12), or (13) of this section, and the judicial finding of 27951
guilt, guilty plea, or judicial finding of eligibility for 27952
intervention in lieu of conviction is overturned on appeal, on 27953
exhaustion of the criminal appeal, a petition for 27954
reconsideration of the order may be filed with the board along 27955
with appropriate court documents. On receipt of a petition and 27956
supporting court documents, the board shall reinstate the 27957
license to practice as a genetic counselor. The board may then 27958
hold an adjudication under Chapter 119. of the Revised Code to 27959
determine whether the individual committed the act in question. 27960
Notice of opportunity for hearing shall be given in accordance 27961
with Chapter 119. of the Revised Code. If the board finds, 27962
pursuant to an adjudication held under this division, that the 27963
individual committed the act, or if no hearing is requested, it 27964
may order any of the sanctions specified in division (B) of this 27965
section. 27966

(J) The license to practice as a genetic counselor and the 27967
counselor's practice in this state are automatically suspended 27968
as of the date the genetic counselor pleads guilty to, is found 27969
by a judge or jury to be guilty of, or is subject to a judicial 27970
finding of eligibility for intervention in lieu of conviction in 27971
this state or treatment of intervention in lieu of conviction in 27972
another jurisdiction for any of the following criminal offenses 27973
in this state or a substantially equivalent criminal offense in 27974
another jurisdiction: aggravated murder, murder, voluntary 27975
manslaughter, felonious assault, kidnapping, rape, sexual 27976

battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

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.

(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 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.

(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an

individual's license, refuses to renew an individual's license, 28007
or refuses to reinstate an individual's license, the board may 28008
specify that its action is permanent. An individual subject to a 28009
permanent action taken by the board is forever thereafter 28010
ineligible to hold a license to practice as a genetic counselor 28011
and the board shall not accept an application for reinstatement 28012
of the license or for issuance of a new license. 28013

(N) Notwithstanding any other provision of the Revised 28014
Code, all of the following apply: 28015

(1) The surrender of a license to practice as a genetic 28016
counselor is not effective unless or until accepted by the 28017
board. A telephone conference call may be utilized for 28018
acceptance of the surrender of an individual's license. The 28019
telephone conference call shall be considered a special meeting 28020
under division (F) of section 121.22 of the Revised Code. 28021
Reinstatement of a license surrendered to the board requires an 28022
affirmative vote of not fewer than six members of the board. 28023

(2) An application made under this chapter for a license 28024
to practice may not be withdrawn without approval of the board. 28025

(3) Failure by an individual to renew a license in 28026
accordance with section 4778.06 of the Revised Code shall not 28027
remove or limit the board's jurisdiction to take disciplinary 28028
action under this section against the individual. 28029

Sec. 5120.035. (A) As used in this section: 28030

(1) "Community treatment provider" means a program that 28031
provides substance use disorder assessment and treatment for 28032
persons and that satisfies all of the following: 28033

(a) It is located outside of a state correctional 28034
institution. 28035

(b) It shall provide the assessment and treatment for 28036
qualified prisoners referred and transferred to it under this 28037
section in a suitable facility that is licensed pursuant to 28038
division (C) of section 2967.14 of the Revised Code. 28039

(c) All qualified prisoners referred and transferred to it 28040
under this section shall reside initially in the suitable 28041
facility specified in division (A) (1) (b) of this section while 28042
undergoing the assessment and treatment. 28043

(2) "Electronic monitoring device" has the same meaning as 28044
in section 2929.01 of the Revised Code. 28045

(3) "State correctional institution" has the same meaning 28046
as in section 2967.01 of the Revised Code. 28047

(4) "Qualified prisoner" means a person who satisfies all 28048
of the following: 28049

(a) The person is confined in a state correctional 28050
institution under a prison term imposed for a felony of the 28051
third, fourth, or fifth degree that is not an offense of 28052
violence. 28053

(b) The department of rehabilitation and correction 28054
determines, using a standardized assessment tool, that the 28055
person has a substance use disorder. 28056

(c) The person has not more than twelve months remaining 28057
to be served under the prison term described in division (A) (4) 28058
(a) of this section. 28059

(d) The person is not serving any prison term other than 28060
the term described in division (A) (4) (a) of this section. 28061

(e) The person is eighteen years of age or older. 28062

(f) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 28063
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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. 28065
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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. 28070
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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 28078
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credit against the prisoner's prison term for all time served in 28093
the provider's approved and licensed facility and may earn days 28094
of credit under section 2967.193 of the Revised Code, but 28095
otherwise neither the placement nor the prisoner's participation 28096
in or completion of the program shall result in any reduction of 28097
the prisoner's prison term. 28098

(2) If the department places a prisoner in the substance 28099
use disorder treatment program, the prisoner does not 28100
satisfactorily participate in the program, and the prisoner has 28101
not served the prisoner's entire prison term, the department may 28102
remove the prisoner from the program and return the prisoner to 28103
a state correctional institution. 28104

(3) If the department places a prisoner in the substance 28105
use disorder treatment program and the prisoner is 28106
satisfactorily participating in the program, the department may 28107
permit the prisoner to reside at a residence approved by the 28108
department if the department determines, with input from the 28109
community treatment provider, that residing at the approved 28110
residence will help the prisoner prepare for reentry into the 28111
community and will help reduce substance use relapses and 28112
recidivism for the prisoner. If a prisoner is permitted under 28113
this division to reside at a residence approved by the 28114
department, the prisoner shall be monitored during the period of 28115
that residence by an electronic monitoring device. 28116

(D) (1) When a prisoner has been placed in the substance 28117
use disorder treatment program established under division (B) of 28118
this section, before the prisoner is released from custody of 28119
the department upon completion of the prisoner's prison term, 28120
the department shall conduct and prepare an evaluation of the 28121
prisoner, the prisoner's participation in the program, and the 28122

prisoner's needs regarding substance use disorder treatment upon 28123
release. Before the prisoner is released from custody of the 28124
department upon completion of the prisoner's prison term, the 28125
parole board or the court acting pursuant to an agreement under 28126
section 2967.29 of the Revised Code shall consider the 28127
evaluation, in addition to all other information and materials 28128
considered, as follows: 28129

(a) If the prisoner is a prisoner for whom post-release 28130
control is mandatory under section 2967.28 of the Revised Code, 28131
the board or court shall consider it in determining which post- 28132
release control sanction or sanctions to impose upon the 28133
prisoner under that section. 28134

(b) If the prisoner is a prisoner for whom post-release 28135
control is not mandatory under section 2967.28 of the Revised 28136
Code, the board or court shall consider it in determining 28137
whether a post-release control sanction is necessary and, if so, 28138
which post-release control sanction or sanctions to impose upon 28139
the prisoner under that section. 28140

(2) If the department determines that a prisoner it placed 28141
in the substance use disorder treatment program successfully 28142
completed the program and successfully completed a term of post- 28143
release control, if applicable, and if the prisoner submits an 28144
application under section 2953.32 or the prosecutor in the case 28145
submits an application under section 2953.39 of the Revised Code 28146
for sealing or expungement of the record of the conviction, the 28147
director may issue a letter to the court in support of the 28148
application. 28149

(E) (1) The department shall accept applications from 28150
community treatment providers that satisfy the requirement 28151
specified in division (E) (2) of this section and that wish to 28152

participate in the substance use disorder treatment program 28153
established under division (B) of this section, and shall 28154
approve for participation in the program at least four and not 28155
more than eight of the providers that apply. To the extent 28156
feasible, the department shall approve one or more providers 28157
from each geographical quadrant of the state. 28158

(2) Each community treatment provider that applies under 28159
division (E)(1) of this section to participate in the program 28160
shall have the provider's alcohol and drug addiction services 28161
that provide substance use disorder treatment certified by the 28162
department of mental health and addiction services under section 28163
5119.36 of the Revised Code. A community treatment provider is 28164
not required to have the provider's halfway house or residential 28165
treatment certified by the department of mental health and 28166
addiction services. 28167

(F) The department of rehabilitation and correction shall 28168
adopt rules for the operation of the substance use disorder 28169
treatment program it establishes under division (B) of this 28170
section and shall operate the program in accordance with this 28171
section and those rules. The rules shall establish, at a 28172
minimum, all of the following: 28173

(1) Criteria that establish which qualified prisoners are 28174
eligible for the program; 28175

(2) Criteria that must be satisfied to transfer a 28176
qualified prisoner to a residence pursuant to division (C)(3) of 28177
this section; 28178

(3) Criteria for the removal of a prisoner from the 28179
program pursuant to division (C)(2) of this section; 28180

(4) Criteria for determining when an offender has 28181

successfully completed the program for purposes of division (D) 28182
(2) of this section; 28183

(5) Criteria for community treatment providers to provide 28184
assessment and treatment, including minimum standards for 28185
treatment. 28186

Sec. 5120.66. (A) Within ninety days after November 23, 28187
2005, but not before January 1, 2006, the department of 28188
rehabilitation and correction shall establish and operate on the 28189
internet a database that contains all of the following: 28190

(1) For each inmate in the custody of the department under 28191
a sentence imposed for a conviction of or plea of guilty to any 28192
offense, all of the following information: 28193

(a) The inmate's name; 28194

(b) For each offense for which the inmate was sentenced to 28195
a prison term or term of imprisonment and is in the department's 28196
custody, the name of the offense, the Revised Code section of 28197
which the offense is a violation, the gender of each victim of 28198
the offense if those facts are known, whether each victim of the 28199
offense was an adult or child if those facts are known, whether 28200
any victim of the offense was a law enforcement officer if that 28201
fact is known, the range of the possible prison terms or term of 28202
imprisonment that could have been imposed for the offense, the 28203
actual prison term or term of imprisonment imposed for the 28204
offense, the county in which the offense was committed, the date 28205
on which the inmate began serving the prison term or term of 28206
imprisonment imposed for the offense, and whichever of the 28207
following is applicable: 28208

(i) The date on which the inmate will be eligible for 28209
parole relative to the offense if the prison term or term of 28210

imprisonment is an indefinite term or life term with parole 28211
eligibility; 28212

(ii) The date on which the term ends if the prison term is 28213
a definite term; 28214

(iii) The date on which the inmate will be eligible for 28215
presumptive release under section 2967.271 of the Revised Code, 28216
if the inmate is serving a non-life felony indefinite prison 28217
term. 28218

(c) All of the following information that is applicable 28219
regarding the inmate: 28220

(i) If known to the department prior to the conduct of any 28221
hearing for judicial release of the defendant pursuant to 28222
section 2929.20 of the Revised Code in relation to any prison 28223
term or term of imprisonment the inmate is serving for any 28224
~~offense or any hearing for release of the defendant pursuant to~~ 28225
~~section 2967.19 of the Revised Code in relation to any such~~ 28226
~~term,~~ notice of the fact that the inmate will be having a 28227
hearing regarding a possible grant of judicial release ~~or~~ 28228
~~release,~~ the date of the hearing, and the right of any person 28229
pursuant to division ~~(J)~~ (I) of section 2929.20 ~~or division (H)~~ 28230
~~of section 2967.19 of the Revised Code, whichever is applicable,~~ 28231
to submit to the court a written statement regarding the 28232
possible judicial release ~~or release.~~ The department also shall 28233
post notice of the submission to a sentencing court of any 28234
recommendation for ~~early judicial~~ release of the inmate 28235
submitted by the director of the department of rehabilitation 28236
and correction pursuant to division (O) of section 2967.19 28237
2929.20 of the Revised Code, as required by that division ~~(E) of~~ 28238
~~that section.~~ 28239

(ii) If the inmate is serving a prison term pursuant to 28240
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 28241
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 28242
Code, prior to the conduct of any hearing pursuant to section 28243
2971.05 of the Revised Code to determine whether to modify the 28244
requirement that the inmate serve the entire prison term in a 28245
state correctional facility in accordance with division (C) of 28246
that section, whether to continue, revise, or revoke any 28247
existing modification of that requirement, or whether to 28248
terminate the prison term in accordance with division (D) of 28249
that section, notice of the fact that the inmate will be having 28250
a hearing regarding those determinations and the date of the 28251
hearing; 28252

(iii) At least sixty days before the adult parole 28253
authority recommends a pardon or commutation of sentence for the 28254
inmate, at least sixty days prior to a hearing before the adult 28255
parole authority regarding a grant of parole to the inmate in 28256
relation to any prison term or term of imprisonment the inmate 28257
is serving for any offense, or at least sixty days prior to a 28258
hearing before the department regarding a determination of 28259
whether the inmate must be released under division (C) or (D) (2) 28260
of section 2967.271 of the Revised Code if the inmate is serving 28261
a non-life felony indefinite prison term, notice of the fact 28262
that the inmate might be under consideration for a pardon or 28263
commutation of sentence or will be having a hearing regarding a 28264
possible grant of parole or release, the date of any hearing 28265
regarding a possible grant of parole or release, and the right 28266
of any person to submit a written statement regarding the 28267
pending action; 28268

(iv) At least sixty days before the inmate is transferred 28269
to transitional control under section 2967.26 of the Revised 28270

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; 28271
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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; 28276
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(vi) Notice of the inmate's death while in confinement; 28279

(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; 28280
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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.~~ 28284
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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. 28287
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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. 28290
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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. 28293
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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. 28329

(B) The services provided by the program shall be offered 28330
to the youth prior to the youth's discharge date, but a youth 28331
may request and the department shall consider any such request 28332
for the services described up to ninety days after the youth's 28333
effective date of discharge, even if the youth has previously 28334
declined services. 28335

Sec. 5139.45. (A) As used in this section: 28336

(1) "Quality assurance committee" means a committee that 28337
is appointed in the central office of the department of youth 28338
services by the director of youth services, a committee 28339
appointed at an institution by the managing officer of the 28340
institution, or a duly authorized subcommittee of that nature 28341
and that is designated to carry out quality assurance program 28342
activities. 28343

(2) "Institution" means a state facility that is created 28344
by the general assembly and that is under the management and 28345
control of the department of youth services or a private entity 28346
with which the department has contracted for the institutional 28347
care and custody of felony delinquents. 28348

~~(2)~~ (3) "Quality assurance program" means a comprehensive 28349
program within the department of youth services to 28350
systematically review and improve the quality of programming, 28351
operations, education, comprehensive services, including but not 28352
limited to, medical and mental health services within the 28353
department and the department's institutions, the safety and 28354
security of persons receiving care and services within the 28355
department and the department's institutions, and the efficiency 28356
and effectiveness of the utilization of staff and resources in 28357

the delivery of services within the department and the 28358
department's institutions. 28359

~~(3)~~ (4) "Quality assurance program activities" means the 28360
activities of ~~the institution and the office of quality~~ 28361
~~assurance and improvement~~ a quality assurance committee, of 28362
persons who provide, collect, or compile information and reports 28363
required by ~~the office of quality assurance and improvement~~ a 28364
quality assurance committee, and of persons who receive, review, 28365
or implement the recommendations made by ~~the office of quality~~ 28366
~~assurance and improvement~~ a quality assurance committee. "Quality 28367
assurance program activities" include, but are not limited to, 28368
credentialing, infection control, utilization review including 28369
access to patient care, patient care assessments, medical and 28370
mental health records, medical and mental health resource 28371
management, mortality and morbidity review, ~~and~~ identification 28372
and prevention of medical or mental health incidents and risks, 28373
and other comprehensive service activities whether performed by 28374
~~the office of quality assurance and improvement~~ a quality 28375
assurance committee or by persons who are directed by ~~the office~~ 28376
~~of quality assurance and improvement~~ a quality assurance 28377
committee. 28378

~~(4)~~ (5) "Quality assurance record" means the proceedings, 28379
records, minutes, and reports that result from quality assurance 28380
program activities. "Quality assurance record" does not include 28381
aggregate statistical information that does not disclose the 28382
identity of persons receiving or providing services in 28383
institutions. 28384

(B) ~~The office of quality assurance and improvement is~~ 28385
~~hereby created as an office in the department of youth services.~~ 28386
~~The director of youth services shall appoint a managing officer~~ 28387

~~to carry out quality assurance program activities~~The director of 28388
the department of youth services shall appoint a central office 28389
quality assurance committee consisting of staff members from 28390
relevant divisions within the department. The managing officer 28391
of an institution may appoint an institutional quality assurance 28392
committee. 28393

(C) (1) Except as otherwise provided in division (F) of 28394
this section, quality assurance records are confidential and are 28395
not public records under section 149.43 of the Revised Code and 28396
shall be used only in the course of the proper functions of a 28397
quality assurance program. 28398

(2) Except as provided in division (F) of this section, no 28399
person who possesses or has access to quality assurance records 28400
and who knows that the records are quality assurance records 28401
shall willfully disclose the contents of the records to any 28402
person or entity. 28403

(D) (1) Except as otherwise provided in division (F) of 28404
this section, a quality assurance record is not subject to 28405
discovery and is not admissible as evidence in any judicial or 28406
administrative proceeding. 28407

(2) Except as provided in division (F) of this section, no 28408
~~employee of the office of quality assurance and improvement~~ 28409
~~member of a quality assurance committee or a person who is~~ 28410
performing a function that is part of a quality assurance 28411
program shall be permitted or required to testify in a judicial 28412
or administrative proceeding with respect to a quality assurance 28413
record or with respect to any finding, recommendation, 28414
evaluation, opinion, or other action taken by the ~~office or~~ 28415
~~program or by the person within the scope of the quality~~ 28416
~~assurance program~~committee, member, or person. 28417

(3) Information, documents, or records otherwise available 28418
from original sources shall not be unavailable for discovery or 28419
inadmissible as evidence in a judicial or administrative 28420
proceeding under division (D)(1) of this section merely because 28421
they were presented to ~~the office of quality assurance and~~ 28422
~~improvement~~ a quality assurance committee. No person ~~who is an~~ 28423
~~employee of the office of quality assurance and improvement~~ 28424
testifying before a quality assurance committee or person who is 28425
a member of a quality assurance committee shall be prohibited 28426
from testifying as to matters within the person's knowledge, but 28427
the person shall not be asked about an opinion formed by the 28428
person as a result of the ~~person's quality assurance program~~ 28429
~~activities~~ quality assurance committee proceedings. 28430

(E) (1) A person who, without malice and in the reasonable 28431
belief that the information is warranted by the facts known to 28432
the person, provides information to a person engaged in quality 28433
assurance program activities is not liable for damages in a 28434
civil action for injury, death, or loss to person or property as 28435
a result of providing the information. 28436

(2) ~~An employee of the office of quality assurance and~~ 28437
~~improvement~~ A member of a quality assurance committee, a person 28438
engaged in quality assurance program activities, or an employee 28439
of the department of youth services shall not be liable in 28440
damages in a civil action for injury, death, or loss to person 28441
or property for any acts, omissions, decisions, or other conduct 28442
within the scope of the functions of the quality assurance 28443
program. 28444

(3) Nothing in this section shall relieve any institution 28445
from liability arising from the treatment of a patient. 28446

(F) Quality assurance records may be disclosed, and 28447

testimony may be provided concerning quality assurance records, 28448
only to the following persons or entities or under the following 28449
circumstances: 28450

(1) Persons who are employed or retained by the department 28451
of youth services and who have the authority to evaluate or 28452
implement the recommendations of ~~an institution or the office of~~ 28453
~~quality assurance and improvement~~ a quality assurance committee; 28454

(2) Public or private agencies or organizations if needed 28455
to perform a licensing or accreditation function related to 28456
institutions or to perform monitoring of institutions as 28457
required by law; 28458

(3) A governmental board or agency, a professional health 28459
care society or organization, or a professional standards review 28460
organization, if the records or testimony are needed to perform 28461
licensing, credentialing, or monitoring of professional 28462
standards with respect to medical or mental health professionals 28463
employed or retained by the department; 28464

(4) A criminal or civil law enforcement agency or public 28465
health agency charged by law with the protection of public 28466
health or safety, if a qualified representative of the agency 28467
makes a written request stating that the records or testimony 28468
are necessary for a purpose authorized by law; 28469

(5) In a judicial or administrative proceeding commenced 28470
by an entity described in division (F) (3) or (4) of this section 28471
for a purpose described in that division but only with respect 28472
to the subject of the proceedings. 28473

(G) A disclosure of quality assurance records pursuant to 28474
division (F) of this section does not otherwise waive the 28475
confidential and privileged status of the disclosed quality 28476

assurance records. The names and other identifying information 28477
regarding individual patients or employees of ~~the office of~~ 28478
~~quality assurance and improvement~~ a quality assurance committee 28479
contained in a quality assurance record shall be redacted from 28480
the record prior to the disclosure of the record unless the 28481
identity of an individual is necessary for the purpose for which 28482
the disclosure is being made and does not constitute a clearly 28483
unwarranted invasion of personal privacy. 28484

Sec. 5147.30. (A) As used in this section, "prisoner" 28485
means any person confined in the county jail in lieu of bail 28486
while awaiting trial, any person committed to jail for 28487
nonpayment of a fine, or any person sentenced by a court to the 28488
jail. 28489

(B) A board of county commissioners, by resolution adopted 28490
by a majority vote of its members, may approve the establishment 28491
of a county jail industry program for its county in accordance 28492
with this section. 28493

(C) Upon the adoption by the board of the resolution 28494
described in division (B) of this section, a jail industry board 28495
shall be established, consisting of three voting members 28496
appointed by the board of county commissioners, three voting 28497
members appointed by the county sheriff, and one voting member 28498
appointed jointly by the board of county commissioners and the 28499
county sheriff. One of these voting members shall have knowledge 28500
of and experience in the social services, one in the field of 28501
labor, one in law enforcement, and one in business. The initial 28502
appointments to the jail industry board shall be made on the 28503
same date. Of the initial appointments, one by the board of 28504
county commissioners and one by the county sheriff shall be for 28505
terms ending one year after the date of appointment, two by the 28506

board of county commissioners and two by the county sheriff 28507
shall be for terms ending two years after that date, and the 28508
joint appointment shall be for a term ending three years after 28509
that date. Thereafter, terms of office for all appointed members 28510
shall be for three years, with each term ending on the same day 28511
of the same month as did the term that it succeeds. Any vacancy 28512
on the board shall be filled in the same manner as the original 28513
appointment. Any member appointed to fill a vacancy occurring 28514
prior to the expiration date of the term for which the member's 28515
predecessor was appointed shall hold office as a member for the 28516
remainder of that term. Any member shall continue in office 28517
subsequent to the expiration date of the member's term until the 28518
member's successor takes office, or until a period of sixty days 28519
has elapsed, whichever occurs first. 28520

The jail industry board, by majority vote, may appoint 28521
additional persons to serve as nonvoting members of the board. 28522

Each member of the jail industry board shall be reimbursed 28523
for expenses actually and necessarily incurred in the 28524
performance of the member's duties as a board member. The board 28525
of county commissioners, by resolution, shall approve the 28526
expenses to be reimbursed. 28527

(D) A jail industry board established under division (C) 28528
of this section shall establish a program for the employment of 28529
as many prisoners as possible, except those unable to perform 28530
labor because of illness or other health problems, security 28531
requirements, routine processing, disciplinary action, or other 28532
reasonable circumstances or because they are engaged in 28533
education or vocational or other training. The employment may be 28534
in jail manufacturing and service industries and agriculture, in 28535
private industry or agriculture that is located within or 28536

outside the jail, in public works, in institutional jobs 28537
necessary for the proper maintenance and operation of the jail, 28538
or in any other appropriate form of labor. The county shall 28539
attempt to employ, provide employment for, and seek employment 28540
for as many prisoners as possible through the program. The 28541
county is not required to provide employment for every 28542
employable prisoner when the available funds, facilities, or 28543
jobs are insufficient to provide the employment; however, a 28544
county that has a county jail industry program shall 28545
continuously seek sources of employment for as many employable 28546
prisoners as possible. 28547

(E) The jail industry program established under division 28548
(D) of this section shall do all of the following: 28549

(1) Establish a system for assigning prisoners to perform 28550
jobs, for periodically evaluating the job performance of each 28551
prisoner, and for periodically evaluating the qualifications of 28552
each prisoner for other jobs; 28553

(2) Attempt to provide jobs and job training for prisoners 28554
that will be useful to them in obtaining employment when 28555
released, except that institutional jobs at the jail need not be 28556
related to any previous employment of the prisoner or relevant 28557
to any job the prisoner intends to pursue after release from 28558
jail; 28559

(3) Establish an accounting system to administer and 28560
allocate the earnings of each prisoner. The accounting system 28561
may permit earnings to be used for payment of the employee taxes 28562
and workers' compensation of the prisoner, for reimbursing the 28563
county for room and board and for the expense of providing 28564
employment to the prisoner, for restitution to the victims of 28565
the prisoner's offenses if the prisoner voluntarily requests or 28566

is under court order to make restitution payments, for fines and 28567
court costs, for support of the dependents of the prisoner, and 28568
for an account for the prisoner. 28569

(4) Require all persons who employ prisoners to meet all 28570
applicable work safety standards. 28571

(F) The jail industry board, with the approval of the 28572
county sheriff, shall adopt rules for the establishment and 28573
administration of the jail industry program. The rules shall 28574
provide for all of the following: 28575

(1) A procedure for seeking the employment of prisoners in 28576
penal industries and agriculture, in private industry and 28577
agriculture located within or outside the county jail, in public 28578
works, in institutional jobs necessary for the proper 28579
maintenance or operation of the county's institutions, and in 28580
other appropriate forms of labor; 28581

(2) A system of compensation, allowances, hours, 28582
conditions of employment, and advancement for prisoners employed 28583
in any form of labor; 28584

(3) The regulation of the working conditions of prisoners 28585
employed in any form of labor; 28586

(4) An accounting system for the allocation of the 28587
earnings of each prisoner; 28588

(5) Any other rules on any subject that are necessary to 28589
administer the program or to provide employment for as many 28590
prisoners as possible. 28591

(G) In establishing and administering a county jail 28592
industry program, the board of county commissioners, upon the 28593
recommendation of the jail industry board and the county sheriff 28594

may do any of the following: 28595

(1) Enter into contracts with private industry, 28596
agriculture, and other organizations or persons, and receive 28597
grants to establish test work programs within or outside 28598
institutions under the control of the county; 28599

(2) Enter into contracts with private industry for the 28600
establishment of manufacturing and service industries within or 28601
near institutions under the control of the county for the 28602
employment of prisoners; 28603

(3) Enter into contracts with private industry, 28604
agriculture, and other organizations or persons to provide 28605
employment for prisoners; 28606

(4) Enter into any other contracts or perform any other 28607
functions that are necessary for the county jail industry 28608
program. 28609

(H) The jail industry program established under division 28610
(D) of this section shall be administered in accordance with any 28611
rules adopted by the jail industry board pursuant to division 28612
(F) of this section and with the following requirements: 28613

(1) The county sheriff at all times shall be responsible 28614
for the security and discipline of the prisoners in the program. 28615
~~the~~ The sheriff shall adopt a procedure for the discipline of a 28616
prisoner who violates the requirements of a job in the program, 28617
and the sheriff may remove a prisoner from the program if the 28618
sheriff determines that considerations of security or discipline 28619
require it. 28620

(2) ~~When the sentence imposed on a prisoner includes a~~ 28621
~~specification pursuant to division (E) of section 2929.24 of the~~ 28622
~~Revised Code, authorizing the county sheriff to consider the~~ 28623

~~prisoner for participation in the county jail industry program,~~ 28624
~~the sheriff shall review the qualifications of the prisoner and~~ 28625
~~determine whether the prisoner's participation in the program is~~ 28626
~~appropriate.~~ 28627

~~(3)~~ When making the initial job assignment for a prisoner 28628
whom the county sheriff has approved for participation in the 28629
program, the board shall consider the nature of the offense 28630
committed by the prisoner, the availability of employment, the 28631
security requirements of the prisoner, the prisoner's present 28632
state of mind, the prisoner's jail record, and all other 28633
relevant factors. When making the initial job assignment of a 28634
prisoner, the board shall attempt to develop the work skills of 28635
the prisoner, provide the prisoner rehabilitation, consider the 28636
proximity of the job to the prisoner's family, and permit the 28637
prisoner to provide support for the prisoner's dependents if the 28638
prisoner's earnings are sufficient to make that feasible. 28639

~~(4)~~ (3) Each prisoner shall be required to perform 28640
satisfactorily the job to which the prisoner is assigned, be 28641
permitted to be absent from that job only for legitimate 28642
reasons, be required to comply with all security requirements, 28643
and be required to comply with any other reasonable job 28644
performance standards. 28645

~~(5)~~ (4) A prisoner who violates the work requirements of 28646
any job shall be disciplined pursuant to the disciplinary 28647
procedure adopted by the county sheriff pursuant to division (H) 28648
(1) of this section. 28649

Sec. 5149.101. (A) (1) A board hearing officer, a board 28650
member, or the office of victims' services may petition the 28651
board for a full board hearing that relates to the proposed 28652
parole or re-parole of a prisoner, including any prisoner 28653

described in section 2967.132 of the Revised Code. At a meeting 28654
of the board at which a majority of board members are present, 28655
the majority of those present shall determine whether a full 28656
board hearing shall be held. 28657

(2) A victim of a violation of section 2903.01 or 2903.02 28658
of the Revised Code, an offense of violence that is a felony of 28659
the first, second, or third degree, or an offense punished by a 28660
sentence of life imprisonment, the victim's representative, or 28661
any person described in division (B) (5) of this section may 28662
request the board to hold a full board hearing that relates to 28663
the proposed parole or re-parole of the person that committed 28664
the violation. If a victim, victim's representative, or other 28665
person requests a full board hearing pursuant to this division, 28666
the board shall hold a full board hearing. 28667

At least thirty days before the full hearing, except as 28668
otherwise provided in this division, the board shall give notice 28669
of the date, time, and place of the hearing to the victim 28670
regardless of whether the victim has requested the notification. 28671
The notice of the date, time, and place of the hearing shall not 28672
be given under this division to a victim if the victim has 28673
requested pursuant to division (B) (2) of section 2930.03 of the 28674
Revised Code that the notice not be provided to the victim. At 28675
least thirty days before the full board hearing and regardless 28676
of whether the victim has requested that the notice be provided 28677
or not be provided under this division to the victim, the board 28678
shall give similar notice to the prosecuting attorney in the 28679
case, the law enforcement agency that arrested the prisoner if 28680
any officer of that agency was a victim of the offense, and, if 28681
different than the victim, the person who requested the full 28682
hearing. If the prosecuting attorney has not previously been 28683
sent an institutional summary report with respect to the 28684

prisoner, upon the request of the prosecuting attorney, the board shall include with the notice sent to the prosecuting attorney an institutional summary report that covers the offender's participation while confined in a state correctional institution in training, work, and other rehabilitative activities and any disciplinary action taken against the offender while so confined. Upon the request of a law enforcement agency that has not previously been sent an institutional summary report with respect to the prisoner, the board also shall send a copy of the institutional summary report to the law enforcement agency. If notice is to be provided as described in this division, the board may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D)(1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D)(1) of section 2930.16 of the Revised Code. The board, in accordance with division (D)(2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

The preceding paragraph, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (D)(1) of section 2930.16, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19 as it existed prior to the effective date of this amendment, division (A)(3)(b) of section 2967.26, and division (D)(1) of section 2967.28 of the Revised Code enacted in the act in which this paragraph was enacted, shall be known as "Roberta's Law."

(B) At a full board hearing that relates to the proposed parole or re-parole of a prisoner and that has been petitioned

for or requested in accordance with division (A) of this 28716
section, the parole board shall permit the following persons to 28717
appear and to give testimony or to submit written statements: 28718

(1) The prosecuting attorney of the county in which the 28719
original indictment against the prisoner was found and members 28720
of any law enforcement agency that assisted in the prosecution 28721
of the original offense; 28722

(2) The judge of the court of common pleas who imposed the 28723
original sentence of incarceration upon the prisoner, or the 28724
judge's successor; 28725

(3) The victim of the original offense for which the 28726
prisoner is serving the sentence or the victim's representative 28727
designated pursuant to section 2930.02 of the Revised Code; 28728

(4) The victim of any behavior that resulted in parole 28729
being revoked; 28730

(5) With respect to a full board hearing held pursuant to 28731
division (A) (2) of this section, all of the following: 28732

(a) The spouse of the victim of the original offense; 28733

(b) The parent or parents of the victim of the original 28734
offense; 28735

(c) The sibling of the victim of the original offense; 28736

(d) The child or children of the victim of the original 28737
offense. 28738

(6) Counsel or some other person designated by the 28739
prisoner as a representative, as described in division (C) of 28740
this section. 28741

(C) Except as otherwise provided in this division, a full 28742

board hearing of the parole board is not subject to section 28743
121.22 of the Revised Code. The persons who may attend a full 28744
board hearing are the persons described in divisions (B) (1) to 28745
(6) of this section, and representatives of the press, radio and 28746
television stations, and broadcasting networks who are members 28747
of a generally recognized professional media organization. 28748

At the request of a person described in division (B) (3) of 28749
this section, representatives of the news media described in 28750
this division shall be excluded from the hearing while that 28751
person is giving testimony at the hearing. The prisoner being 28752
considered for parole has no right to be present at the hearing, 28753
but may be represented by counsel or some other person 28754
designated by the prisoner. 28755

If there is an objection at a full board hearing to a 28756
recommendation for the parole of a prisoner, the board may 28757
approve or disapprove the recommendation or defer its decision 28758
until a subsequent full board hearing. The board may permit 28759
interested persons other than those listed in this division and 28760
division (B) of this section to attend full board hearings 28761
pursuant to rules adopted by the adult parole authority. 28762

(D) If the victim of the original offense died as a result 28763
of the offense and the offense was aggravated murder, murder, an 28764
offense of violence that is a felony of the first, second, or 28765
third degree, or an offense punished by a sentence of life 28766
imprisonment, the family of the victim may show at a full board 28767
hearing a video recording not exceeding five minutes in length 28768
memorializing the victim. 28769

(E) The adult parole authority shall adopt rules for the 28770
implementation of this section. The rules shall specify 28771
reasonable restrictions on the number of media representatives 28772

that may attend a hearing, based on considerations of space, and 28773
other procedures designed to accomplish an effective, orderly 28774
process for full board hearings. 28775

Section 2. That existing sections 9.79, 109.11, 109.42, 28776
109.57, 109.572, 109.71, 109.73, 109.75, 109.79, 109.801, 28777
149.43, 307.93, 307.932, 313.10, 341.42, 753.32, 1547.11, 28778
1547.111, 1547.99, 2151.23, 2151.358, 2152.02, 2152.10, 2152.11, 28779
2152.12, 2152.121, 2746.02, 2901.01, 2901.011, 2901.13, 2903.06, 28780
2903.08, 2903.13, 2903.214, 2907.05, 2913.02, 2923.12, 2923.125, 28781
2923.128, 2923.1213, 2923.16, 2925.11, 2925.12, 2925.14, 28782
2925.141, 2929.01, 2929.13, 2929.14, 2929.141, 2929.142, 28783
2929.143, 2929.15, 2929.20, 2929.24, 2929.25, 2930.03, 2930.06, 28784
2930.16, 2930.17, 2935.01, 2935.10, 2939.21, 2941.1413, 28785
2941.1415, 2941.1421, 2941.1423, 2945.71, 2945.73, 2950.151, 28786
2950.99, 2951.02, 2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 28787
2953.37, 2953.38, 2953.52, 2953.521, 2953.56, 2953.57, 2953.58, 28788
2953.59, 2953.61, 2967.04, 2967.12, 2967.13, 2967.131, 2967.132, 28789
2967.193, 2967.26, 2967.28, 3770.021, 4301.69, 4301.99, 4506.01, 28790
4510.04, 4510.17, 4511.181, 4511.19, 4511.191, 4511.192, 28791
4511.193, 4511.195, 4511.21, 4723.28, 4729.16, 4729.56, 4729.57, 28792
4729.96, 4730.25, 4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 28793
4761.09, 4762.13, 4774.13, 4778.14, 5120.035, 5120.66, 5139.45, 28794
5147.30, and 5149.101 of the Revised Code are hereby repealed. 28795

Section 3. That sections 2941.1416, 2953.321, 2953.33, 28796
2953.35, 2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 28797
2967.19 of the Revised Code are hereby repealed. 28798

Section 4. The General Assembly, applying the principle 28799
stated in division (B) of section 1.52 of the Revised Code that 28800
amendments are to be harmonized if reasonably capable of 28801
simultaneous operation, finds that the following sections, 28802

presented in this act as composites of the sections as amended 28803
by the acts indicated, are the resulting versions of the 28804
sections in effect prior to the effective date of the sections 28805
as presented in this act: 28806

Section 109.42 of the Revised Code as amended by both H.B. 28807
1 and S.B. 201 of the 132nd General Assembly. 28808

Section 109.71 of the Revised Code as amended by H.B. 49, 28809
H.B. 79, and S.B. 229, all of the 132nd General Assembly. 28810

Section 109.73 of the Revised Code as amended by both H.B. 28811
24 and S.B. 68 of the 133rd General Assembly. 28812

Section 2907.05 of the Revised Code as amended by both 28813
S.B. 201 and S.B. 229 of the 132nd General Assembly. 28814

Section 2923.1213 of the Revised Code as amended by both 28815
H.B. 234 and S.B. 43 of the 130th General Assembly. 28816

Section 2925.11 of the Revised Code as amended by S.B. 1, 28817
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 28818

Section 2929.01 of the Revised Code as amended by H.B. 66 28819
and H.B. 431, both of the 133rd General Assembly. 28820

Section 2929.14 of the Revised Code as amended by both 28821
H.B. 136 and S.B. 256 of the 133rd General Assembly. 28822

Section 2953.32 of the Revised Code as amended by H.B. 1, 28823
H.B. 431, and S.B. 10, all of the 133rd General Assembly. 28824

Section 2967.193 of the Revised Code as amended by both 28825
S.B. 145 and S.B. 201 of the 132nd General Assembly. 28826

Section 4301.69 of the Revised Code as amended by both 28827
H.B. 137 and S.B. 131 of the 126th General Assembly. 28828

Section 4723.28 of the Revised Code as amended by both 28829

H.B. 203 and H.B. 263 of the 133rd General Assembly.	28830
Section 4730.25 of the Revised Code as amended by both	28831
H.B. 203 and H.B. 263 both of the 133rd General Assembly.	28832
Section 4734.31 of the Revised Code as amended by H.B.	28833
151, H.B. 263, and H.B. 442, all of the 133rd General Assembly.	28834