

As Reported by the House Criminal Justice Committee

134th General Assembly

Regular Session

2021-2022

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
Representatives Abrams, Galonski, Seitz**

A BILL

To amend sections 9.242, 9.79, 102.03, 102.99, 1
109.11, 109.42, 109.57, 109.572, 109.71, 109.73, 2
109.75, 109.79, 109.801, 149.43, 307.93, 3
307.932, 313.10, 341.42, 753.32, 1547.11, 4
1547.111, 1547.99, 2151.23, 2151.34, 2151.358, 5
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2901.01, 2901.011, 2901.13, 2903.06, 2903.08, 8
2903.13, 2903.214, 2907.05, 2907.231, 2913.02, 9
2917.12, 2919.27, 2923.12, 2923.125, 2923.128, 10
2923.1213, 2923.16, 2925.11, 2925.12, 2925.14, 11
2925.141, 2929.01, 2929.13, 2929.14, 2929.141, 12
2929.142, 2929.143, 2929.15, 2929.20, 2929.24, 13
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2933.82, 2935.01, 2935.10, 2939.21, 2941.1413, 15
2941.1414, 2941.1415, 2941.1421, 2941.1423, 16
2945.71, 2945.73, 2950.151, 2950.99, 2951.02, 17
2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 18
2953.37, 2953.38, 2953.52, 2953.521, 2953.57, 19
2953.58, 2953.59, 2953.61, 2967.04, 2967.12, 20
2967.13, 2967.131, 2967.132, 2967.193, 2967.26, 21
2967.28, 3321.141, 3770.021, 4301.69, 4301.99, 22

4506.01, 4507.11, 4508.02, 4510.036, 4510.04,	23
4510.17, 4511.043, 4511.181, 4511.19, 4511.191,	24
4511.192, 4511.193, 4511.195, 4511.204, 4511.21,	25
4511.991, 4723.28, 4729.16, 4729.56, 4729.57,	26
4729.96, 4730.25, 4731.22, 4734.31, 4752.09,	27
4759.07, 4760.13, 4761.09, 4762.13, 4774.13,	28
4778.14, 5101.63, 5101.74, 5101.99, 5120.035,	29
5120.66, 5139.45, 5147.30, and 5149.101; to	30
amend, for the purpose of adopting new section	31
numbers as indicated in parentheses, sections	32
2953.37 (2953.35), 2953.38 (2953.36), 2953.52	33
(2953.33), and 2953.56 (2953.37); to enact	34
sections 109.38, 109.772, 109.773, 2152.022,	35
2305.118, 2743.671, 2903.18, 2907.13, 2907.14,	36
2930.20, 2953.39, 2967.194, 4507.214, 4511.122,	37
4511.992, 4731.86, 4731.861, 4731.862, 4731.864,	38
4731.865, 4731.867, 4731.869, 4731.8610,	39
4731.8611, and 5139.101; and to repeal sections	40
2941.1416, 2953.321, 2953.33, 2953.35, 2953.36,	41
2953.51, 2953.53, 2953.54, 2953.55, and 2967.19	42
of the Revised Code to modify various aspects of	43
the law regarding crimes and corrections, trial	44
procedures, correctional officers and employees,	45
coroner records, inmate internet access, civil	46
protection orders, delinquent child	47
adjudications and case transfers, youthful	48
offender parole review, OVI, texting while	49
driving, and other traffic offenses, data	50
collection requirements for distracted driving,	51
engaging in prostitution with a person with a	52
developmental disability, ethics violations,	53
certificates of qualification for employment,	54

licensing collateral sanctions, criminal record	55
sealing and expungement, the chief justice of	56
the court of appeals, sexual assault examination	57
kits, a statewide electronic warrant system, the	58
office of the Attorney General, the Elder Abuse	59
Commission, funeral expenses to victims of	60
crime, funds for electronic monitoring, and	61
certain assisted reproduction matters.	62

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

Section 1. That sections 9.242, 9.79, 102.03, 102.99,	63
109.11, 109.42, 109.57, 109.572, 109.71, 109.73, 109.75, 109.79,	64
109.801, 149.43, 307.93, 307.932, 313.10, 341.42, 753.32,	65
1547.11, 1547.111, 1547.99, 2151.23, 2151.34, 2151.358, 2152.02,	66
2152.10, 2152.11, 2152.12, 2152.121, 2501.03, 2501.14, 2501.15,	67
2743.191, 2746.02, 2901.01, 2901.011, 2901.13, 2903.06, 2903.08,	68
2903.13, 2903.214, 2907.05, 2907.231, 2913.02, 2917.12, 2919.27,	69
2923.12, 2923.125, 2923.128, 2923.1213, 2923.16, 2925.11,	70
2925.12, 2925.14, 2925.141, 2929.01, 2929.13, 2929.14, 2929.141,	71
2929.142, 2929.143, 2929.15, 2929.20, 2929.24, 2929.25, 2930.03,	72
2930.06, 2930.16, 2930.17, 2933.82, 2935.01, 2935.10, 2939.21,	73
2941.1413, 2941.1414, 2941.1415, 2941.1421, 2941.1423, 2945.71,	74
2945.73, 2950.151, 2950.99, 2951.02, 2951.041, 2953.25, 2953.31,	75
2953.32, 2953.34, 2953.37, 2953.38, 2953.52, 2953.521, 2953.57,	76
2953.58, 2953.59, 2953.61, 2967.04, 2967.12, 2967.13, 2967.131,	77
2967.132, 2967.193, 2967.26, 2967.28, 3321.141, 3770.021,	78
4301.69, 4301.99, 4506.01, 4507.11, 4508.02, 4510.036, 4510.04,	79
4510.17, 4511.043, 4511.181, 4511.19, 4511.191, 4511.192,	80
4511.193, 4511.195, 4511.204, 4511.21, 4511.991, 4723.28,	81

4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 4731.22, 4734.31, 82
4752.09, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 83
5101.63, 5101.74, 5101.99, 5120.035, 5120.66, 5139.45, 5147.30, 84
and 5149.101 be amended; sections 2953.37 (2953.35), 2953.38 85
(2953.36), 2953.52 (2953.33), and 2953.56 (2953.37) be amended 86
for the purpose of adopting new section numbers as indicated in 87
parentheses; and sections 109.38, 109.772, 109.773, 2152.022, 88
2305.118, 2743.671, 2903.18, 2907.13, 2907.14, 2930.20, 2953.39, 89
2967.194, 4507.214, 4511.122, 4511.992, 4731.86, 4731.861, 90
4731.862, 4731.864, 4731.865, 4731.867, 4731.869, 4731.8610, 91
4731.8611, and 5139.101 of the Revised Code be enacted to read 92
as follows: 93

Sec. 9.242. (A) As used in this section: 94

(1) "State agency" has the meaning defined in section 1.60 95
of the Revised Code. 96

(2) "State contract" means any contract for goods, 97
services, or construction that is paid for in whole or in part 98
with state funds. A state contract is considered to be awarded 99
when it is entered into or executed, regardless of whether the 100
parties to the contract have exchanged any money. 101

(3) "Participate" means to respond to any solicitation or 102
procurement issued by a state agency or be the recipient of an 103
award of a state contract, or to provide any goods or services 104
to any state agency. 105

(B) No vendor who has been debarred by any state agency 106
shall participate in any state contract during the period of 107
debarment. ~~After the debarment period expires, the vendor may be~~ 108
~~eligible to respond to any solicitation or procurement, provide~~ 109
~~goods or services to, and be awarded contracts by state agencies~~ 110

~~if the vendor is not otherwise listed on a list of debarred~~ 111
~~vendors applicable to state contracts~~ 112
No vendor who has been 112
prohibited under section 102.99 of the Revised Code from 113
participating in a contract with a public agency, as defined in 114
section 102.01 of the Revised Code, shall participate in any 115
contract with a public agency during the period provided in that 116
section. 117

(C) State agencies shall exclude any vendor debarred under 118
~~sections~~ section 125.25, 153.02, or 5513.06 of the Revised Code, 119
or any other section of the Revised Code from participating in 120
state contracts. A public agency, as defined in section 102.01 121
of the Revised Code, shall exclude any vendor who is prohibited 122
under section 102.99 of the Revised Code from participating in a 123
contract with a public agency from participating in any contract 124
with the public agency. 125

(D) After the debarment period or prohibition period 126
expires, the vendor may be eligible to respond to any 127
solicitation or procurement, provide goods or services to, and 128
be awarded contracts by state agencies if the vendor is not 129
otherwise listed on a list of debarred vendors applicable to 130
state contracts, prohibited under section 102.99 of the Revised 131
Code, or otherwise debarred or prohibited under any section of 132
the Revised Code. 133

Sec. 9.79. (A) As used in this section: 134

(1) "License" means an authorization evidenced by a 135
license, certificate, registration, permit, card, or other 136
authority that is issued or conferred by a licensing authority 137
to an individual by which the individual has or claims the 138
privilege to engage in a profession, occupation, or occupational 139
activity over which the licensing authority has jurisdiction. 140

"License" does not include a registration under section 101.72,	141
101.92, or 121.62 of the Revised Code.	142
(2) "Licensing authority" means a state agency that issues	143
licenses under Title XLVII or any other provision of the Revised	144
Code to practice an occupation or profession.	145
(3) "Offense of violence" has the same meaning as in	146
section 2901.01 of the Revised Code.	147
(4) "Sexually oriented offense" has the same meaning as in	148
section 2950.01 of the Revised Code.	149
(5) "State agency" has the same meaning as in section 1.60	150
of the Revised Code.	151
(6) "Community control sanction" has the same meaning as	152
in section 2929.01 of the Revised Code.	153
(7) "Post-release control sanction" has the same meaning	154
as in section 2967.01 of the Revised Code.	155
(8) "Fiduciary duty" means a duty to act for someone	156
else's benefit, while subordinating one's personal interest to	157
that of the other person.	158
(B) (1) Notwithstanding any provision of the Revised Code	159
to the contrary, <u>subject to division (L) of this section,</u> for	160
each type of license issued or conferred by a licensing	161
authority, the licensing authority shall establish within one	162
hundred eighty days after the effective date of this section	163
<u>April 12, 2021,</u> a list of specific criminal offenses for which a	164
conviction, judicial finding of guilt, or plea of guilty may	165
disqualify an individual from obtaining an initial license. The	166
licensing authority shall make the list available to the public	167
on the licensing authority's web site pursuant to division (C)	168

of section 9.78 of the Revised Code. The licensing authority, in 169
adopting the list, shall do both of the following: 170

(a) Identify each disqualifying offense by name or by the 171
Revised Code section number that creates the offense; 172

(b) Include in the list only criminal offenses that are 173
directly related to the duties and responsibilities of the 174
licensed occupation. 175

(2) The licensing authority may include in the list 176
established under division (B) (1) of this section an existing or 177
former municipal ordinance or law of this or any other state or 178
the United States that is substantially equivalent to any 179
section or offense included in the list adopted under division 180
(B) (1) of this section. 181

(C) (1) Except as provided in division (C) (2) or (D) of 182
this section and subject to division (L) of this section, a 183
licensing authority shall not refuse to issue an initial license 184
to an individual based on any of the following: 185

(a) Solely or in part on a conviction of, judicial finding 186
of guilt of, or plea of guilty to an offense; 187

(b) A criminal charge that does not result in a 188
conviction, judicial finding of guilt, or plea of guilty; 189

(c) A nonspecific qualification such as "moral turpitude" 190
or lack of "moral character"; 191

(d) A disqualifying offense included ~~on~~ in the list 192
~~adopted~~ established under division (B) of this section, if 193
consideration of that offense occurs after the time periods 194
permitted in division (D) of this section. 195

(2) If the individual was convicted of, found guilty 196

pursuant to a judicial finding of guilt of, or pleaded guilty to 197
a disqualifying offense included in the list ~~adopted~~ established 198
under division (B) of this section for the license for which the 199
individual applied, the licensing authority may take the 200
conviction, judicial finding of guilt, or plea of guilty into 201
consideration in accordance with division (D) of this section. 202

(D) (1) A licensing authority that may, under division (C) 203
(2) of this section, consider a conviction of, judicial finding 204
of guilt of, or plea of guilty to an offense in determining 205
whether to refuse to issue an initial license to an individual 206
shall consider all of the following factors and shall use a 207
preponderance of the evidence standard in evaluating those 208
factors to determine whether the conviction, judicial finding of 209
guilt, or plea of guilty disqualifies the individual from 210
receiving the license: 211

(a) The nature and seriousness of the offense for which 212
the individual was convicted, found guilty pursuant to a 213
judicial finding of guilt, or pleaded guilty; 214

(b) The passage of time since the individual committed the 215
offense; 216

(c) The relationship of the offense to the ability, 217
capacity, and fitness required to perform the duties and 218
discharge the responsibilities of the occupation; 219

(d) Any evidence of mitigating rehabilitation or treatment 220
undertaken by the individual, including whether the individual 221
has been issued a certificate of qualification for employment 222
under section 2953.25 of the Revised Code or a certificate of 223
achievement and employability under section 2961.22 of the 224
Revised Code; 225

(e) Whether the denial of a license is reasonably necessary to ensure public safety.	226 227
(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:	228 229 230
(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:	231 232 233 234 235 236 237 238
(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;	239 240
(ii) Five years from the date of the release from incarceration;	241 242
(iii) The time period specified in division (D) (3) of this section.	243 244
(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:	245 246 247 248 249 250 251 252
(i) Ten years from the date of conviction, judicial finding of guilt, or plea of guilty;	253 254

(ii) Ten years from the date of the release from incarceration;	255 256
(iii) The time period specified in division (D)(4) of this section.	257 258
(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.	259 260 261
(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:	262 263 264 265 266 267 268 269
(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;	270 271 272 273 274 275
(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.	276 277 278 279
(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>	280 281 282 283

under division (B) of this section that involved a breach of 284
fiduciary duty and that is not an offense of violence or a 285
sexually oriented offense, a licensing authority may take the 286
offense into account during the following time periods: 287

(a) If the community control sanction, parole, or post- 288
release control sanction was for a term of less than ten years, 289
for the period of the community control sanction, parole, or 290
post-release control sanction plus the number of years after the 291
date of final discharge of the community control sanction, 292
parole, or post-release control sanction necessary to equal ten 293
years; 294

(b) If the community control sanction, parole, or post- 295
release control sanction was for a term of ten years or more, 296
the period of the community control sanction, parole, or post- 297
release control sanction. 298

(E) If a licensing authority refuses to issue an initial 299
license to an individual pursuant to division (D) of this 300
section, the licensing authority shall notify the individual in 301
writing of all of the following: 302

(1) The grounds and reasons for the refusal, including an 303
explanation of the licensing authority's application of the 304
factors under division (D) of this section to the evidence the 305
licensing authority used to reach the decision; 306

(2) The individual's right to a hearing regarding the 307
licensing authority's decision under section 119.06 of the 308
Revised Code; 309

(3) The earliest date the individual may reapply for a 310
license; 311

(4) Notice that evidence of rehabilitation may be 312

considered on reapplication.	313
(F) In an administrative hearing or civil action reviewing	314
a licensing authority's refusal <u>under divisions (B) to (K) of</u>	315
<u>this section</u> to issue an initial license under this section to	316
<u>an individual</u> , the licensing authority has the burden of proof	317
on the question of whether the individual's conviction of,	318
judicial finding of guilt of, or plea of guilty to an offense	319
directly relates to the licensed occupation.	320
(G) A licensing authority that is authorized by law to	321
limit or otherwise place restrictions on a license may do so to	322
comply with the terms and conditions of a community control	323
sanction, post-release control sanction, or an intervention plan	324
established in accordance with section 2951.041 of the Revised	325
Code.	326
(H) Each licensing authority shall adopt any rules that it	327
determines are necessary to implement <u>divisions (B) to (F) of</u>	328
this section.	329
(I) This section does <u>Divisions (B) to (K) of this section</u>	330
<u>do not</u> apply to any of the following:	331
(1) Any position for which appointment requires compliance	332
with section 109.77 of the Revised Code or in which an	333
individual may satisfy the requirements for appointment or	334
election by complying with that section;	335
(2) Any position for which federal law requires	336
disqualification from licensure or employment based on a	337
conviction of, judicial finding of guilt of, or plea of guilty	338
to an offense;	339
(3) Community-based long-term care services certificates	340
and community-based long-term care services contracts or grants	341

issued under section 173.381 of the Revised Code;	342
(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;	343 344 345
(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;	346 347
(6) Licenses to operate a home or residential care facility issued under section 3721.07 of the Revised Code;	348 349
(7) Certificates of authority to make contracts of indemnity issued under section 3931.10 of the Revised Code;	350 351
(8) Supported living certificates issued under section 5123.161 of the Revised Code;	352 353
(9) Certificates to administer medications and perform health-related activities under section 5123.45 of the Revised Code.	354 355 356
(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:	357 358 359 360
(1) Past disciplinary action taken by the licensing authority against the individual;	361 362
(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.	363 364 365 366
(K) Notwithstanding any provision of the Revised Code to the contrary, if a licensing authority issues a license to an	367 368

individual after considering a conviction of, judicial finding 369
of guilt of, or plea of guilty to an offense under division (D) 370
of this section, the licensing authority shall not refuse to 371
renew the individual's license based on that conviction, 372
judicial finding of guilt, or plea of guilty. 373

(L) (1) Notwithstanding any provision of the Revised Code 374
to the contrary, subject to division (G) of this section, during 375
the period commencing on the effective date of this amendment 376
and ending on the date that is two years after the effective 377
date of this amendment, no licensing authority shall refuse to 378
issue a license to a person, limit or otherwise place 379
restrictions on a person's license, or suspend or revoke a 380
person's license under any provision of the Revised Code that 381
takes effect on or after the effective date of this amendment 382
and prior to the date that is two years after the effective date 383
of this amendment and that requires or authorizes such a 384
refusal, limitation, restriction, suspension, or revocation as a 385
result of the person's conviction of, judicial finding of guilt 386
of, or plea of guilty to an offense. 387

(2) Divisions (B) to (F), and (H) to (K), of this section 388
do not apply with respect to any provision of the Revised Code 389
that takes effect on or after the effective date of this 390
amendment and prior to the date that is two years after the 391
effective date of this amendment and that requires or authorizes 392
a licensing authority to refuse to issue a license to a person, 393
to limit or otherwise place restrictions on a person's license, 394
or to suspend or revoke a person's license as a result of the 395
person's conviction of, judicial finding of guilt of, or plea of 396
guilty to an offense. 397

Sec. 102.03. (A) (1) No present or former public official 398

or employee shall, during public employment or service or for 399
twelve months thereafter, represent a client or act in a 400
representative capacity for any person on any matter in which 401
the public official or employee personally participated as a 402
public official or employee through decision, approval, 403
disapproval, recommendation, the rendering of advice, 404
investigation, or other substantial exercise of administrative 405
discretion. 406

(2) For twenty-four months after the conclusion of 407
service, no former commissioner or attorney examiner of the 408
public utilities commission shall represent a public utility, as 409
defined in section 4905.02 of the Revised Code, or act in a 410
representative capacity on behalf of such a utility before any 411
state board, commission, or agency. 412

(3) For twenty-four months after the conclusion of 413
employment or service, no former public official or employee who 414
personally participated as a public official or employee through 415
decision, approval, disapproval, recommendation, the rendering 416
of advice, the development or adoption of solid waste management 417
plans, investigation, inspection, or other substantial exercise 418
of administrative discretion under Chapter 343. or 3734. of the 419
Revised Code shall represent a person who is the owner or 420
operator of a facility, as defined in section 3734.01 of the 421
Revised Code, or who is an applicant for a permit or license for 422
a facility under that chapter, on any matter in which the public 423
official or employee personally participated as a public 424
official or employee. 425

(4) For a period of one year after the conclusion of 426
employment or service as a member or employee of the general 427
assembly, no former member or employee of the general assembly 428

shall represent, or act in a representative capacity for, any 429
person on any matter before the general assembly, any committee 430
of the general assembly, or the controlling board. Division (A) 431
(4) of this section does not apply to or affect a person who 432
separates from service with the general assembly on or before 433
December 31, 1995. As used in division (A)(4) of this section 434
"person" does not include any state agency or political 435
subdivision of the state. 436

(5) As used in divisions (A)(1), (2), and (3) of this 437
section, "matter" includes any case, proceeding, application, 438
determination, issue, or question, but does not include the 439
proposal, consideration, or enactment of statutes, rules, 440
ordinances, resolutions, or charter or constitutional 441
amendments. As used in division (A)(4) of this section, "matter" 442
includes the proposal, consideration, or enactment of statutes, 443
resolutions, or constitutional amendments. As used in division 444
(A) of this section, "represent" includes any formal or informal 445
appearance before, or any written or oral communication with, 446
any public agency on behalf of any person. 447

(6) Nothing contained in division (A) of this section 448
shall prohibit, during such period, a former public official or 449
employee from being retained or employed to represent, assist, 450
or act in a representative capacity for the public agency by 451
which the public official or employee was employed or on which 452
the public official or employee served. 453

(7) Division (A) of this section shall not be construed to 454
prohibit the performance of ministerial functions, including, 455
but not limited to, the filing or amendment of tax returns, 456
applications for permits and licenses, incorporation papers, and 457
other similar documents. 458

(8) Division (A) of this section does not prohibit a 459
nonelected public official or employee of a state agency, as 460
defined in section 1.60 of the Revised Code, from becoming a 461
public official or employee of another state agency. Division 462
(A) of this section does not prohibit such an official or 463
employee from representing or acting in a representative 464
capacity for the official's or employee's new state agency on 465
any matter in which the public official or employee personally 466
participated as a public official or employee at the official's 467
or employee's former state agency. However, no public official 468
or employee of a state agency shall, during public employment or 469
for twelve months thereafter, represent or act in a 470
representative capacity for the official's or employee's new 471
state agency on any audit or investigation pertaining to the 472
official's or employee's new state agency in which the public 473
official or employee personally participated at the official's 474
or employee's former state agency through decision, approval, 475
disapproval, recommendation, the rendering of advice, 476
investigation, or other substantial exercise of administrative 477
discretion. 478

(9) Division (A) of this section does not prohibit a 479
nonelected public official or employee of a political 480
subdivision from becoming a public official or employee of a 481
different department, division, agency, office, or unit of the 482
same political subdivision. Division (A) of this section does 483
not prohibit such an official or employee from representing or 484
acting in a representative capacity for the official's or 485
employee's new department, division, agency, office, or unit on 486
any matter in which the public official or employee personally 487
participated as a public official or employee at the official's 488
or employee's former department, division, agency, office, or 489

unit of the same political subdivision. As used in this 490
division, "political subdivision" means a county, township, 491
municipal corporation, or any other body corporate and politic 492
that is responsible for government activities in a geographic 493
area smaller than that of the state. 494

(10) No present or former Ohio casino control commission 495
official shall, during public service or for two years 496
thereafter, represent a client, be employed or compensated by a 497
person regulated by the commission, or act in a representative 498
capacity for any person on any matter before or concerning the 499
commission. 500

No present or former commission employee shall, during 501
public employment or for two years thereafter, represent a 502
client or act in a representative capacity on any matter in 503
which the employee personally participated as a commission 504
employee through decision, approval, disapproval, 505
recommendation, the rendering of advice, investigation, or other 506
substantial exercise of administrative discretion. 507

(B) No present or former public official or employee shall 508
disclose or use, without appropriate authorization, any 509
information acquired by the public official or employee in the 510
course of the public official's or employee's official duties 511
that is confidential because of statutory provisions, or that 512
has been clearly designated to the public official or employee 513
as confidential when that confidential designation is warranted 514
because of the status of the proceedings or the circumstances 515
under which the information was received and preserving its 516
confidentiality is necessary to the proper conduct of government 517
business. 518

(C) No public official or employee shall participate 519

within the scope of duties as a public official or employee, 520
except through ministerial functions as defined in division (A) 521
of this section, in any license or rate-making proceeding that 522
directly affects the license or rates of any person, 523
partnership, trust, business trust, corporation, or association 524
in which the public official or employee or immediate family 525
owns or controls more than five per cent. No public official or 526
employee shall participate within the scope of duties as a 527
public official or employee, except through ministerial 528
functions as defined in division (A) of this section, in any 529
license or rate-making proceeding that directly affects the 530
license or rates of any person to whom the public official or 531
employee or immediate family, or a partnership, trust, business 532
trust, corporation, or association of which the public official 533
or employee or the public official's or employee's immediate 534
family owns or controls more than five per cent, has sold goods 535
or services totaling more than one thousand dollars during the 536
preceding year, unless the public official or employee has filed 537
a written statement acknowledging that sale with the clerk or 538
secretary of the public agency and the statement is entered in 539
any public record of the agency's proceedings. This division 540
shall not be construed to require the disclosure of clients of 541
attorneys or persons licensed under section 4732.12 of the 542
Revised Code, or patients of persons licensed under section 543
4731.14 of the Revised Code. 544

(D) No public official or employee shall use or authorize 545
the use of the authority or influence of office or employment to 546
secure anything of value or the promise or offer of anything of 547
value that is of such a character as to manifest a substantial 548
and improper influence upon the public official or employee with 549
respect to that person's duties. 550

(E) No public official or employee shall solicit or accept 551
anything of value that is of such a character as to manifest a 552
substantial and improper influence upon the public official or 553
employee with respect to that person's duties. 554

(F) No person shall promise or give to a public official 555
or employee anything of value that is of such a character as to 556
manifest a substantial and improper influence upon the public 557
official or employee with respect to that person's duties. 558

(G) In the absence of bribery or another offense under the 559
Revised Code or a purpose to defraud, contributions made to a 560
campaign committee, political party, legislative campaign fund, 561
political action committee, or political contributing entity on 562
behalf of an elected public officer or other public official or 563
employee who seeks elective office shall be considered to accrue 564
ordinarily to the public official or employee for the purposes 565
of divisions (D), (E), and (F) of this section. 566

As used in this division, "contributions," "campaign 567
committee," "political party," "legislative campaign fund," 568
"political action committee," and "political contributing 569
entity" have the same meanings as in section 3517.01 of the 570
Revised Code. 571

(H) (1) No public official or employee, except for the 572
president or other chief administrative officer of or a member 573
of a board of trustees of a state institution of higher 574
education as defined in section 3345.011 of the Revised Code, 575
who is required to file a financial disclosure statement under 576
section 102.02 of the Revised Code shall solicit or accept, and 577
no person shall give to that public official or employee, an 578
honorarium. Except as provided in division (H) (2) of this 579
section, this division and divisions (D), (E), and (F) of this 580

section do not prohibit a public official or employee who is 581
required to file a financial disclosure statement under section 582
102.02 of the Revised Code from accepting and do not prohibit a 583
person from giving to that public official or employee the 584
payment of actual travel expenses, including any expenses 585
incurred in connection with the travel for lodging, and meals, 586
food, and beverages provided to the public official or employee 587
at a meeting at which the public official or employee 588
participates in a panel, seminar, or speaking engagement or 589
provided to the public official or employee at a meeting or 590
convention of a national organization to which any state agency, 591
including, but not limited to, any state legislative agency or 592
state institution of higher education as defined in section 593
3345.011 of the Revised Code, pays membership dues. Except as 594
provided in division (H)(2) of this section, this division and 595
divisions (D), (E), and (F) of this section do not prohibit a 596
public official or employee who is not required to file a 597
financial disclosure statement under section 102.02 of the 598
Revised Code from accepting and do not prohibit a person from 599
promising or giving to that public official or employee an 600
honorarium or the payment of travel, meal, and lodging expenses 601
if the honorarium, expenses, or both were paid in recognition of 602
demonstrable business, professional, or esthetic interests of 603
the public official or employee that exist apart from public 604
office or employment, including, but not limited to, such a 605
demonstrable interest in public speaking and were not paid by 606
any person or other entity, or by any representative or 607
association of those persons or entities, that is regulated by, 608
doing business with, or seeking to do business with the 609
department, division, institution, board, commission, authority, 610
bureau, or other instrumentality of the governmental entity with 611
which the public official or employee serves. 612

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an

organization shall not be considered, in and of itself, to be of 643
such a character as to manifest a substantial and improper 644
influence on the public official or employee with respect to 645
that person's duties. As used in this division, "organization" 646
means a church or a religious, benevolent, fraternal, or 647
professional organization that is tax exempt under subsection 648
501(a) and described in subsection 501(c)(3), (4), (8), (10), or 649
(19) of the "Internal Revenue Code of 1986." This division does 650
not apply to a public official or employee who is an employee of 651
an organization, serves as a trustee, director, or officer of an 652
organization, or otherwise holds a fiduciary relationship with 653
an organization. This division does not allow a public official 654
or employee who is a member of an organization to participate, 655
formally or informally, in deliberations, discussions, or voting 656
on a matter or to use the public official's or employee's 657
official position with regard to the interests of the 658
organization on the matter if the public official or employee 659
has assumed a particular responsibility in the organization with 660
respect to the matter or if the matter would affect that 661
person's personal, pecuniary interests. 662

(K) It is not a violation of this section for a 663
prosecuting attorney to appoint assistants and employees in 664
accordance with division (B) of section 309.06 and section 665
2921.421 of the Revised Code, for a chief legal officer of a 666
municipal corporation or an official designated as prosecutor in 667
a municipal corporation to appoint assistants and employees in 668
accordance with sections 733.621 and 2921.421 of the Revised 669
Code, for a township law director appointed under section 504.15 670
of the Revised Code to appoint assistants and employees in 671
accordance with sections 504.151 and 2921.421 of the Revised 672
Code, or for a coroner to appoint assistants and employees in 673

accordance with division (B) of section 313.05 of the Revised Code. 674
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As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code. 676
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(L) No present public official or employee with a casino gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator, management company, holding company, casino facility, or gaming-related vendor. No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee. 678
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As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," "holding company," "management company," "casino facility," and "gaming-related vendor" have the same meanings as in section 3772.01 of the Revised Code. 692
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(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not: 699
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(1) Accept anything of value, including but not limited to 702

a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

(2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;

(3) Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.

~~In addition to the penalty provided in section 102.99 of the Revised Code, whoever violates division (M) (1), (2), or (3) of this section forfeits the individual's office or employment.~~

Sec. 102.99. (A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) In addition to the penalty provided in division (B) of this section, whoever violates division (M) (1), (2), or (3) of section 102.03 of the Revised Code forfeits the individual's office or employment.

(D) In addition to the penalty provided in division (B) of

this section, any person who violates division (F) of section 732
102.03 of the Revised Code is subject to the following: 733

(1) The court may prohibit the person from participating 734
in a public contract with any public agency in this state for a 735
period of two years if recommended by the agency by whom the 736
offending public official or employee was employed. 737

(2) The court may order the person to pay an additional 738
fine equal to the amount of any thing of value given in 739
violation of division (F) of section 102.03 of the Revised Code. 740

(E) Upon application of the Ohio ethics commission, the 741
court shall order a person who is convicted of a violation of 742
section 102.021, 102.03, or 102.04 of the Revised Code to pay 743
the costs incurred to investigate and prosecute the case. The 744
amount ordered under this division shall not exceed the amount a 745
person unlawfully secured, solicited, or accepted; the amount a 746
person received as improper compensation, as an unlawful 747
honorarium, or from the unlawful sale of goods or services; or 748
the amount otherwise applicable under section 102.021, 102.03, 749
or 102.04 of the Revised Code. These costs are in addition to 750
any other cost or penalty provided in the Revised Code or any 751
other provision of law. 752

Sec. 109.11. There is hereby created in the state treasury 753
the attorney general reimbursement fund that shall be used for 754
the expenses of the office of the attorney general in providing 755
legal services and other services on behalf of the state. Except 756
as otherwise provided in this division, all amounts received by 757
the attorney general as reimbursement for legal services and 758
other services that have been rendered to other state agencies 759
shall be paid into the state treasury to the credit of the 760
attorney general reimbursement fund. All amounts awarded by a 761

court to the attorney general for attorney's fees, investigation 762
costs, expert witness fees, fines, and all other costs and fees 763
associated with representation provided by the attorney general 764
and all amounts awarded to the attorney general by a court shall 765
be paid into the state treasury to the credit of the attorney 766
general reimbursement fund. All amounts paid into the state 767
treasury under division ~~(C) (3)~~ (D) (3) of section 2953.32 or 768
division (B) (3) of section 2953.39 of the Revised Code and that 769
are required under that division to be credited to the attorney 770
general reimbursement fund shall be credited to the fund, and 771
the amounts so credited shall be used by the bureau of criminal 772
identification and investigation for expenses related to the 773
sealing or expungement of records. 774

Sec. 109.38. (A) There is hereby created, as a section 775
within the office of the attorney general, an office of the 776
solicitor general. The attorney general shall set the duties of 777
the solicitor general. 778

(B) There is hereby created, as a section within the 779
office of the attorney general, a Tenth Amendment center. The 780
center shall actively monitor federal executive orders, federal 781
statutes, and federal regulations for potential abuse or 782
overreach, including assertion of power inconsistent with the 783
United States Constitution. The center shall have at least one 784
attorney dedicated to the center whose primary job 785
responsibility is to monitor federal executive orders, federal 786
statutes, and federal regulations for possible overreach. If the 787
center determines a federal executive order, federal statute, or 788
federal regulation is not supported by law, the center shall 789
prepare and make a recommendation to the office of the solicitor 790
general. The solicitor general shall advise the attorney general 791
about possible causes of action. Regarding such actions, the 792

attorney general has discretion to act on the attorney general's 793
own initiative or based on the recommendation of the solicitor 794
general. 795

(C) The attorney general shall provide adequate office 796
space, staff, equipment, and materials to the office of the 797
solicitor general and to the Tenth Amendment center. 798

Sec. 109.42. (A) The attorney general shall prepare and 799
have printed a pamphlet that contains a compilation of all 800
statutes relative to victim's rights in which the attorney 801
general lists and explains the statutes in the form of a 802
victim's bill of rights. The attorney general shall distribute 803
the pamphlet to all sheriffs, marshals, municipal corporation 804
and township police departments, constables, and other law 805
enforcement agencies, to all prosecuting attorneys, city 806
directors of law, village solicitors, and other similar chief 807
legal officers of municipal corporations, and to organizations 808
that represent or provide services for victims of crime. The 809
victim's bill of rights set forth in the pamphlet shall contain 810
a description of all of the rights of victims that are provided 811
for in Chapter 2930. or in any other section of the Revised Code 812
and shall include, but not be limited to, all of the following: 813

(1) The right of a victim or a victim's representative to 814
attend a proceeding before a grand jury, in a juvenile case, or 815
in a criminal case pursuant to a subpoena without being 816
discharged from the victim's or representative's employment, 817
having the victim's or representative's employment terminated, 818
having the victim's or representative's pay decreased or 819
withheld, or otherwise being punished, penalized, or threatened 820
as a result of time lost from regular employment because of the 821
victim's or representative's attendance at the proceeding 822

pursuant to the subpoena, as set forth in section 2151.211,	823
2930.18, 2939.121, or 2945.451 of the Revised Code;	824
(2) The potential availability pursuant to section	825
2151.359 or 2152.61 of the Revised Code of a forfeited	826
recognizance to pay damages caused by a child when the	827
delinquency of the child or child's violation of probation or	828
community control is found to be proximately caused by the	829
failure of the child's parent or guardian to subject the child	830
to reasonable parental authority or to faithfully discharge the	831
conditions of probation or community control;	832
(3) The availability of awards of reparations pursuant to	833
sections 2743.51 to 2743.72 of the Revised Code for injuries	834
caused by criminal offenses;	835
(4) The right of the victim in certain criminal or	836
juvenile cases or a victim's representative to receive, pursuant	837
to section 2930.06 of the Revised Code, notice of the date,	838
time, and place of the trial or delinquency proceeding in the	839
case or, if there will not be a trial or delinquency proceeding,	840
information from the prosecutor, as defined in section 2930.01	841
of the Revised Code, regarding the disposition of the case;	842
(5) The right of the victim in certain criminal or	843
juvenile cases or a victim's representative to receive, pursuant	844
to section 2930.04, 2930.05, or 2930.06 of the Revised Code,	845
notice of the name of the person charged with the violation, the	846
case or docket number assigned to the charge, and a telephone	847
number or numbers that can be called to obtain information about	848
the disposition of the case;	849
(6) The right of the victim in certain criminal or	850
juvenile cases or of the victim's representative pursuant to	851

section 2930.13 or 2930.14 of the Revised Code, subject to any 852
reasonable terms set by the court as authorized under section 853
2930.14 of the Revised Code, to make a statement about the 854
victimization and, if applicable, a statement relative to the 855
sentencing or disposition of the offender; 856

(7) The opportunity to obtain a court order, pursuant to 857
section 2945.04 of the Revised Code, to prevent or stop the 858
commission of the offense of intimidation of a crime victim or 859
witness or an offense against the person or property of the 860
complainant, or of the complainant's ward or child; 861

(8) The right of the victim in certain criminal or 862
juvenile cases or a victim's representative pursuant to sections 863
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 864
Code to receive notice of a pending motion for judicial release, ~~or~~ 865
~~release pursuant to section 2967.19 of the Revised Code,~~ or 866
other early release of the person who committed the offense 867
against the victim, to make an oral or written statement at the 868
court hearing on the motion, and to be notified of the court's 869
decision on the motion; 870

(9) The right of the victim in certain criminal or 871
juvenile cases or a victim's representative pursuant to section 872
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 873
Code to receive notice of any pending commutation, pardon, 874
parole, transitional control, discharge, other form of 875
authorized release, post-release control, or supervised release 876
for the person who committed the offense against the victim or 877
any application for release of that person and to send a written 878
statement relative to the victimization and the pending action 879
to the adult parole authority or the release authority of the 880
department of youth services; 881

- (10) The right of the victim to bring a civil action 882
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 883
obtain money from the offender's profit fund; 884
- (11) The right, pursuant to section 3109.09 of the Revised 885
Code, to maintain a civil action to recover compensatory damages 886
not exceeding ten thousand dollars and costs from the parent of 887
a minor who willfully damages property through the commission of 888
an act that would be a theft offense, as defined in section 889
2913.01 of the Revised Code, if committed by an adult; 890
- (12) The right, pursuant to section 3109.10 of the Revised 891
Code, to maintain a civil action to recover compensatory damages 892
not exceeding ten thousand dollars and costs from the parent of 893
a minor who willfully and maliciously assaults a person; 894
- (13) The possibility of receiving restitution from an 895
offender or a delinquent child pursuant to section 2152.20, 896
2929.18, or 2929.28 of the Revised Code; 897
- (14) The right of the victim in certain criminal or 898
juvenile cases or a victim's representative, pursuant to section 899
2930.16 of the Revised Code, to receive notice of the escape 900
from confinement or custody of the person who committed the 901
offense, to receive that notice from the custodial agency of the 902
person at the victim's last address or telephone number provided 903
to the custodial agency, and to receive notice that, if either 904
the victim's address or telephone number changes, it is in the 905
victim's interest to provide the new address or telephone number 906
to the custodial agency; 907
- (15) The right of a victim of domestic violence, including 908
domestic violence in a dating relationship as defined in section 909
3113.31 of the Revised Code, to seek the issuance of a civil 910

protection order pursuant to that section, the right of a victim 911
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 912
2911.211, or 2919.22 of the Revised Code, a violation of a 913
substantially similar municipal ordinance, or an offense of 914
violence who is a family or household member of the offender at 915
the time of the offense to seek the issuance of a temporary 916
protection order pursuant to section 2919.26 of the Revised 917
Code, and the right of both types of victims to be accompanied 918
by a victim advocate during court proceedings; 919

(16) The right of a victim of a sexually oriented offense 920
or of a child-victim oriented offense that is committed by a 921
person who is convicted of, pleads guilty to, or is adjudicated 922
a delinquent child for committing the offense and who is in a 923
category specified in division (B) of section 2950.10 of the 924
Revised Code to receive, pursuant to that section, notice that 925
the person has registered with a sheriff under section 2950.04, 926
2950.041, or 2950.05 of the Revised Code and notice of the 927
person's name, the person's residence that is registered, and 928
the offender's school, institution of higher education, or place 929
of employment address or addresses that are registered, the 930
person's photograph, and a summary of the manner in which the 931
victim must make a request to receive the notice. As used in 932
this division, "sexually oriented offense" and "child-victim 933
oriented offense" have the same meanings as in section 2950.01 934
of the Revised Code. 935

(17) The right of a victim of certain sexually violent 936
offenses committed by an offender who also is convicted of or 937
pleads guilty to a sexually violent predator specification and 938
who is sentenced to a prison term pursuant to division (A) (3) of 939
section 2971.03 of the Revised Code, of a victim of a violation 940
of division (A) (1) (b) of section 2907.02 of the Revised Code 941

committed on or after January 2, 2007, by an offender who is 942
sentenced for the violation pursuant to division (B)(1)(a), (b), 943
or (c) of section 2971.03 of the Revised Code, of a victim of an 944
attempted rape committed on or after January 2, 2007, by an 945
offender who also is convicted of or pleads guilty to a 946
specification of the type described in section 2941.1418, 947
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 948
the violation pursuant to division (B)(2)(a), (b), or (c) of 949
section 2971.03 of the Revised Code, and of a victim of an 950
offense that is described in division (B)(3)(a), (b), (c), or 951
(d) of section 2971.03 of the Revised Code and is committed by 952
an offender who is sentenced pursuant to one of those divisions 953
to receive, pursuant to section 2930.16 of the Revised Code, 954
notice of a hearing to determine whether to modify the 955
requirement that the offender serve the entire prison term in a 956
state correctional facility, whether to continue, revise, or 957
revoke any existing modification of that requirement, or whether 958
to terminate the prison term. As used in this division, 959
"sexually violent offense" and "sexually violent predator 960
specification" have the same meanings as in section 2971.01 of 961
the Revised Code. 962

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 963
prosecuting attorney, assistant prosecuting attorney, city 964
director of law, assistant city director of law, village 965
solicitor, assistant village solicitor, or similar chief legal 966
officer of a municipal corporation or an assistant of any of 967
those officers who prosecutes an offense committed in this 968
state, upon first contact with the victim of the offense, the 969
victim's family, or the victim's dependents, shall give the 970
victim, the victim's family, or the victim's dependents a copy 971
of the pamphlet prepared pursuant to division (A) of this 972

section and explain, upon request, the information in the 973
pamphlet to the victim, the victim's family, or the victim's 974
dependents. 975

(b) Subject to division (B)(1)(c) of this section, a law 976
enforcement agency that investigates an offense or delinquent 977
act committed in this state shall give the victim of the offense 978
or delinquent act, the victim's family, or the victim's 979
dependents a copy of the pamphlet prepared pursuant to division 980
(A) of this section at one of the following times: 981

(i) Upon first contact with the victim, the victim's 982
family, or the victim's dependents; 983

(ii) If the offense or delinquent act is an offense of 984
violence, if the circumstances of the offense or delinquent act 985
and the condition of the victim, the victim's family, or the 986
victim's dependents indicate that the victim, the victim's 987
family, or the victim's dependents will not be able to 988
understand the significance of the pamphlet upon first contact 989
with the agency, and if the agency anticipates that it will have 990
an additional contact with the victim, the victim's family, or 991
the victim's dependents, upon the agency's second contact with 992
the victim, the victim's family, or the victim's dependents. 993

If the agency does not give the victim, the victim's 994
family, or the victim's dependents a copy of the pamphlet upon 995
first contact with them and does not have a second contact with 996
the victim, the victim's family, or the victim's dependents, the 997
agency shall mail a copy of the pamphlet to the victim, the 998
victim's family, or the victim's dependents at their last known 999
address. 1000

(c) In complying on and after December 9, 1994, with the 1001

duties imposed by division (B) (1) (a) or (b) of this section, an 1002
official or a law enforcement agency shall use copies of the 1003
pamphlet that are in the official's or agency's possession on 1004
December 9, 1994, until the official or agency has distributed 1005
all of those copies. After the official or agency has 1006
distributed all of those copies, the official or agency shall 1007
use only copies of the pamphlet that contain at least the 1008
information described in divisions (A) (1) to (17) of this 1009
section. 1010

(2) The failure of a law enforcement agency or of a 1011
prosecuting attorney, assistant prosecuting attorney, city 1012
director of law, assistant city director of law, village 1013
solicitor, assistant village solicitor, or similar chief legal 1014
officer of a municipal corporation or an assistant to any of 1015
those officers to give, as required by division (B) (1) of this 1016
section, the victim of an offense or delinquent act, the 1017
victim's family, or the victim's dependents a copy of the 1018
pamphlet prepared pursuant to division (A) of this section does 1019
not give the victim, the victim's family, the victim's 1020
dependents, or a victim's representative any rights under 1021
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 1022
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 1023
other provision of the Revised Code and does not affect any 1024
right under those sections. 1025

(3) A law enforcement agency, a prosecuting attorney or 1026
assistant prosecuting attorney, or a city director of law, 1027
assistant city director of law, village solicitor, assistant 1028
village solicitor, or similar chief legal officer of a municipal 1029
corporation that distributes a copy of the pamphlet prepared 1030
pursuant to division (A) of this section shall not be required 1031
to distribute a copy of an information card or other printed 1032

material provided by the clerk of the court of claims pursuant 1033
to section 2743.71 of the Revised Code. 1034

(C) The cost of printing and distributing the pamphlet 1035
prepared pursuant to division (A) of this section shall be paid 1036
out of the reparations fund, created pursuant to section 1037
2743.191 of the Revised Code, in accordance with division (D) of 1038
that section. 1039

(D) As used in this section: 1040

(1) "Victim's representative" has the same meaning as in 1041
section 2930.01 of the Revised Code; 1042

(2) "Victim advocate" has the same meaning as in section 1043
2919.26 of the Revised Code. 1044

Sec. 109.57. (A) (1) The superintendent of the bureau of 1045
criminal identification and investigation shall procure from 1046
wherever procurable and file for record photographs, pictures, 1047
descriptions, fingerprints, measurements, and other information 1048
that may be pertinent of all persons who have been convicted of 1049
committing within this state a felony, any crime constituting a 1050
misdemeanor on the first offense and a felony on subsequent 1051
offenses, or any misdemeanor described in division (A) (1) (a), 1052
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 1053
of all children under eighteen years of age who have been 1054
adjudicated delinquent children for committing within this state 1055
an act that would be a felony or an offense of violence if 1056
committed by an adult or who have been convicted of or pleaded 1057
guilty to committing within this state a felony or an offense of 1058
violence, and of all well-known and habitual criminals. The 1059
person in charge of any county, multicounty, municipal, 1060
municipal-county, or multicounty-municipal jail or workhouse, 1061

community-based correctional facility, halfway house, 1062
alternative residential facility, or state correctional 1063
institution and the person in charge of any state institution 1064
having custody of a person suspected of having committed a 1065
felony, any crime constituting a misdemeanor on the first 1066
offense and a felony on subsequent offenses, or any misdemeanor 1067
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 1068
section 109.572 of the Revised Code or having custody of a child 1069
under eighteen years of age with respect to whom there is 1070
probable cause to believe that the child may have committed an 1071
act that would be a felony or an offense of violence if 1072
committed by an adult shall furnish such material to the 1073
superintendent of the bureau. Fingerprints, photographs, or 1074
other descriptive information of a child who is under eighteen 1075
years of age, has not been arrested or otherwise taken into 1076
custody for committing an act that would be a felony or an 1077
offense of violence who is not in any other category of child 1078
specified in this division, if committed by an adult, has not 1079
been adjudicated a delinquent child for committing an act that 1080
would be a felony or an offense of violence if committed by an 1081
adult, has not been convicted of or pleaded guilty to committing 1082
a felony or an offense of violence, and is not a child with 1083
respect to whom there is probable cause to believe that the 1084
child may have committed an act that would be a felony or an 1085
offense of violence if committed by an adult shall not be 1086
procured by the superintendent or furnished by any person in 1087
charge of any county, multicounty, municipal, municipal-county, 1088
or multicounty-municipal jail or workhouse, community-based 1089
correctional facility, halfway house, alternative residential 1090
facility, or state correctional institution, except as 1091
authorized in section 2151.313 of the Revised Code. 1092

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

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

(b) The style and number of the case;

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

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the

charge, an entry declaring a mistrial of the offense in which 1123
the person is discharged, an entry finding that the person or 1124
child is not competent to stand trial, or an entry of a nolle 1125
prosequi, or the date of any other determination that 1126
constitutes final resolution of the case; 1127

(e) A statement of the original charge with the section of 1128
the Revised Code that was alleged to be violated; 1129

(f) If the person or child was convicted, pleaded guilty, 1130
or was adjudicated a delinquent child, the sentence or terms of 1131
probation imposed or any other disposition of the offender or 1132
the delinquent child. 1133

If the offense involved the disarming of a law enforcement 1134
officer or an attempt to disarm a law enforcement officer, the 1135
clerk shall clearly state that fact in the summary, and the 1136
superintendent shall ensure that a clear statement of that fact 1137
is placed in the bureau's records. 1138

(3) The superintendent shall cooperate with and assist 1139
sheriffs, chiefs of police, and other law enforcement officers 1140
in the establishment of a complete system of criminal 1141
identification and in obtaining fingerprints and other means of 1142
identification of all persons arrested on a charge of a felony, 1143
any crime constituting a misdemeanor on the first offense and a 1144
felony on subsequent offenses, or a misdemeanor described in 1145
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 1146
of the Revised Code and of all children under eighteen years of 1147
age arrested or otherwise taken into custody for committing an 1148
act that would be a felony or an offense of violence if 1149
committed by an adult. The superintendent also shall file for 1150
record the fingerprint impressions of all persons confined in a 1151
county, multicounty, municipal, municipal-county, or 1152

multicounty-municipal jail or workhouse, community-based 1153
correctional facility, halfway house, alternative residential 1154
facility, or state correctional institution for the violation of 1155
state laws and of all children under eighteen years of age who 1156
are confined in a county, multicounty, municipal, municipal- 1157
county, or multicounty-municipal jail or workhouse, community- 1158
based correctional facility, halfway house, alternative 1159
residential facility, or state correctional institution or in 1160
any facility for delinquent children for committing an act that 1161
would be a felony or an offense of violence if committed by an 1162
adult, and any other information that the superintendent may 1163
receive from law enforcement officials of the state and its 1164
political subdivisions. 1165

(4) The superintendent shall carry out Chapter 2950. of 1166
the Revised Code with respect to the registration of persons who 1167
are convicted of or plead guilty to a sexually oriented offense 1168
or a child-victim oriented offense and with respect to all other 1169
duties imposed on the bureau under that chapter. 1170

(5) The bureau shall perform centralized recordkeeping 1171
functions for criminal history records and services in this 1172
state for purposes of the national crime prevention and privacy 1173
compact set forth in section 109.571 of the Revised Code and is 1174
the criminal history record repository as defined in that 1175
section for purposes of that compact. The superintendent or the 1176
superintendent's designee is the compact officer for purposes of 1177
that compact and shall carry out the responsibilities of the 1178
compact officer specified in that compact. 1179

(6) The superintendent shall, upon request, assist a 1180
county coroner in the identification of a deceased person 1181
through the use of fingerprint impressions obtained pursuant to 1182

division (A) (1) of this section or collected pursuant to section 1183
109.572 or 311.41 of the Revised Code. 1184

(B) The superintendent shall prepare and furnish to every 1185
county, multicounty, municipal, municipal-county, or 1186
multicounty-municipal jail or workhouse, community-based 1187
correctional facility, halfway house, alternative residential 1188
facility, or state correctional institution and to every clerk 1189
of a court in this state specified in division (A) (2) of this 1190
section standard forms for reporting the information required 1191
under division (A) of this section. The standard forms that the 1192
superintendent prepares pursuant to this division may be in a 1193
tangible format, in an electronic format, or in both tangible 1194
formats and electronic formats. 1195

(C) (1) The superintendent may operate a center for 1196
electronic, automated, or other data processing for the storage 1197
and retrieval of information, data, and statistics pertaining to 1198
criminals and to children under eighteen years of age who are 1199
adjudicated delinquent children for committing an act that would 1200
be a felony or an offense of violence if committed by an adult, 1201
criminal activity, crime prevention, law enforcement, and 1202
criminal justice, and may establish and operate a statewide 1203
communications network to be known as the Ohio law enforcement 1204
gateway to gather and disseminate information, data, and 1205
statistics for the use of law enforcement agencies and for other 1206
uses specified in this division. The superintendent may gather, 1207
store, retrieve, and disseminate information, data, and 1208
statistics that pertain to children who are under eighteen years 1209
of age and that are gathered pursuant to sections 109.57 to 1210
109.61 of the Revised Code together with information, data, and 1211
statistics that pertain to adults and that are gathered pursuant 1212
to those sections. 1213

(2) The superintendent or the superintendent's designee 1214
shall gather information of the nature described in division (C) 1215
(1) of this section that pertains to the offense and delinquency 1216
history of a person who has been convicted of, pleaded guilty 1217
to, or been adjudicated a delinquent child for committing a 1218
sexually oriented offense or a child-victim oriented offense for 1219
inclusion in the state registry of sex offenders and child- 1220
victim offenders maintained pursuant to division (A)(1) of 1221
section 2950.13 of the Revised Code and in the internet database 1222
operated pursuant to division (A)(13) of that section and for 1223
possible inclusion in the internet database operated pursuant to 1224
division (A)(11) of that section. 1225

(3) In addition to any other authorized use of 1226
information, data, and statistics of the nature described in 1227
division (C)(1) of this section, the superintendent or the 1228
superintendent's designee may provide and exchange the 1229
information, data, and statistics pursuant to the national crime 1230
prevention and privacy compact as described in division (A)(5) 1231
of this section. 1232

(4) The Ohio law enforcement gateway shall contain the 1233
name, confidential address, and telephone number of program 1234
participants in the address confidentiality program established 1235
under sections 111.41 to 111.47 of the Revised Code. 1236

(5) The attorney general may adopt rules under Chapter 1237
119. of the Revised Code establishing guidelines for the 1238
operation of and participation in the Ohio law enforcement 1239
gateway. The rules may include criteria for granting and 1240
restricting access to information gathered and disseminated 1241
through the Ohio law enforcement gateway. The attorney general 1242
shall adopt rules under Chapter 119. of the Revised Code that 1243

grant access to information in the gateway regarding an address 1244
confidentiality program participant under sections 111.41 to 1245
111.47 of the Revised Code to only chiefs of police, village 1246
marshals, county sheriffs, county prosecuting attorneys, and a 1247
designee of each of these individuals. The attorney general 1248
shall permit the state medical board and board of nursing to 1249
access and view, but not alter, information gathered and 1250
disseminated through the Ohio law enforcement gateway. 1251

The attorney general may appoint a steering committee to 1252
advise the attorney general in the operation of the Ohio law 1253
enforcement gateway that is comprised of persons who are 1254
representatives of the criminal justice agencies in this state 1255
that use the Ohio law enforcement gateway and is chaired by the 1256
superintendent or the superintendent's designee. 1257

(D) (1) The following are not public records under section 1258
149.43 of the Revised Code: 1259

(a) Information and materials furnished to the 1260
superintendent pursuant to division (A) of this section; 1261

(b) Information, data, and statistics gathered or 1262
disseminated through the Ohio law enforcement gateway pursuant 1263
to division (C) (1) of this section; 1264

(c) Information and materials furnished to any board or 1265
person under division (F) or (G) of this section. 1266

(2) The superintendent or the superintendent's designee 1267
shall gather and retain information so furnished under division 1268
(A) of this section that pertains to the offense and delinquency 1269
history of a person who has been convicted of, pleaded guilty 1270
to, or been adjudicated a delinquent child for committing a 1271
sexually oriented offense or a child-victim oriented offense for 1272

the purposes described in division (C) (2) of this section. 1273

(E) (1) The attorney general shall adopt rules, in 1274
accordance with Chapter 119. of the Revised Code and subject to 1275
division (E) (2) of this section, setting forth the procedure by 1276
which a person may receive or release information gathered by 1277
the superintendent pursuant to division (A) of this section. A 1278
reasonable fee may be charged for this service. If a temporary 1279
employment service submits a request for a determination of 1280
whether a person the service plans to refer to an employment 1281
position has been convicted of or pleaded guilty to an offense 1282
listed or described in division (A) (1), (2), or (3) of section 1283
109.572 of the Revised Code, the request shall be treated as a 1284
single request and only one fee shall be charged. 1285

(2) Except as otherwise provided in this division or 1286
division (E) (3) or (4) of this section, a rule adopted under 1287
division (E) (1) of this section may provide only for the release 1288
of information gathered pursuant to division (A) of this section 1289
that relates to the conviction of a person, or a person's plea 1290
of guilty to, a criminal offense or to the arrest of a person as 1291
provided in division (E) (3) of this section. The superintendent 1292
shall not release, and the attorney general shall not adopt any 1293
rule under division (E) (1) of this section that permits the 1294
release of, any information gathered pursuant to division (A) of 1295
this section that relates to an adjudication of a child as a 1296
delinquent child, or that relates to a criminal conviction of a 1297
person under eighteen years of age if the person's case was 1298
transferred back to a juvenile court under division (B) (2) or 1299
(3) of section 2152.121 of the Revised Code and the juvenile 1300
court imposed a disposition or serious youthful offender 1301
disposition upon the person under either division, unless either 1302
of the following applies with respect to the adjudication or 1303

conviction: 1304

(a) The adjudication or conviction was for a violation of 1305
section 2903.01 or 2903.02 of the Revised Code. 1306

(b) The adjudication or conviction was for a sexually 1307
oriented offense, the juvenile court was required to classify 1308
the child a juvenile offender registrant for that offense under 1309
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1310
classification has not been removed, and the records of the 1311
adjudication or conviction have not been sealed or expunged 1312
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 1313
pursuant to section ~~2952.32~~2953.32 of the Revised Code. 1314

(3) A rule adopted under division (E)(1) of this section 1315
may provide for the release of information gathered pursuant to 1316
division (A) of this section that relates to the arrest of a 1317
person who is eighteen years of age or older when the person has 1318
not been convicted as a result of that arrest if any of the 1319
following applies: 1320

(a) The arrest was made outside of this state. 1321

(b) A criminal action resulting from the arrest is 1322
pending, and the superintendent confirms that the criminal 1323
action has not been resolved at the time the criminal records 1324
check is performed. 1325

(c) The bureau cannot reasonably determine whether a 1326
criminal action resulting from the arrest is pending, and not 1327
more than one year has elapsed since the date of the arrest. 1328

(4) A rule adopted under division (E)(1) of this section 1329
may provide for the release of information gathered pursuant to 1330
division (A) of this section that relates to an adjudication of 1331
a child as a delinquent child if not more than five years have 1332

elapsed since the date of the adjudication, the adjudication was 1333
for an act that would have been a felony if committed by an 1334
adult, the records of the adjudication have not been sealed or 1335
expunged pursuant to sections 2151.355 to 2151.358 of the 1336
Revised Code, and the request for information is made under 1337
division (F) of this section or under section 109.572 of the 1338
Revised Code. In the case of an adjudication for a violation of 1339
the terms of community control or supervised release, the five- 1340
year period shall be calculated from the date of the 1341
adjudication to which the community control or supervised 1342
release pertains. 1343

(F) (1) As used in division (F) (2) of this section, "head 1344
start agency" means an entity in this state that has been 1345
approved to be an agency for purposes of subchapter II of the 1346
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1347
U.S.C.A. 9831, as amended. 1348

(2) (a) In addition to or in conjunction with any request 1349
that is required to be made under section 109.572, 2151.86, 1350
3301.32, 3301.541, division (C) of section 3310.58, or section 1351
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 1352
5153.111 of the Revised Code or that is made under section 1353
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1354
board of education of any school district; the director of 1355
developmental disabilities; any county board of developmental 1356
disabilities; any provider or subcontractor as defined in 1357
section 5123.081 of the Revised Code; the chief administrator of 1358
any chartered nonpublic school; the chief administrator of a 1359
registered private provider that is not also a chartered 1360
nonpublic school; the chief administrator of any home health 1361
agency; the chief administrator of or person operating any child 1362
day-care center, type A family day-care home, or type B family 1363

day-care home licensed under Chapter 5104. of the Revised Code; 1364
the chief administrator of any head start agency; the executive 1365
director of a public children services agency; a private company 1366
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1367
the Revised Code; or an employer described in division (J) (2) of 1368
section 3327.10 of the Revised Code may request that the 1369
superintendent of the bureau investigate and determine, with 1370
respect to any individual who has applied for employment in any 1371
position after October 2, 1989, or any individual wishing to 1372
apply for employment with a board of education may request, with 1373
regard to the individual, whether the bureau has any information 1374
gathered under division (A) of this section that pertains to 1375
that individual. On receipt of the request, subject to division 1376
(E) (2) of this section, the superintendent shall determine 1377
whether that information exists and, upon request of the person, 1378
board, or entity requesting information, also shall request from 1379
the federal bureau of investigation any criminal records it has 1380
pertaining to that individual. The superintendent or the 1381
superintendent's designee also may request criminal history 1382
records from other states or the federal government pursuant to 1383
the national crime prevention and privacy compact set forth in 1384
section 109.571 of the Revised Code. Within thirty days of the 1385
date that the superintendent receives a request, subject to 1386
division (E) (2) of this section, the superintendent shall send 1387
to the board, entity, or person a report of any information that 1388
the superintendent determines exists, including information 1389
contained in records that have been sealed under section 2953.32 1390
of the Revised Code, and, within thirty days of its receipt, 1391
subject to division (E) (2) of this section, shall send the 1392
board, entity, or person a report of any information received 1393
from the federal bureau of investigation, other than information 1394
the dissemination of which is prohibited by federal law. 1395

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

(c) Notwithstanding division (F) (2) (a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of this section exists on the person for whom the request is made.

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

(4) When the superintendent of the bureau receives a 1426
request for information under section 3319.291 of the Revised 1427
Code, the superintendent shall proceed as if the request has 1428
been received from a school district board of education and 1429
shall comply with divisions (F) (2) (a) and (c) of this section. 1430

(G) In addition to or in conjunction with any request that 1431
is required to be made under section 3712.09, 3721.121, or 1432
3740.11 of the Revised Code with respect to an individual who 1433
has applied for employment in a position that involves providing 1434
direct care to an older adult or adult resident, the chief 1435
administrator of a home health agency, hospice care program, 1436
home licensed under Chapter 3721. of the Revised Code, or adult 1437
day-care program operated pursuant to rules adopted under 1438
section 3721.04 of the Revised Code may request that the 1439
superintendent of the bureau investigate and determine, with 1440
respect to any individual who has applied after January 27, 1441
1997, for employment in a position that does not involve 1442
providing direct care to an older adult or adult resident, 1443
whether the bureau has any information gathered under division 1444
(A) of this section that pertains to that individual. 1445

In addition to or in conjunction with any request that is 1446
required to be made under section 173.27 of the Revised Code 1447
with respect to an individual who has applied for employment in 1448
a position that involves providing ombudsman services to 1449
residents of long-term care facilities or recipients of 1450
community-based long-term care services, the state long-term 1451
care ombudsman, the director of aging, a regional long-term care 1452
ombudsman program, or the designee of the ombudsman, director, 1453
or program may request that the superintendent investigate and 1454
determine, with respect to any individual who has applied for 1455
employment in a position that does not involve providing such 1456

ombudsman services, whether the bureau has any information 1457
gathered under division (A) of this section that pertains to 1458
that applicant. 1459

In addition to or in conjunction with any request that is 1460
required to be made under section 173.38 of the Revised Code 1461
with respect to an individual who has applied for employment in 1462
a direct-care position, the chief administrator of a provider, 1463
as defined in section 173.39 of the Revised Code, may request 1464
that the superintendent investigate and determine, with respect 1465
to any individual who has applied for employment in a position 1466
that is not a direct-care position, whether the bureau has any 1467
information gathered under division (A) of this section that 1468
pertains to that applicant. 1469

In addition to or in conjunction with any request that is 1470
required to be made under section 3712.09 of the Revised Code 1471
with respect to an individual who has applied for employment in 1472
a position that involves providing direct care to a pediatric 1473
respite care patient, the chief administrator of a pediatric 1474
respite care program may request that the superintendent of the 1475
bureau investigate and determine, with respect to any individual 1476
who has applied for employment in a position that does not 1477
involve providing direct care to a pediatric respite care 1478
patient, whether the bureau has any information gathered under 1479
division (A) of this section that pertains to that individual. 1480

On receipt of a request under this division, the 1481
superintendent shall determine whether that information exists 1482
and, on request of the individual requesting information, shall 1483
also request from the federal bureau of investigation any 1484
criminal records it has pertaining to the applicant. The 1485
superintendent or the superintendent's designee also may request 1486

criminal history records from other states or the federal 1487
government pursuant to the national crime prevention and privacy 1488
compact set forth in section 109.571 of the Revised Code. Within 1489
thirty days of the date a request is received, subject to 1490
division (E) (2) of this section, the superintendent shall send 1491
to the requester a report of any information determined to 1492
exist, including information contained in records that have been 1493
sealed under section 2953.32 of the Revised Code, and, within 1494
thirty days of its receipt, shall send the requester a report of 1495
any information received from the federal bureau of 1496
investigation, other than information the dissemination of which 1497
is prohibited by federal law. 1498

(H) Information obtained by a government entity or person 1499
under this section is confidential and shall not be released or 1500
disseminated. 1501

(I) The superintendent may charge a reasonable fee for 1502
providing information or criminal records under division (F) (2) 1503
or (G) of this section. 1504

(J) As used in this section: 1505

(1) "Pediatric respite care program" and "pediatric care 1506
patient" have the same meanings as in section 3712.01 of the 1507
Revised Code. 1508

(2) "Sexually oriented offense" and "child-victim oriented 1509
offense" have the same meanings as in section 2950.01 of the 1510
Revised Code. 1511

(3) "Registered private provider" means a nonpublic school 1512
or entity registered with the superintendent of public 1513
instruction under section 3310.41 of the Revised Code to 1514
participate in the autism scholarship program or section 3310.58 1515

of the Revised Code to participate in the Jon Peterson special 1516
needs scholarship program. 1517

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 1518
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 1519
Code, a completed form prescribed pursuant to division (C) (1) of 1520
this section, and a set of fingerprint impressions obtained in 1521
the manner described in division (C) (2) of this section, the 1522
superintendent of the bureau of criminal identification and 1523
investigation shall conduct a criminal records check in the 1524
manner described in division (B) of this section to determine 1525
whether any information exists that indicates that the person 1526
who is the subject of the request previously has been convicted 1527
of or pleaded guilty to any of the following: 1528

(a) A violation of section 2903.01, 2903.02, 2903.03, 1529
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1530
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1531
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1532
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1533
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1534
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1535
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1536
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1537
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1538
of the Revised Code, felonious sexual penetration in violation 1539
of former section 2907.12 of the Revised Code, a violation of 1540
section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that 1542
would have been a violation of section 2905.04 of the Revised 1543
Code as it existed prior to July 1, 1996, had the violation been 1544
committed prior to that date, or a violation of section 2925.11 1545
of the Revised Code that is not a minor drug possession offense; 1546

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

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

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

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

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1577

(b) An existing or former law of this state, any other 1578
state, or the United States that is substantially equivalent to 1579
any of the offenses listed in division (A)(2)(a) of this 1580
section. 1581

(3) On receipt of a request pursuant to section 173.27, 1582
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1583
5123.081, or 5123.169 of the Revised Code, a completed form 1584
prescribed pursuant to division (C)(1) of this section, and a 1585
set of fingerprint impressions obtained in the manner described 1586
in division (C)(2) of this section, the superintendent of the 1587
bureau of criminal identification and investigation shall 1588
conduct a criminal records check of the person for whom the 1589
request is made. The superintendent shall conduct the criminal 1590
records check in the manner described in division (B) of this 1591
section to determine whether any information exists that 1592
indicates that the person who is the subject of the request 1593
previously has been convicted of, has pleaded guilty to, or 1594
(except in the case of a request pursuant to section 5164.34, 1595
5164.341, or 5164.342 of the Revised Code) has been found 1596
eligible for intervention in lieu of conviction for any of the 1597
following, regardless of the date of the conviction, the date of 1598
entry of the guilty plea, or (except in the case of a request 1599
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1600
Revised Code) the date the person was found eligible for 1601
intervention in lieu of conviction: 1602

(a) A violation of section 959.13, 959.131, 2903.01, 1603
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1604
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1605
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1606

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	1607
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	1608
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	1609
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	1610
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	1611
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	1612
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	1613
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	1614
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	1615
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	1616
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	1617
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	1618
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	1619
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141 , 2925.22,	1620
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	1621
of the Revised Code;	1622
(b) Felonious sexual penetration in violation of former	1623
section 2907.12 of the Revised Code;	1624
(c) A violation of section 2905.04 of the Revised Code as	1625
it existed prior to July 1, 1996;	1626
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	1627
the Revised Code when the underlying offense that is the object	1628
of the conspiracy, attempt, or complicity is one of the offenses	1629
listed in divisions (A) (3) (a) to (c) of this section;	1630
(e) A violation of an existing or former municipal	1631
ordinance or law of this state, any other state, or the United	1632
States that is substantially equivalent to any of the offenses	1633
listed in divisions (A) (3) (a) to (d) of this section.	1634
(4) On receipt of a request pursuant to section 2151.86 or	1635

2151.904 of the Revised Code, a completed form prescribed 1636
pursuant to division (C)(1) of this section, and a set of 1637
fingerprint impressions obtained in the manner described in 1638
division (C)(2) of this section, the superintendent of the 1639
bureau of criminal identification and investigation shall 1640
conduct a criminal records check in the manner described in 1641
division (B) of this section to determine whether any 1642
information exists that indicates that the person who is the 1643
subject of the request previously has been convicted of or 1644
pleaded guilty to any of the following: 1645

(a) A violation of section 959.13, 2903.01, 2903.02, 1646
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1647
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1648
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1649
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1650
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1651
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1652
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1653
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1654
2927.12, or 3716.11 of the Revised Code, a violation of section 1655
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1656
a violation of section 2919.23 of the Revised Code that would 1657
have been a violation of section 2905.04 of the Revised Code as 1658
it existed prior to July 1, 1996, had the violation been 1659
committed prior to that date, a violation of section 2925.11 of 1660
the Revised Code that is not a minor drug possession offense, 1661
two or more OVI or OVUAC violations committed within the three 1662
years immediately preceding the submission of the application or 1663
petition that is the basis of the request, or felonious sexual 1664
penetration in violation of former section 2907.12 of the 1665
Revised Code; 1666

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

(5) Upon receipt of a request pursuant to section 5104.013 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 has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 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, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed

prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

(6) Upon receipt of a request pursuant to section 5153.111 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:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,

2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1728
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1729
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1730
Code, felonious sexual penetration in violation of former 1731
section 2907.12 of the Revised Code, a violation of section 1732
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1733
a violation of section 2919.23 of the Revised Code that would 1734
have been a violation of section 2905.04 of the Revised Code as 1735
it existed prior to July 1, 1996, had the violation been 1736
committed prior to that date, or a violation of section 2925.11 1737
of the Revised Code that is not a minor drug possession offense; 1738

(b) A violation of an existing or former law of this 1739
state, any other state, or the United States that is 1740
substantially equivalent to any of the offenses listed in 1741
division (A)(6)(a) of this section. 1742

(7) On receipt of a request for a criminal records check 1743
from an individual pursuant to section 4749.03 or 4749.06 of the 1744
Revised Code, accompanied by a completed copy of the form 1745
prescribed in division (C)(1) of this section and a set of 1746
fingerprint impressions obtained in a manner described in 1747
division (C)(2) of this section, the superintendent of the 1748
bureau of criminal identification and investigation shall 1749
conduct a criminal records check in the manner described in 1750
division (B) of this section to determine whether any 1751
information exists indicating that the person who is the subject 1752
of the request has been convicted of or pleaded guilty to any 1753
criminal offense in this state or in any other state. If the 1754
individual indicates that a firearm will be carried in the 1755
course of business, the superintendent shall require information 1756
from the federal bureau of investigation as described in 1757
division (B)(2) of this section. Subject to division (F) of this 1758

section, the superintendent shall report the findings of the 1759
criminal records check and any information the federal bureau of 1760
investigation provides to the director of public safety. 1761

(8) On receipt of a request pursuant to section 1321.37, 1762
1321.53, or 4763.05 of the Revised Code, a completed form 1763
prescribed pursuant to division (C)(1) of this section, and a 1764
set of fingerprint impressions obtained in the manner described 1765
in division (C)(2) of this section, the superintendent of the 1766
bureau of criminal identification and investigation shall 1767
conduct a criminal records check with respect to any person who 1768
has applied for a license, permit, or certification from the 1769
department of commerce or a division in the department. The 1770
superintendent shall conduct the criminal records check in the 1771
manner described in division (B) of this section to determine 1772
whether any information exists that indicates that the person 1773
who is the subject of the request previously has been convicted 1774
of or pleaded guilty to any criminal offense in this state, any 1775
other state, or the United States. 1776

(9) On receipt of a request for a criminal records check 1777
from the treasurer of state under section 113.041 of the Revised 1778
Code or from an individual under section 928.03, 4701.08, 1779
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1780
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1781
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1782
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 1783
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1784
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1785
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1786
Code, accompanied by a completed form prescribed under division 1787
(C)(1) of this section and a set of fingerprint impressions 1788
obtained in the manner described in division (C)(2) of this 1789

section, the superintendent of the bureau of criminal 1790
identification and investigation shall conduct a criminal 1791
records check in the manner described in division (B) of this 1792
section to determine whether any information exists that 1793
indicates that the person who is the subject of the request has 1794
been convicted of or pleaded guilty to any criminal offense in 1795
this state or any other state. Subject to division (F) of this 1796
section, the superintendent shall send the results of a check 1797
requested under section 113.041 of the Revised Code to the 1798
treasurer of state and shall send the results of a check 1799
requested under any of the other listed sections to the 1800
licensing board specified by the individual in the request. 1801

(10) On receipt of a request pursuant to section 124.74, 1802
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1803
Code, a completed form prescribed pursuant to division (C)(1) of 1804
this section, and a set of fingerprint impressions obtained in 1805
the manner described in division (C)(2) of this section, the 1806
superintendent of the bureau of criminal identification and 1807
investigation shall conduct a criminal records check in the 1808
manner described in division (B) of this section to determine 1809
whether any information exists that indicates that the person 1810
who is the subject of the request previously has been convicted 1811
of or pleaded guilty to any criminal offense under any existing 1812
or former law of this state, any other state, or the United 1813
States. 1814

(11) On receipt of a request for a criminal records check 1815
from an appointing or licensing authority under section 3772.07 1816
of the Revised Code, a completed form prescribed under division 1817
(C)(1) of this section, and a set of fingerprint impressions 1818
obtained in the manner prescribed in division (C)(2) of this 1819
section, the superintendent of the bureau of criminal 1820

identification and investigation shall conduct a criminal 1821
records check in the manner described in division (B) of this 1822
section to determine whether any information exists that 1823
indicates that the person who is the subject of the request 1824
previously has been convicted of or pleaded guilty or no contest 1825
to any offense under any existing or former law of this state, 1826
any other state, or the United States that makes the person 1827
ineligible for appointment or retention under section 3772.07 of 1828
the Revised Code or that is a disqualifying offense as defined 1829
in that section or substantially equivalent to a disqualifying 1830
offense, as applicable. 1831

(12) On receipt of a request pursuant to section 2151.33 1832
or 2151.412 of the Revised Code, a completed form prescribed 1833
pursuant to division (C)(1) of this section, and a set of 1834
fingerprint impressions obtained in the manner described in 1835
division (C)(2) of this section, the superintendent of the 1836
bureau of criminal identification and investigation shall 1837
conduct a criminal records check with respect to any person for 1838
whom a criminal records check is required under that section. 1839
The superintendent shall conduct the criminal records check in 1840
the manner described in division (B) of this section to 1841
determine whether any information exists that indicates that the 1842
person who is the subject of the request previously has been 1843
convicted of or pleaded guilty to any of the following: 1844

(a) A violation of section 2903.01, 2903.02, 2903.03, 1845
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1846
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1847
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1848
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1849
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1850
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1851

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1852
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1853

(b) An existing or former law of this state, any other 1854
state, or the United States that is substantially equivalent to 1855
any of the offenses listed in division (A)(12)(a) of this 1856
section. 1857

(13) On receipt of a request pursuant to section 3796.12 1858
of the Revised Code, a completed form prescribed pursuant to 1859
division (C)(1) of this section, and a set of fingerprint 1860
impressions obtained in a manner described in division (C)(2) of 1861
this section, the superintendent of the bureau of criminal 1862
identification and investigation shall conduct a criminal 1863
records check in the manner described in division (B) of this 1864
section to determine whether any information exists that 1865
indicates that the person who is the subject of the request 1866
previously has been convicted of or pleaded guilty to the 1867
following: 1868

(a) A disqualifying offense as specified in rules adopted 1869
under section 9.79 and division (B)(2)(b) of section 3796.03 of 1870
the Revised Code if the person who is the subject of the request 1871
is an administrator or other person responsible for the daily 1872
operation of, or an owner or prospective owner, officer or 1873
prospective officer, or board member or prospective board member 1874
of, an entity seeking a license from the department of commerce 1875
under Chapter 3796. of the Revised Code; 1876

(b) A disqualifying offense as specified in rules adopted 1877
under section 9.79 and division (B)(2)(b) of section 3796.04 of 1878
the Revised Code if the person who is the subject of the request 1879
is an administrator or other person responsible for the daily 1880
operation of, or an owner or prospective owner, officer or 1881

prospective officer, or board member or prospective board member 1882
of, an entity seeking a license from the state board of pharmacy 1883
under Chapter 3796. of the Revised Code. 1884

(14) On receipt of a request required by section 3796.13 1885
of the Revised Code, a completed form prescribed pursuant to 1886
division (C) (1) of this section, and a set of fingerprint 1887
impressions obtained in a manner described in division (C) (2) of 1888
this section, the superintendent of the bureau of criminal 1889
identification and investigation shall conduct a criminal 1890
records check in the manner described in division (B) of this 1891
section to determine whether any information exists that 1892
indicates that the person who is the subject of the request 1893
previously has been convicted of or pleaded guilty to the 1894
following: 1895

(a) A disqualifying offense as specified in rules adopted 1896
under division (B) (8) (a) of section 3796.03 of the Revised Code 1897
if the person who is the subject of the request is seeking 1898
employment with an entity licensed by the department of commerce 1899
under Chapter 3796. of the Revised Code; 1900

(b) A disqualifying offense as specified in rules adopted 1901
under division (B) (14) (a) of section 3796.04 of the Revised Code 1902
if the person who is the subject of the request is seeking 1903
employment with an entity licensed by the state board of 1904
pharmacy under Chapter 3796. of the Revised Code. 1905

(15) On receipt of a request pursuant to section 4768.06 1906
of the Revised Code, a completed form prescribed under division 1907
(C) (1) of this section, and a set of fingerprint impressions 1908
obtained in the manner described in division (C) (2) of this 1909
section, the superintendent of the bureau of criminal 1910
identification and investigation shall conduct a criminal 1911

records check in the manner described in division (B) of this 1912
section to determine whether any information exists indicating 1913
that the person who is the subject of the request has been 1914
convicted of or pleaded guilty to any criminal offense in this 1915
state or in any other state. 1916

(16) On receipt of a request pursuant to division (B) of 1917
section 4764.07 or division (A) of section 4735.143 of the 1918
Revised Code, a completed form prescribed under division (C) (1) 1919
of this section, and a set of fingerprint impressions obtained 1920
in the manner described in division (C) (2) of this section, the 1921
superintendent of the bureau of criminal identification and 1922
investigation shall conduct a criminal records check in the 1923
manner described in division (B) of this section to determine 1924
whether any information exists indicating that the person who is 1925
the subject of the request has been convicted of or pleaded 1926
guilty to any criminal offense in any state or the United 1927
States. 1928

(17) On receipt of a request for a criminal records check 1929
under section 147.022 of the Revised Code, a completed form 1930
prescribed under division (C) (1) of this section, and a set of 1931
fingerprint impressions obtained in the manner prescribed in 1932
division (C) (2) of this section, the superintendent of the 1933
bureau of criminal identification and investigation shall 1934
conduct a criminal records check in the manner described in 1935
division (B) of this section to determine whether any 1936
information exists that indicates that the person who is the 1937
subject of the request previously has been convicted of or 1938
pleaded guilty or no contest to any criminal offense under any 1939
existing or former law of this state, any other state, or the 1940
United States. 1941

(18) Upon receipt of a request pursuant to division (F) of 1942
section 2915.081 or division (E) of section 2915.082 of the 1943
Revised Code, a completed form prescribed under division (C) (1) 1944
of this section, and a set of fingerprint impressions obtained 1945
in the manner described in division (C) (2) of this section, the 1946
superintendent of the bureau of criminal identification and 1947
investigation shall conduct a criminal records check in the 1948
manner described in division (B) of this section to determine 1949
whether any information exists indicating that the person who is 1950
the subject of the request has been convicted of or pleaded 1951
guilty or no contest to any offense that is a violation of 1952
Chapter 2915. of the Revised Code or to any offense under any 1953
existing or former law of this state, any other state, or the 1954
United States that is substantially equivalent to such an 1955
offense. 1956

(19) On receipt of a request pursuant to section 3775.03 1957
of the Revised Code, a completed form prescribed under division 1958
(C) (1) of this section, and a set of fingerprint impressions 1959
obtained in the manner described in division (C) (2) of this 1960
section, the superintendent of the bureau of criminal 1961
identification and investigation shall conduct a criminal 1962
records check in the manner described in division (B) of this 1963
section and shall request information from the federal bureau of 1964
investigation to determine whether any information exists 1965
indicating that the person who is the subject of the request has 1966
been convicted of any offense under any existing or former law 1967
of this state, any other state, or the United States that is a 1968
disqualifying offense as defined in section 3772.07 of the 1969
Revised Code. 1970

(B) Subject to division (F) of this section, the 1971
superintendent shall conduct any criminal records check to be 1972

conducted under this section as follows: 1973

(1) The superintendent shall review or cause to be 1974
reviewed any relevant information gathered and compiled by the 1975
bureau under division (A) of section 109.57 of the Revised Code 1976
that relates to the person who is the subject of the criminal 1977
records check, including, if the criminal records check was 1978
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1979
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1980
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1981
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1982
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1983
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1984
5123.169, or 5153.111 of the Revised Code, any relevant 1985
information contained in records that have been sealed under 1986
section 2953.32 of the Revised Code; 1987

(2) If the request received by the superintendent asks for 1988
information from the federal bureau of investigation, the 1989
superintendent shall request from the federal bureau of 1990
investigation any information it has with respect to the person 1991
who is the subject of the criminal records check, including 1992
fingerprint-based checks of national crime information databases 1993
as described in 42 U.S.C. 671 if the request is made pursuant to 1994
section 2151.86 or 5104.013 of the Revised Code or if any other 1995
Revised Code section requires fingerprint-based checks of that 1996
nature, and shall review or cause to be reviewed any information 1997
the superintendent receives from that bureau. If a request under 1998
section 3319.39 of the Revised Code asks only for information 1999
from the federal bureau of investigation, the superintendent 2000
shall not conduct the review prescribed by division (B)(1) of 2001
this section. 2002

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

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

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C) (1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C) (2) of this section:

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

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

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

electronic formats. 2032

(2) The superintendent shall prescribe standard impression 2033
sheets to obtain the fingerprint impressions of any person for 2034
whom a criminal records check is to be conducted under this 2035
section. Any person for whom a records check is to be conducted 2036
under this section shall obtain the fingerprint impressions at a 2037
county sheriff's office, municipal police department, or any 2038
other entity with the ability to make fingerprint impressions on 2039
the standard impression sheets prescribed by the superintendent. 2040
The office, department, or entity may charge the person a 2041
reasonable fee for making the impressions. The standard 2042
impression sheets the superintendent prescribes pursuant to this 2043
division may be in a tangible format, in an electronic format, 2044
or in both tangible and electronic formats. 2045

(3) Subject to division (D) of this section, the 2046
superintendent shall prescribe and charge a reasonable fee for 2047
providing a criminal records check under this section. The 2048
person requesting the criminal records check shall pay the fee 2049
prescribed pursuant to this division. In the case of a request 2050
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 2051
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 2052
fee shall be paid in the manner specified in that section. 2053

(4) The superintendent of the bureau of criminal 2054
identification and investigation may prescribe methods of 2055
forwarding fingerprint impressions and information necessary to 2056
conduct a criminal records check, which methods shall include, 2057
but not be limited to, an electronic method. 2058

(D) The results of a criminal records check conducted 2059
under this section, other than a criminal records check 2060
specified in division (A)(7) of this section, are valid for the 2061

person who is the subject of the criminal records check for a 2062
period of one year from the date upon which the superintendent 2063
completes the criminal records check. If during that period the 2064
superintendent receives another request for a criminal records 2065
check to be conducted under this section for that person, the 2066
superintendent shall provide the results from the previous 2067
criminal records check of the person at a lower fee than the fee 2068
prescribed for the initial criminal records check. 2069

(E) When the superintendent receives a request for 2070
information from a registered private provider, the 2071
superintendent shall proceed as if the request was received from 2072
a school district board of education under section 3319.39 of 2073
the Revised Code. The superintendent shall apply division (A) (1) 2074
(c) of this section to any such request for an applicant who is 2075
a teacher. 2076

(F) (1) Subject to division (F) (2) of this section, all 2077
information regarding the results of a criminal records check 2078
conducted under this section that the superintendent reports or 2079
sends under division (A) (7) or (9) of this section to the 2080
director of public safety, the treasurer of state, or the 2081
person, board, or entity that made the request for the criminal 2082
records check shall relate to the conviction of the subject 2083
person, or the subject person's plea of guilty to, a criminal 2084
offense. 2085

(2) Division (F) (1) of this section does not limit, 2086
restrict, or preclude the superintendent's release of 2087
information that relates to the arrest of a person who is 2088
eighteen years of age or older, to an adjudication of a child as 2089
a delinquent child, or to a criminal conviction of a person 2090
under eighteen years of age in circumstances in which a release 2091

of that nature is authorized under division (E) (2), (3), or (4) 2092
of section 109.57 of the Revised Code pursuant to a rule adopted 2093
under division (E) (1) of that section. 2094

(G) As used in this section: 2095

(1) "Criminal records check" means any criminal records 2096
check conducted by the superintendent of the bureau of criminal 2097
identification and investigation in accordance with division (B) 2098
of this section. 2099

(2) "Minor drug possession offense" has the same meaning 2100
as in section 2925.01 of the Revised Code. 2101

(3) "OVI or OVUAC violation" means a violation of section 2102
4511.19 of the Revised Code or a violation of an existing or 2103
former law of this state, any other state, or the United States 2104
that is substantially equivalent to section 4511.19 of the 2105
Revised Code. 2106

(4) "Registered private provider" means a nonpublic school 2107
or entity registered with the superintendent of public 2108
instruction under section 3310.41 of the Revised Code to 2109
participate in the autism scholarship program or section 3310.58 2110
of the Revised Code to participate in the Jon Peterson special 2111
needs scholarship program. 2112

Sec. 109.71. There is hereby created in the office of the 2113
attorney general the Ohio peace officer training commission. The 2114
commission shall consist of ten members appointed by the 2115
governor with the advice and consent of the senate and selected 2116
as follows: one member representing the public; one member who 2117
represents a fraternal organization representing law enforcement 2118
officers; two members who are incumbent sheriffs; two members 2119
who are incumbent chiefs of police; one member from the bureau 2120

of criminal identification and investigation; one member from 2121
the state highway patrol; one member who is the special agent in 2122
charge of a field office of the federal bureau of investigation 2123
in this state; and one member from the department of education, 2124
trade and industrial education services, law enforcement 2125
training. 2126

This section does not confer any arrest authority or any 2127
ability or authority to detain a person, write or issue any 2128
citation, or provide any disposition alternative, as granted 2129
under Chapter 2935. of the Revised Code. 2130

Pursuant to division (A) (9) of section 101.82 of the 2131
Revised Code, the commission is exempt from the requirements of 2132
sections 101.82 to 101.87 of the Revised Code. 2133

As used in sections 109.71 to 109.801 of the Revised Code: 2134

(A) "Peace officer" means: 2135

(1) A deputy sheriff, marshal, deputy marshal, member of 2136
the organized police department of a township or municipal 2137
corporation, member of a township police district or joint 2138
police district police force, member of a police force employed 2139
by a metropolitan housing authority under division (D) of 2140
section 3735.31 of the Revised Code, or township constable, who 2141
is commissioned and employed as a peace officer by a political 2142
subdivision of this state or by a metropolitan housing 2143
authority, and whose primary duties are to preserve the peace, 2144
to protect life and property, and to enforce the laws of this 2145
state, ordinances of a municipal corporation, resolutions of a 2146
township, or regulations of a board of county commissioners or 2147
board of township trustees, or any of those laws, ordinances, 2148
resolutions, or regulations; 2149

(2) A police officer who is employed by a railroad company	2150
and appointed and commissioned by the secretary of state	2151
pursuant to sections 4973.17 to 4973.22 of the Revised Code;	2152
(3) Employees of the department of taxation engaged in the	2153
enforcement of Chapter 5743. of the Revised Code and designated	2154
by the tax commissioner for peace officer training for purposes	2155
of the delegation of investigation powers under section 5743.45	2156
of the Revised Code;	2157
(4) An undercover drug agent;	2158
(5) Enforcement agents of the department of public safety	2159
whom the director of public safety designates under section	2160
5502.14 of the Revised Code;	2161
(6) An employee of the department of natural resources who	2162
is a natural resources law enforcement staff officer designated	2163
pursuant to section 1501.013, a natural resources officer	2164
appointed pursuant to section 1501.24, a forest-fire	2165
investigator appointed pursuant to section 1503.09, or a	2166
wildlife officer designated pursuant to section 1531.13 of the	2167
Revised Code;	2168
(7) An employee of a park district who is designated	2169
pursuant to section 511.232 or 1545.13 of the Revised Code;	2170
(8) An employee of a conservancy district who is	2171
designated pursuant to section 6101.75 of the Revised Code;	2172
(9) A police officer who is employed by a hospital that	2173
employs and maintains its own proprietary police department or	2174
security department, and who is appointed and commissioned by	2175
the secretary of state pursuant to sections 4973.17 to 4973.22	2176
of the Revised Code;	2177

(10) Veterans' homes police officers designated under	2178
section 5907.02 of the Revised Code;	2179
(11) A police officer who is employed by a qualified	2180
nonprofit corporation police department pursuant to section	2181
1702.80 of the Revised Code;	2182
(12) A state university law enforcement officer appointed	2183
under section 3345.04 of the Revised Code or a person serving as	2184
a state university law enforcement officer on a permanent basis	2185
on June 19, 1978, who has been awarded a certificate by the	2186
executive director of the Ohio peace officer training commission	2187
attesting to the person's satisfactory completion of an approved	2188
state, county, municipal, or department of natural resources	2189
peace officer basic training program;	2190
(13) A special police officer employed by the department	2191
of mental health and addiction services pursuant to section	2192
5119.08 of the Revised Code or the department of developmental	2193
disabilities pursuant to section 5123.13 of the Revised Code;	2194
(14) A member of a campus police department appointed	2195
under section 1713.50 of the Revised Code;	2196
(15) A member of a police force employed by a regional	2197
transit authority under division (Y) of section 306.35 of the	2198
Revised Code;	2199
(16) Investigators appointed by the auditor of state	2200
pursuant to section 117.091 of the Revised Code and engaged in	2201
the enforcement of Chapter 117. of the Revised Code;	2202
(17) A special police officer designated by the	2203
superintendent of the state highway patrol pursuant to section	2204
5503.09 of the Revised Code or a person who was serving as a	2205
special police officer pursuant to that section on a permanent	2206

basis on October 21, 1997, and who has been awarded a 2207
certificate by the executive director of the Ohio peace officer 2208
training commission attesting to the person's satisfactory 2209
completion of an approved state, county, municipal, or 2210
department of natural resources peace officer basic training 2211
program; 2212

(18) A special police officer employed by a port authority 2213
under section 4582.04 or 4582.28 of the Revised Code or a person 2214
serving as a special police officer employed by a port authority 2215
on a permanent basis on May 17, 2000, who has been awarded a 2216
certificate by the executive director of the Ohio peace officer 2217
training commission attesting to the person's satisfactory 2218
completion of an approved state, county, municipal, or 2219
department of natural resources peace officer basic training 2220
program; 2221

(19) A special police officer employed by a municipal 2222
corporation who has been awarded a certificate by the executive 2223
director of the Ohio peace officer training commission for 2224
satisfactory completion of an approved peace officer basic 2225
training program and who is employed on a permanent basis on or 2226
after March 19, 2003, at a municipal airport, or other municipal 2227
air navigation facility, that has scheduled operations, as 2228
defined in section 119.3 of Title 14 of the Code of Federal 2229
Regulations, 14 C.F.R. 119.3, as amended, and that is required 2230
to be under a security program and is governed by aviation 2231
security rules of the transportation security administration of 2232
the United States department of transportation as provided in 2233
Parts 1542. and 1544. of Title 49 of the Code of Federal 2234
Regulations, as amended; 2235

(20) A police officer who is employed by an owner or 2236

operator of an amusement park that has an average yearly 2237
attendance in excess of six hundred thousand guests and that 2238
employs and maintains its own proprietary police department or 2239
security department, and who is appointed and commissioned by a 2240
judge of the appropriate municipal court or county court 2241
pursuant to section 4973.17 of the Revised Code; 2242

(21) A police officer who is employed by a bank, savings 2243
and loan association, savings bank, credit union, or association 2244
of banks, savings and loan associations, savings banks, or 2245
credit unions, who has been appointed and commissioned by the 2246
secretary of state pursuant to sections 4973.17 to 4973.22 of 2247
the Revised Code, and who has been awarded a certificate by the 2248
executive director of the Ohio peace officer training commission 2249
attesting to the person's satisfactory completion of a state, 2250
county, municipal, or department of natural resources peace 2251
officer basic training program; 2252

(22) An investigator, as defined in section 109.541 of the 2253
Revised Code, of the bureau of criminal identification and 2254
investigation who is commissioned by the superintendent of the 2255
bureau as a special agent for the purpose of assisting law 2256
enforcement officers or providing emergency assistance to peace 2257
officers pursuant to authority granted under that section; 2258

(23) A state fire marshal law enforcement officer 2259
appointed under section 3737.22 of the Revised Code or a person 2260
serving as a state fire marshal law enforcement officer on a 2261
permanent basis on or after July 1, 1982, who has been awarded a 2262
certificate by the executive director of the Ohio peace officer 2263
training commission attesting to the person's satisfactory 2264
completion of an approved state, county, municipal, or 2265
department of natural resources peace officer basic training 2266

program;	2267
(24) A gaming agent employed under section 3772.03 of the Revised Code;	2268 2269
(25) An employee of the state board of pharmacy designated by the executive director of the board pursuant to section 4729.04 of the Revised Code to investigate violations of Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder.	2270 2271 2272 2273 2274
(B) "Undercover drug agent" has the same meaning as in division (B) (2) of section 109.79 of the Revised Code.	2275 2276
(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.	2277 2278 2279
(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.	2280 2281
(E) "Tactical medical professional" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, nurse, or physician who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" (TCCC) and "tactical emergency medical support" (TEMS) and who functions in the tactical or austere environment while attached to a law enforcement agency of either this state or a political subdivision of this state.	2282 2283 2284 2285 2286 2287 2288 2289
(F) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code and "EMT" and "AEMT" have the same meanings as in section 4765.011 of the Revised Code.	2290 2291 2292 2293
(G) "Nurse" means any of the following:	2294

(1) Any person who is licensed to practice nursing as a registered nurse by the board of nursing;	2295 2296
(2) Any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code;	2297 2298 2299 2300
(3) Any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.	2301 2302 2303
(H) "Physician" means a person who is licensed pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	2304 2305 2306
<u>(I) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.</u>	2307 2308
Sec. 109.73. (A) The Ohio peace officer training commission shall recommend rules to the attorney general with respect to all of the following:	2309 2310 2311
(1) The approval, or revocation of approval, of peace officer training schools administered by the state, counties, municipal corporations, public school districts, technical college districts, and the department of natural resources;	2312 2313 2314 2315
(2) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved state, county, municipal, and department of natural resources peace officer training schools;	2316 2317 2318 2319
(3) Minimum qualifications for instructors at approved state, county, municipal, and department of natural resources peace officer training schools;	2320 2321 2322

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

(5) The requirements of minimum basic training that peace officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, which requirements shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training in the handling of missing children and child abuse and neglect cases, and training in handling violations of section 2905.32 of the Revised Code, and the time within which such basic training shall be completed following appointment on other than a permanent basis;

(6) Categories or classifications of advanced in-service training programs for peace officers, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section

2919.26 or 3113.31 of the Revised Code, in crisis intervention, 2354
and in the handling of missing children and child abuse and 2355
neglect cases, and in handling violations of section 2905.32 of 2356
the Revised Code, and minimum courses of study and attendance 2357
requirements with respect to such categories or classifications; 2358

(7) Permitting persons, who are employed as members of a 2359
campus police department appointed under section 1713.50 of the 2360
Revised Code; who are employed as police officers by a qualified 2361
nonprofit corporation police department pursuant to section 2362
1702.80 of the Revised Code; who are appointed and commissioned 2363
as bank, savings and loan association, savings bank, credit 2364
union, or association of banks, savings and loan associations, 2365
savings banks, or credit unions police officers, as railroad 2366
police officers, or as hospital police officers pursuant to 2367
sections 4973.17 to 4973.22 of the Revised Code; or who are 2368
appointed and commissioned as amusement park police officers 2369
pursuant to section 4973.17 of the Revised Code, to attend 2370
approved peace officer training schools, including the Ohio 2371
peace officer training academy, and to receive certificates of 2372
satisfactory completion of basic training programs, if the 2373
private college or university that established the campus police 2374
department; qualified nonprofit corporation police department; 2375
bank, savings and loan association, savings bank, credit union, 2376
or association of banks, savings and loan associations, savings 2377
banks, or credit unions; railroad company; hospital; or 2378
amusement park sponsoring the police officers pays the entire 2379
cost of the training and certification and if trainee vacancies 2380
are available; 2381

(8) Permitting undercover drug agents to attend approved 2382
peace officer training schools, other than the Ohio peace 2383
officer training academy, and to receive certificates of 2384

satisfactory completion of basic training programs, if, for each 2385
undercover drug agent, the county, township, or municipal 2386
corporation that employs that undercover drug agent pays the 2387
entire cost of the training and certification; 2388

(9) (a) The requirements for basic training programs for 2389
bailiffs and deputy bailiffs of courts of record of this state 2390
and for criminal investigators employed by the state public 2391
defender that those persons shall complete before they may carry 2392
a firearm while on duty; 2393

(b) The requirements for any training received by a 2394
bailiff or deputy bailiff of a court of record of this state or 2395
by a criminal investigator employed by the state public defender 2396
prior to June 6, 1986, that is to be considered equivalent to 2397
the training described in division (A) (9) (a) of this section. 2398

(10) Establishing minimum qualifications and requirements 2399
for certification for dogs utilized by law enforcement agencies; 2400

(11) Establishing minimum requirements for certification 2401
of persons who are employed as correction officers in a full- 2402
service jail, five-day facility, or eight-hour holding facility 2403
or who provide correction services in such a jail or facility; 2404

(12) Establishing requirements for the training of humane 2405
society agents under section 1717.061 of the Revised Code, 2406
including, without limitation, a requirement that the agents 2407
receive instruction on traditional animal husbandry methods and 2408
training techniques, including customary owner-performed 2409
practices; 2410

(13) Permitting tactical medical professionals to attend 2411
approved peace officer training schools, including the Ohio 2412
peace officer training academy, to receive training of the type 2413

described in division (A) (14) of this section and to receive 2414
certificates of satisfactory completion of training programs 2415
described in that division; 2416

(14) The requirements for training programs that tactical 2417
medical professionals shall complete to qualify them to carry 2418
firearms while on duty under section 109.771 of the Revised 2419
Code, which requirements shall include at least the firearms 2420
training specified in division (A) of section 109.748 of the 2421
Revised Code; 2422

(15) Procedures and requirements for a portion of basic 2423
training that peace officers complete in proper interactions 2424
with civilians during traffic stops and other in-person 2425
encounters as specified in division (B) (4) of section 109.803 of 2426
the Revised Code and including the topics of instruction listed 2427
for active duty peace officers under divisions (B) (4) (a) to (d) 2428
of that section; 2429

(16) Permitting county correctional officers to attend 2430
approved peace officer training schools, including the Ohio 2431
peace officer training academy, to receive training of the type 2432
described in division (A) (17) of this section, and to receive 2433
certificates of satisfactory completion of basic training 2434
programs described in that division; 2435

(17) The requirements for basic training programs that 2436
county correctional officers shall complete to qualify them to 2437
carry firearms while on duty under section 109.772 of the 2438
Revised Code, which requirements shall include the firearms 2439
training specified in section 109.773 of the Revised Code. 2440

(B) The commission shall appoint an executive director, 2441
with the approval of the attorney general, who shall hold office 2442

during the pleasure of the commission. The executive director 2443
shall perform such duties assigned by the commission. The 2444
executive director shall receive a salary fixed pursuant to 2445
Chapter 124. of the Revised Code and reimbursement for expenses 2446
within the amounts available by appropriation. The executive 2447
director may appoint officers, employees, agents, and 2448
consultants as the executive director considers necessary, 2449
prescribe their duties, and provide for reimbursement of their 2450
expenses within the amounts available for reimbursement by 2451
appropriation and with the approval of the commission. 2452

(C) The commission may do all of the following: 2453

(1) Recommend studies, surveys, and reports to be made by 2454
the executive director regarding the carrying out of the 2455
objectives and purposes of sections 109.71 to 109.77 of the 2456
Revised Code; 2457

(2) Visit and inspect any peace officer training school 2458
that has been approved by the executive director or for which 2459
application for approval has been made; 2460

(3) Make recommendations, from time to time, to the 2461
executive director, the attorney general, and the general 2462
assembly regarding the carrying out of the purposes of sections 2463
109.71 to 109.77 of the Revised Code; 2464

(4) Report to the attorney general from time to time, and 2465
to the governor and the general assembly at least annually, 2466
concerning the activities of the commission; 2467

(5) Establish fees for the services the commission offers 2468
under sections 109.71 to 109.79 of the Revised Code, including, 2469
but not limited to, fees for training, certification, and 2470
testing; 2471

(6) Perform such other acts as are necessary or 2472
appropriate to carry out the powers and duties of the commission 2473
as set forth in sections 109.71 to 109.77 of the Revised Code. 2474

(D) In establishing the requirements, under division (A) 2475
(12) of this section, the commission may consider any portions 2476
of the curriculum for instruction on the topic of animal 2477
husbandry practices, if any, of the Ohio state university 2478
college of veterinary medicine. No person or entity that fails 2479
to provide instruction on traditional animal husbandry methods 2480
and training techniques, including customary owner-performed 2481
practices, shall qualify to train a humane society agent for 2482
appointment under section 1717.06 of the Revised Code. 2483

Sec. 109.75. The executive director of the Ohio peace 2484
officer training commission, on behalf of the commission, shall 2485
have the following powers and duties, which shall be exercised 2486
with the general advice of the commission and only in accordance 2487
with section 109.751 of the Revised Code and the rules adopted 2488
pursuant to that section, and with the rules adopted by the 2489
attorney general pursuant to sections 109.74, 109.741, 109.742, 2490
and 109.743 of the Revised Code: 2491

(A) To approve peace officer training schools and firearms 2492
requalification programs administered by the state, counties, 2493
municipal corporations, and the department of natural resources, 2494
to issue certificates of approval to approved schools, and to 2495
revoke an approval or certificate; 2496

(B) To certify, as qualified, instructors at approved 2497
peace officer training schools, to issue appropriate 2498
certificates to these instructors, and to revoke for good cause 2499
shown certificates of these instructors; 2500

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

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

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

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

(G) To consult and cooperate with universities, colleges, and institutes for the development of specialized courses of study in the state for peace officers in police science and police administration;

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

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

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

(K) To certify persons who have satisfactorily completed 2530
approved training programs for correction officers in full- 2531
service jails, five-day facilities, or eight-hour holding 2532
facilities or approved training programs for others who provide 2533
correction services in those jails or facilities and to issue 2534
appropriate certificates to those persons; 2535

(L) To maintain any records associated with the powers and 2536
duties set forth in this section. Certification examinations, 2537
either before or after completion, are not public records for 2538
purposes of section 149.43 of the Revised Code, but the results 2539
of such examinations are public records under that section; 2540

(M) To certify tactical medical professionals who have 2541
satisfactorily completed approved training programs that qualify 2542
them to carry firearms while on duty under section 109.771 of 2543
the Revised Code and to issue appropriate certificates to such 2544
professionals; 2545

(N) To certify county correctional officers who have 2546
satisfactorily completed approved basic training programs that 2547
qualify them to carry firearms while on duty under section 2548
109.772 of the Revised Code and to issue appropriate 2549
certificates to such county correctional officers. 2550

Sec. 109.772. (A) A county correctional officer may carry 2551
firearms while on duty in the same manner, to the same extent, 2552
and in the same areas as a law enforcement officer of the law 2553
enforcement agency with jurisdiction over the place at which the 2554
county jail, county workhouse, minimum security jail, joint city 2555
and county workhouse, municipal-county correctional center, 2556
multicounty-municipal correctional center, municipal-county jail 2557
or workhouse, or multicounty-municipal jail or workhouse is 2558
located, if all of the following apply: 2559

(1) The person in charge of the county jail, county 2560
workhouse, minimum security jail, joint city and county 2561
workhouse, municipal-county correctional center, multicounty- 2562
municipal correctional center, municipal-county jail or 2563
workhouse, or multicounty-municipal jail or workhouse has 2564
specifically authorized the county correctional officer to carry 2565
firearms while on duty. 2566

(2) The county correctional officer has done or received 2567
one of the following: 2568

(a) The county correctional officer has been awarded a 2569
certificate by the executive director of the Ohio peace officer 2570
training commission, which certificate attests to satisfactory 2571
completion of an approved state, county, or municipal basic 2572
training program or a program at the Ohio peace officer training 2573
academy that qualifies the county correctional officer to carry 2574
firearms while on duty and that conforms to the rules adopted 2575
under section 109.773 of the Revised Code. 2576

(b) Prior to or during employment as a county correctional 2577
officer and prior to the effective date of this section, the 2578
county correctional officer has successfully completed a 2579
firearms training program, other than one described in division 2580
(A) (2) (a) of this section, that was approved by the Ohio peace 2581
officer training commission. 2582

(B) A county correctional officer to whom division (A) of 2583
this section applies and who is carrying one or more firearms 2584
under authority of that division has protection from potential 2585
civil or criminal liability for any conduct occurring while 2586
carrying the firearm or firearms to the same extent as a law 2587
enforcement officer of the law enforcement agency with 2588
jurisdiction over the place at which the county jail, county 2589

workhouse, minimum security jail, joint city and county 2590
workhouse, municipal-county correctional center, multicounty- 2591
municipal correctional center, municipal-county jail or 2592
workhouse, or multicounty-municipal jail or workhouse is located 2593
has such protection. 2594

Sec. 109.773. The attorney general shall adopt, in 2595
accordance with Chapter 119. or pursuant to section 109.74 of 2596
the Revised Code, rules authorizing and governing the attendance 2597
of county correctional officers at approved peace officer 2598
training schools, including the Ohio peace officer training 2599
academy, to receive training to qualify them to carry firearms 2600
while on duty under section 109.771 of the Revised Code, and the 2601
certification of the county correctional officers upon their 2602
satisfactory completion of training programs providing that 2603
training. 2604

Sec. 109.79. (A) The Ohio peace officer training 2605
commission shall establish and conduct a training school for law 2606
enforcement officers of any political subdivision of the state 2607
or of the state public defender's office. The school shall be 2608
known as the Ohio peace officer training academy. No bailiff or 2609
deputy bailiff of a court of record of this state and no 2610
criminal investigator employed by the state public defender 2611
shall be permitted to attend the academy for training unless the 2612
employing court of the bailiff or deputy bailiff or the state 2613
public defender, whichever is applicable, has authorized the 2614
bailiff, deputy bailiff, or investigator to attend the academy. 2615

The Ohio peace officer training commission shall develop 2616
the training program, which shall include courses in both the 2617
civil and criminal functions of law enforcement officers, a 2618
course in crisis intervention with six or more hours of 2619

training, training in the handling of missing children and child 2620
abuse and neglect cases, and training on companion animal 2621
encounters and companion animal behavior, and shall establish 2622
rules governing qualifications for admission to the academy. The 2623
commission may require competitive examinations to determine 2624
fitness of prospective trainees, so long as the examinations or 2625
other criteria for admission to the academy are consistent with 2626
the provisions of Chapter 124. of the Revised Code. 2627

The Ohio peace officer training commission shall determine 2628
tuition costs sufficient in the aggregate to pay the costs of 2629
operating the academy. Tuition paid by a political subdivision 2630
of the state or by the state public defender's office shall be 2631
deposited into the state treasury to the credit of the peace 2632
officer training academy fee fund, which is hereby established. 2633
The attorney general shall use money in the fund to pay costs 2634
associated with operation of the academy. The costs of acquiring 2635
and equipping the academy shall be paid from appropriations made 2636
by the general assembly to the Ohio peace officer training 2637
commission for that purpose, from gifts or grants received for 2638
that purpose, or from fees for goods related to the academy. 2639

The Ohio peace officer training commission shall create a 2640
gaming-related curriculum for gaming agents. The Ohio peace 2641
officer training commission shall use money distributed to the 2642
Ohio peace officer training academy from the Ohio law 2643
enforcement training fund to first support the academy's 2644
training programs for gaming agents and gaming-related 2645
curriculum. The Ohio peace officer training commission may 2646
utilize existing training programs in other states that 2647
specialize in training gaming agents. 2648

The law enforcement officers, during the period of their 2649

training, shall receive compensation as determined by the 2650
political subdivision that sponsors them or, if the officer is a 2651
criminal investigator employed by the state public defender, as 2652
determined by the state public defender. The political 2653
subdivision may pay the tuition costs of the law enforcement 2654
officers they sponsor and the state public defender may pay the 2655
tuition costs of criminal investigators of that office who 2656
attend the academy. 2657

If trainee vacancies exist, the academy may train and 2658
issue certificates of satisfactory completion to peace officers 2659
who are employed by a campus police department pursuant to 2660
section 1713.50 of the Revised Code, by a qualified nonprofit 2661
corporation police department pursuant to section 1702.80 of the 2662
Revised Code, or by a railroad company, who are amusement park 2663
police officers appointed and commissioned by a judge of the 2664
appropriate municipal court or county court pursuant to section 2665
4973.17 of the Revised Code, or who are bank, savings and loan 2666
association, savings bank, credit union, or association of 2667
banks, savings and loan associations, savings banks, or credit 2668
unions, or hospital police officers appointed and commissioned 2669
by the secretary of state pursuant to sections 4973.17 to 2670
4973.22 of the Revised Code, provided that no such officer shall 2671
be trained at the academy unless the officer meets the 2672
qualifications established for admission to the academy and the 2673
qualified nonprofit corporation police department; bank, savings 2674
and loan association, savings bank, credit union, or association 2675
of banks, savings and loan associations, savings banks, or 2676
credit unions; railroad company; hospital; or amusement park or 2677
the private college or university that established the campus 2678
police department prepays the entire cost of the training. A 2679
qualified nonprofit corporation police department; bank, savings 2680

and loan association, savings bank, credit union, or association 2681
of banks, savings and loan associations, savings banks, or 2682
credit unions; railroad company; hospital; or amusement park or 2683
a private college or university that has established a campus 2684
police department is not entitled to reimbursement from the 2685
state for any amount paid for the cost of training the bank, 2686
savings and loan association, savings bank, credit union, or 2687
association of banks, savings and loan associations, savings 2688
banks, or credit unions peace officers; the railroad company's 2689
peace officers; or the peace officers of the qualified nonprofit 2690
corporation police department, campus police department, 2691
hospital, or amusement park. 2692

The academy shall permit investigators employed by the 2693
state medical board to take selected courses that the board 2694
determines are consistent with its responsibilities for initial 2695
and continuing training of investigators as required under 2696
sections 4730.26 and 4731.05 of the Revised Code. The board 2697
shall pay the entire cost of training that investigators receive 2698
at the academy. 2699

The academy shall permit tactical medical professionals to 2700
attend training courses at the academy that are designed to 2701
qualify the professionals to carry firearms while on duty under 2702
section 109.771 of the Revised Code and that provide training 2703
comparable to training mandated under the rules required by 2704
division (A) of section 109.748 of the Revised Code. The 2705
executive director of the Ohio peace officer training commission 2706
may certify tactical medical professionals who satisfactorily 2707
complete the training courses. The law enforcement agency served 2708
by a tactical medical professional who attends the academy may 2709
pay the tuition costs of the professional. 2710

The academy shall permit county correctional officers to 2711
attend training courses at the academy that are designed to 2712
qualify the county correctional officers to carry firearms while 2713
on duty under section 109.772 of the Revised Code and that 2714
provide training mandated under the rules required by section 2715
109.773 of the Revised Code. The executive director of the Ohio 2716
peace officer training commission may certify county 2717
correctional officers who satisfactorily complete the training 2718
courses. The county jail, county workhouse, minimum security 2719
jail, joint city and county workhouse, municipal-county 2720
correctional center, multicounty-municipal correctional center, 2721
municipal-county jail or workhouse, or multicounty-municipal 2722
jail or workhouse served by the county correctional officer who 2723
attends the academy may pay the tuition costs of the county 2724
correctional officer. 2725

(B) As used in this section: 2726

(1) "Law enforcement officers" include any undercover drug 2727
agent, any bailiff or deputy bailiff of a court of record, and 2728
any criminal investigator who is employed by the state public 2729
defender. 2730

(2) "Undercover drug agent" means any person who: 2731

(a) Is employed by a county, township, or municipal 2732
corporation for the purposes set forth in division (B) (2) (b) of 2733
this section but who is not an employee of a county sheriff's 2734
department, of a township constable, or of the police department 2735
of a municipal corporation or township; 2736

(b) In the course of the person's employment by a county, 2737
township, or municipal corporation, investigates and gathers 2738
information pertaining to persons who are suspected of violating 2739

Chapter 2925. or 3719. of the Revised Code, and generally does 2740
not wear a uniform in the performance of the person's duties. 2741

(3) "Crisis intervention training" has the same meaning as 2742
in section 109.71 of the Revised Code. 2743

(4) "Missing children" has the same meaning as in section 2744
2901.30 of the Revised Code. 2745

(5) "Companion animal" has the same meaning as in section 2746
959.131 of the Revised Code. 2747

Sec. 109.801. (A) (1) Each year, any of the following 2748
persons who are authorized to carry firearms in the course of 2749
their official duties shall complete successfully a firearms 2750
requalification program approved by the executive director of 2751
the Ohio peace officer training commission in accordance with 2752
rules adopted by the attorney general pursuant to section 2753
109.743 of the Revised Code: any peace officer, sheriff, chief 2754
of police of an organized police department of a municipal 2755
corporation or township, chief of police of a township police 2756
district or joint police district police force, superintendent 2757
of the state highway patrol, state highway patrol trooper, or 2758
chief of police of a university or college police department; 2759
any parole or probation officer who carries a firearm in the 2760
course of official duties; any ~~corrections~~ county correctional 2761
~~officer of a multicounty correctional center, or of a municipal-~~ 2762
~~county or multicounty municipal correctional center, established~~ 2763
~~under section 307.93 of the Revised Code who carries a firearm~~ 2764
~~in the course of official duties;~~ the house of representatives 2765
sergeant at arms if the house of representatives sergeant at 2766
arms has arrest authority pursuant to division (E) (1) of section 2767
101.311 of the Revised Code; any assistant house of 2768
representatives sergeant at arms; the senate sergeant at arms; 2769

any assistant senate sergeant at arms; any tactical medical 2770
professional; or any employee of the department of youth 2771
services who is designated pursuant to division (A) (2) of 2772
section 5139.53 of the Revised Code as being authorized to carry 2773
a firearm while on duty as described in that division. 2774

(2) No person listed in division (A) (1) of this section 2775
shall carry a firearm during the course of official duties if 2776
the person does not comply with division (A) (1) of this section. 2777

(B) The hours that a sheriff spends attending a firearms 2778
requalification program required by division (A) of this section 2779
are in addition to the sixteen hours of continuing education 2780
that are required by division (E) of section 311.01 of the 2781
Revised Code. 2782

(C) As used in this section, "firearm" has the same 2783
meaning as in section 2923.11 of the Revised Code. 2784

Sec. 149.43. (A) As used in this section: 2785

(1) "Public record" means records kept by any public 2786
office, including, but not limited to, state, county, city, 2787
village, township, and school district units, and records 2788
pertaining to the delivery of educational services by an 2789
alternative school in this state kept by the nonprofit or for- 2790
profit entity operating the alternative school pursuant to 2791
section 3313.533 of the Revised Code. "Public record" does not 2792
mean any of the following: 2793

(a) Medical records; 2794

(b) Records pertaining to probation and parole 2795
proceedings, to proceedings related to the imposition of 2796
community control sanctions and post-release control sanctions, 2797
or to proceedings related to determinations under section 2798

2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	2799 2800
(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;	2801 2802 2803
(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;	2804 2805 2806
(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;	2807 2808 2809 2810 2811 2812
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	2813 2814
(g) Trial preparation records;	2815
(h) Confidential law enforcement investigatory records;	2816
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	2817 2818
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	2819 2820
(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;	2821 2822 2823 2824
(l) Records maintained by the department of youth services	2825

pertaining to children in its custody released by the department	2826
of youth services to the department of rehabilitation and	2827
correction pursuant to section 5139.05 of the Revised Code;	2828
(m) Intellectual property records;	2829
(n) Donor profile records;	2830
(o) Records maintained by the department of job and family	2831
services pursuant to section 3121.894 of the Revised Code;	2832
(p) Designated public service worker residential and	2833
familial information;	2834
(q) In the case of a county hospital operated pursuant to	2835
Chapter 339. of the Revised Code or a municipal hospital	2836
operated pursuant to Chapter 749. of the Revised Code,	2837
information that constitutes a trade secret, as defined in	2838
section 1333.61 of the Revised Code;	2839
(r) Information pertaining to the recreational activities	2840
of a person under the age of eighteen;	2841
(s) In the case of a child fatality review board acting	2842
under sections 307.621 to 307.629 of the Revised Code or a	2843
review conducted pursuant to guidelines established by the	2844
director of health under section 3701.70 of the Revised Code,	2845
records provided to the board or director, statements made by	2846
board members during meetings of the board or by persons	2847
participating in the director's review, and all work products of	2848
the board or director, and in the case of a child fatality	2849
review board, child fatality review data submitted by the board	2850
to the department of health or a national child death review	2851
database, other than the report prepared pursuant to division	2852
(A) of section 307.626 of the Revised Code;	2853

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

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

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

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

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

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

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

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

(bb) Records described in division (C) of section 187.04 2883
of the Revised Code that are not designated to be made available 2884
to the public as provided in that division; 2885

(cc) Information and records that are made confidential, 2886
privileged, and not subject to disclosure under divisions (B) 2887
and (C) of section 2949.221 of the Revised Code; 2888

(dd) Personal information, as defined in section 149.45 of 2889
the Revised Code; 2890

(ee) The confidential name, address, and other personally 2891
identifiable information of a program participant in the address 2892
confidentiality program established under sections 111.41 to 2893
111.47 of the Revised Code, including the contents of any 2894
application for absent voter's ballots, absent voter's ballot 2895
identification envelope statement of voter, or provisional 2896
ballot affirmation completed by a program participant who has a 2897
confidential voter registration record; records or portions of 2898
records pertaining to that program that identify the number of 2899
program participants that reside within a precinct, ward, 2900
township, municipal corporation, county, or any other geographic 2901
area smaller than the state; and any real property 2902
confidentiality notice filed under section 111.431 of the 2903
Revised Code and the information described in division (C) of 2904
that section. As used in this division, "confidential address" 2905
and "program participant" have the meaning defined in section 2906
111.41 of the Revised Code. 2907

(ff) Orders for active military service of an individual 2908
serving or with previous service in the armed forces of the 2909
United States, including a reserve component, or the Ohio 2910
organized militia, except that, such order becomes a public 2911
record on the day that is fifteen years after the published date 2912

or effective date of the call to order; 2913

(gg) The name, address, contact information, or other 2914
personal information of an individual who is less than eighteen 2915
years of age that is included in any record related to a traffic 2916
accident involving a school vehicle in which the individual was 2917
an occupant at the time of the accident; 2918

(hh) Protected health information, as defined in 45 C.F.R. 2919
160.103, that is in a claim for payment for a health care 2920
product, service, or procedure, as well as any other health 2921
claims data in another document that reveals the identity of an 2922
individual who is the subject of the data or could be used to 2923
reveal that individual's identity; 2924

(ii) Any depiction by photograph, film, videotape, or 2925
printed or digital image under either of the following 2926
circumstances: 2927

(i) The depiction is that of a victim of an offense the 2928
release of which would be, to a reasonable person of ordinary 2929
sensibilities, an offensive and objectionable intrusion into the 2930
victim's expectation of bodily privacy and integrity. 2931

(ii) The depiction captures or depicts the victim of a 2932
sexually oriented offense, as defined in section 2950.01 of the 2933
Revised Code, at the actual occurrence of that offense. 2934

(jj) Restricted portions of a body-worn camera or 2935
dashboard camera recording; 2936

(kk) In the case of a fetal-infant mortality review board 2937
acting under sections 3707.70 to 3707.77 of the Revised Code, 2938
records, documents, reports, or other information presented to 2939
the board or a person abstracting such materials on the board's 2940
behalf, statements made by review board members during board 2941

meetings, all work products of the board, and data submitted by 2942
the board to the department of health or a national infant death 2943
review database, other than the report prepared pursuant to 2944
section 3707.77 of the Revised Code. 2945

(ll) Records, documents, reports, or other information 2946
presented to the pregnancy-associated mortality review board 2947
established under section 3738.01 of the Revised Code, 2948
statements made by board members during board meetings, all work 2949
products of the board, and data submitted by the board to the 2950
department of health, other than the biennial reports prepared 2951
under section 3738.08 of the Revised Code; 2952

(mm) Except as otherwise provided in division (A) (1) (oo) 2953
of this section, telephone numbers for a victim, as defined in 2954
section 2930.01 of the Revised Code or a witness to a crime that 2955
are listed on any law enforcement record or report. 2956

(nn) A preneed funeral contract, as defined in section 2957
4717.01 of the Revised Code, and contract terms and personally 2958
identifying information of a preneed funeral contract, that is 2959
contained in a report submitted by or for a funeral home to the 2960
board of embalmers and funeral directors under division (C) of 2961
section 4717.13, division (J) of section 4717.31, or section 2962
4717.41 of the Revised Code. 2963

(oo) Telephone numbers for a party to a motor vehicle 2964
accident subject to the requirements of section 5502.11 of the 2965
Revised Code that are listed on any law enforcement record or 2966
report, except that the telephone numbers described in this 2967
division are not excluded from the definition of "public record" 2968
under this division on and after the thirtieth day after the 2969
occurrence of the motor vehicle accident. 2970

(pp) Records pertaining to individuals who complete 2971
training under section 5502.703 of the Revised Code to be 2972
permitted by a school district board of education or governing 2973
body of a community school established under Chapter 3314. of 2974
the Revised Code, a STEM school established under Chapter 3326. 2975
of the Revised Code, or a chartered nonpublic school to convey 2976
deadly weapons or dangerous ordnance into a school safety zone. 2977

A record that is not a public record under division (A) (1) 2978
of this section and that, under law, is permanently retained 2979
becomes a public record on the day that is seventy-five years 2980
after the day on which the record was created, except for any 2981
record protected by the attorney-client privilege, a trial 2982
preparation record as defined in this section, a statement 2983
prohibiting the release of identifying information signed under 2984
section 3107.083 of the Revised Code, a denial of release form 2985
filed pursuant to section 3107.46 of the Revised Code, or any 2986
record that is exempt from release or disclosure under section 2987
149.433 of the Revised Code. If the record is a birth 2988
certificate and a biological parent's name redaction request 2989
form has been accepted under section 3107.391 of the Revised 2990
Code, the name of that parent shall be redacted from the birth 2991
certificate before it is released under this paragraph. If any 2992
other section of the Revised Code establishes a time period for 2993
disclosure of a record that conflicts with the time period 2994
specified in this section, the time period in the other section 2995
prevails. 2996

(2) "Confidential law enforcement investigatory record" 2997
means any record that pertains to a law enforcement matter of a 2998
criminal, quasi-criminal, civil, or administrative nature, but 2999
only to the extent that the release of the record would create a 3000
high probability of disclosure of any of the following: 3001

(a) The identity of a suspect who has not been charged 3002
with the offense to which the record pertains, or of an 3003
information source or witness to whom confidentiality has been 3004
reasonably promised; 3005

(b) Information provided by an information source or 3006
witness to whom confidentiality has been reasonably promised, 3007
which information would reasonably tend to disclose the source's 3008
or witness's identity; 3009

(c) Specific confidential investigatory techniques or 3010
procedures or specific investigatory work product; 3011

(d) Information that would endanger the life or physical 3012
safety of law enforcement personnel, a crime victim, a witness, 3013
or a confidential information source. 3014

(3) "Medical record" means any document or combination of 3015
documents, except births, deaths, and the fact of admission to 3016
or discharge from a hospital, that pertains to the medical 3017
history, diagnosis, prognosis, or medical condition of a patient 3018
and that is generated and maintained in the process of medical 3019
treatment. 3020

(4) "Trial preparation record" means any record that 3021
contains information that is specifically compiled in reasonable 3022
anticipation of, or in defense of, a civil or criminal action or 3023
proceeding, including the independent thought processes and 3024
personal trial preparation of an attorney. 3025

(5) "Intellectual property record" means a record, other 3026
than a financial or administrative record, that is produced or 3027
collected by or for faculty or staff of a state institution of 3028
higher learning in the conduct of or as a result of study or 3029
research on an educational, commercial, scientific, artistic, 3030

technical, or scholarly issue, regardless of whether the study 3031
or research was sponsored by the institution alone or in 3032
conjunction with a governmental body or private concern, and 3033
that has not been publicly released, published, or patented. 3034

(6) "Donor profile record" means all records about donors 3035
or potential donors to a public institution of higher education 3036
except the names and reported addresses of the actual donors and 3037
the date, amount, and conditions of the actual donation. 3038

(7) "Designated public service worker" means a peace 3039
officer, parole officer, probation officer, bailiff, prosecuting 3040
attorney, assistant prosecuting attorney, correctional employee, 3041
county or multicounty corrections officer, community-based 3042
correctional facility employee, designated Ohio national guard 3043
member, protective services worker, youth services employee, 3044
firefighter, EMT, medical director or member of a cooperating 3045
physician advisory board of an emergency medical service 3046
organization, state board of pharmacy employee, investigator of 3047
the bureau of criminal identification and investigation, 3048
emergency service telecommunicator, forensic mental health 3049
provider, mental health evaluation provider, regional 3050
psychiatric hospital employee, judge, magistrate, or federal law 3051
enforcement officer. 3052

(8) "Designated public service worker residential and 3053
familial information" means any information that discloses any 3054
of the following about a designated public service worker: 3055

(a) The address of the actual personal residence of a 3056
designated public service worker, except for the following 3057
information: 3058

(i) The address of the actual personal residence of a 3059

prosecuting attorney or judge; and 3060

(ii) The state or political subdivision in which a 3061
designated public service worker resides. 3062

(b) Information compiled from referral to or participation 3063
in an employee assistance program; 3064

(c) The social security number, the residential telephone 3065
number, any bank account, debit card, charge card, or credit 3066
card number, or the emergency telephone number of, or any 3067
medical information pertaining to, a designated public service 3068
worker; 3069

(d) The name of any beneficiary of employment benefits, 3070
including, but not limited to, life insurance benefits, provided 3071
to a designated public service worker by the designated public 3072
service worker's employer; 3073

(e) The identity and amount of any charitable or 3074
employment benefit deduction made by the designated public 3075
service worker's employer from the designated public service 3076
worker's compensation, unless the amount of the deduction is 3077
required by state or federal law; 3078

(f) The name, the residential address, the name of the 3079
employer, the address of the employer, the social security 3080
number, the residential telephone number, any bank account, 3081
debit card, charge card, or credit card number, or the emergency 3082
telephone number of the spouse, a former spouse, or any child of 3083
a designated public service worker; 3084

(g) A photograph of a peace officer who holds a position 3085
or has an assignment that may include undercover or plain 3086
clothes positions or assignments as determined by the peace 3087
officer's appointing authority. 3088

(9) As used in divisions (A) (7) and (15) to (17) of this section: 3089
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff. 3091
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"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision. 3097
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"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility. 3101
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"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. 3104
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"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services. 3111
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"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. 3114
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"Firefighter" means any regular, paid or volunteer, member 3118
of a lawfully constituted fire department of a municipal 3119
corporation, township, fire district, or village. 3120

"EMT" means EMTs-basic, EMTs-I, and paramedics that 3121
provide emergency medical services for a public emergency 3122
medical service organization. "Emergency medical service 3123
organization," "EMT-basic," "EMT-I," and "paramedic" have the 3124
meanings defined in section 4765.01 of the Revised Code. 3125

"Investigator of the bureau of criminal identification and 3126
investigation" has the meaning defined in section 2903.11 of the 3127
Revised Code. 3128

"Emergency service telecommunicator" has the meaning 3129
defined in section 4742.01 of the Revised Code. 3130

"Forensic mental health provider" means any employee of a 3131
community mental health service provider or local alcohol, drug 3132
addiction, and mental health services board who, in the course 3133
of the employee's duties, has contact with persons committed to 3134
a local alcohol, drug addiction, and mental health services 3135
board by a court order pursuant to section 2945.38, 2945.39, 3136
2945.40, or 2945.402 of the Revised Code. 3137

"Mental health evaluation provider" means an individual 3138
who, under Chapter 5122. of the Revised Code, examines a 3139
respondent who is alleged to be a mentally ill person subject to 3140
court order, as defined in section 5122.01 of the Revised Code, 3141
and reports to the probate court the respondent's mental 3142
condition. 3143

"Regional psychiatric hospital employee" means any 3144
employee of the department of mental health and addiction 3145
services who, in the course of performing the employee's duties, 3146

has contact with patients committed to the department of mental 3147
health and addiction services by a court order pursuant to 3148
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 3149
Code. 3150

"Federal law enforcement officer" has the meaning defined 3151
in section 9.88 of the Revised Code. 3152

(10) "Information pertaining to the recreational 3153
activities of a person under the age of eighteen" means 3154
information that is kept in the ordinary course of business by a 3155
public office, that pertains to the recreational activities of a 3156
person under the age of eighteen years, and that discloses any 3157
of the following: 3158

(a) The address or telephone number of a person under the 3159
age of eighteen or the address or telephone number of that 3160
person's parent, guardian, custodian, or emergency contact 3161
person; 3162

(b) The social security number, birth date, or 3163
photographic image of a person under the age of eighteen; 3164

(c) Any medical record, history, or information pertaining 3165
to a person under the age of eighteen; 3166

(d) Any additional information sought or required about a 3167
person under the age of eighteen for the purpose of allowing 3168
that person to participate in any recreational activity 3169
conducted or sponsored by a public office or to use or obtain 3170
admission privileges to any recreational facility owned or 3171
operated by a public office. 3172

(11) "Community control sanction" has the meaning defined 3173
in section 2929.01 of the Revised Code. 3174

- (12) "Post-release control sanction" has the meaning 3175
defined in section 2967.01 of the Revised Code. 3176
- (13) "Redaction" means obscuring or deleting any 3177
information that is exempt from the duty to permit public 3178
inspection or copying from an item that otherwise meets the 3179
definition of a "record" in section 149.011 of the Revised Code. 3180
- (14) "Designee," "elected official," and "future official" 3181
have the meanings defined in section 109.43 of the Revised Code. 3182
- (15) "Body-worn camera" means a visual and audio recording 3183
device worn on the person of a correctional employee, youth 3184
services employee, or peace officer while the correctional 3185
employee, youth services employee, or peace officer is engaged 3186
in the performance of ~~the peace officer's~~ official duties. 3187
- (16) "Dashboard camera" means a visual and audio recording 3188
device mounted on a peace officer's vehicle or vessel that is 3189
used while the peace officer is engaged in the performance of 3190
the peace officer's duties. 3191
- (17) "Restricted portions of a body-worn camera or 3192
dashboard camera recording" means any visual or audio portion of 3193
a body-worn camera or dashboard camera recording that shows, 3194
communicates, or discloses any of the following: 3195
- (a) The image or identity of a child or information that 3196
could lead to the identification of a child who is a primary 3197
subject of the recording when the department of rehabilitation 3198
and correction, department of youth services, or the law 3199
enforcement agency knows or has reason to know the person is a 3200
child based on the department's or law enforcement agency's 3201
records or the content of the recording; 3202
- (b) The death of a person or a deceased person's body, 3203

unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

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

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

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

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

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services

employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 3233
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(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained; 3238
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(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter; 3240
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 3245
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(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to ~~a~~ the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 3247
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(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 3255
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(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety; 3257
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(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a 3260
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law enforcement agency;	3262
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	3263 3264
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	3265 3266 3267
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	3268 3269 3270
As used in division (A) (17) of this section:	3271
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	3272 3273
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	3274 3275
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	3276 3277
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	3278 3279
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	3280 3281 3282 3283
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	3284 3285
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	3286 3287
(B) (1) Upon request by any person and subject to division	3288

(B) (8) of this section, all public records responsive to the 3289
request shall be promptly prepared and made available for 3290
inspection to the requester at all reasonable times during 3291
regular business hours. Subject to division (B) (8) of this 3292
section, upon request by any person, a public office or person 3293
responsible for public records shall make copies of the 3294
requested public record available to the requester at cost and 3295
within a reasonable period of time. If a public record contains 3296
information that is exempt from the duty to permit public 3297
inspection or to copy the public record, the public office or 3298
the person responsible for the public record shall make 3299
available all of the information within the public record that 3300
is not exempt. When making that public record available for 3301
public inspection or copying that public record, the public 3302
office or the person responsible for the public record shall 3303
notify the requester of any redaction or make the redaction 3304
plainly visible. A redaction shall be deemed a denial of a 3305
request to inspect or copy the redacted information, except if 3306
federal or state law authorizes or requires a public office to 3307
make the redaction. 3308

(2) To facilitate broader access to public records, a 3309
public office or the person responsible for public records shall 3310
organize and maintain public records in a manner that they can 3311
be made available for inspection or copying in accordance with 3312
division (B) of this section. A public office also shall have 3313
available a copy of its current records retention schedule at a 3314
location readily available to the public. If a requester makes 3315
an ambiguous or overly broad request or has difficulty in making 3316
a request for copies or inspection of public records under this 3317
section such that the public office or the person responsible 3318
for the requested public record cannot reasonably identify what 3319

public records are being requested, the public office or the 3320
person responsible for the requested public record may deny the 3321
request but shall provide the requester with an opportunity to 3322
revise the request by informing the requester of the manner in 3323
which records are maintained by the public office and accessed 3324
in the ordinary course of the public office's or person's 3325
duties. 3326

(3) If a request is ultimately denied, in part or in 3327
whole, the public office or the person responsible for the 3328
requested public record shall provide the requester with an 3329
explanation, including legal authority, setting forth why the 3330
request was denied. If the initial request was provided in 3331
writing, the explanation also shall be provided to the requester 3332
in writing. The explanation shall not preclude the public office 3333
or the person responsible for the requested public record from 3334
relying upon additional reasons or legal authority in defending 3335
an action commenced under division (C) of this section. 3336

(4) Unless specifically required or authorized by state or 3337
federal law or in accordance with division (B) of this section, 3338
no public office or person responsible for public records may 3339
limit or condition the availability of public records by 3340
requiring disclosure of the requester's identity or the intended 3341
use of the requested public record. Any requirement that the 3342
requester disclose the requester's identity or the intended use 3343
of the requested public record constitutes a denial of the 3344
request. 3345

(5) A public office or person responsible for public 3346
records may ask a requester to make the request in writing, may 3347
ask for the requester's identity, and may inquire about the 3348
intended use of the information requested, but may do so only 3349

after disclosing to the requester that a written request is not 3350
mandatory, that the requester may decline to reveal the 3351
requester's identity or the intended use, and when a written 3352
request or disclosure of the identity or intended use would 3353
benefit the requester by enhancing the ability of the public 3354
office or person responsible for public records to identify, 3355
locate, or deliver the public records sought by the requester. 3356

(6) If any person requests a copy of a public record in 3357
accordance with division (B) of this section, the public office 3358
or person responsible for the public record may require the 3359
requester to pay in advance the cost involved in providing the 3360
copy of the public record in accordance with the choice made by 3361
the requester under this division. The public office or the 3362
person responsible for the public record shall permit the 3363
requester to choose to have the public record duplicated upon 3364
paper, upon the same medium upon which the public office or 3365
person responsible for the public record keeps it, or upon any 3366
other medium upon which the public office or person responsible 3367
for the public record determines that it reasonably can be 3368
duplicated as an integral part of the normal operations of the 3369
public office or person responsible for the public record. When 3370
the requester makes a choice under this division, the public 3371
office or person responsible for the public record shall provide 3372
a copy of it in accordance with the choice made by the 3373
requester. Nothing in this section requires a public office or 3374
person responsible for the public record to allow the requester 3375
of a copy of the public record to make the copies of the public 3376
record. 3377

(7) (a) Upon a request made in accordance with division (B) 3378
of this section and subject to division (B) (6) of this section, 3379
a public office or person responsible for public records shall 3380

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 (B) (7) of this section:

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

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than

during acts of God outside the public office's control or 3411
maintenance, and that charges no fee to search, access, 3412
download, or otherwise receive records provided on the web site, 3413
may limit to ten per month the number of records requested by a 3414
person that the office will deliver in a digital format, unless 3415
the requested records are not provided on the web site and 3416
unless the person certifies to the office in writing that the 3417
person does not intend to use or forward the requested records, 3418
or the information contained in them, for commercial purposes. 3419

(iii) For purposes of division (B) (7) of this section, 3420
"commercial" shall be narrowly construed and does not include 3421
reporting or gathering news, reporting or gathering information 3422
to assist citizen oversight or understanding of the operation or 3423
activities of government, or nonprofit educational research. 3424

(8) A public office or person responsible for public 3425
records is not required to permit a person who is incarcerated 3426
pursuant to a criminal conviction or a juvenile adjudication to 3427
inspect or to obtain a copy of any public record concerning a 3428
criminal investigation or prosecution or concerning what would 3429
be a criminal investigation or prosecution if the subject of the 3430
investigation or prosecution were an adult, unless the request 3431
to inspect or to obtain a copy of the record is for the purpose 3432
of acquiring information that is subject to release as a public 3433
record under this section and the judge who imposed the sentence 3434
or made the adjudication with respect to the person, or the 3435
judge's successor in office, finds that the information sought 3436
in the public record is necessary to support what appears to be 3437
a justiciable claim of the person. 3438

(9) (a) Upon written request made and signed by a 3439
journalist, a public office, or person responsible for public 3440

records, having custody of the records of the agency employing a 3441
specified designated public service worker shall disclose to the 3442
journalist the address of the actual personal residence of the 3443
designated public service worker and, if the designated public 3444
service worker's spouse, former spouse, or child is employed by 3445
a public office, the name and address of the employer of the 3446
designated public service worker's spouse, former spouse, or 3447
child. The request shall include the journalist's name and title 3448
and the name and address of the journalist's employer and shall 3449
state that disclosure of the information sought would be in the 3450
public interest. 3451

(b) Division (B) (9) (a) of this section also applies to 3452
journalist requests for: 3453

(i) Customer information maintained by a municipally owned 3454
or operated public utility, other than social security numbers 3455
and any private financial information such as credit reports, 3456
payment methods, credit card numbers, and bank account 3457
information; 3458

(ii) Information about minors involved in a school vehicle 3459
accident as provided in division (A) (1) (gg) of this section, 3460
other than personal information as defined in section 149.45 of 3461
the Revised Code. 3462

(c) As used in division (B) (9) of this section, 3463
"journalist" means a person engaged in, connected with, or 3464
employed by any news medium, including a newspaper, magazine, 3465
press association, news agency, or wire service, a radio or 3466
television station, or a similar medium, for the purpose of 3467
gathering, processing, transmitting, compiling, editing, or 3468
disseminating information for the general public. 3469

(10) Upon a request made by a victim, victim's attorney, 3470
or victim's representative, as that term is used in section 3471
2930.02 of the Revised Code, a public office or person 3472
responsible for public records shall transmit a copy of a 3473
depiction of the victim as described in division (A)(1)(ii) of 3474
this section to the victim, victim's attorney, or victim's 3475
representative. 3476

(C)(1) If a person allegedly is aggrieved by the failure 3477
of a public office or the person responsible for public records 3478
to promptly prepare a public record and to make it available to 3479
the person for inspection in accordance with division (B) of 3480
this section or by any other failure of a public office or the 3481
person responsible for public records to comply with an 3482
obligation in accordance with division (B) of this section, the 3483
person allegedly aggrieved may do only one of the following, and 3484
not both: 3485

(a) File a complaint with the clerk of the court of claims 3486
or the clerk of the court of common pleas under section 2743.75 3487
of the Revised Code; 3488

(b) Commence a mandamus action to obtain a judgment that 3489
orders the public office or the person responsible for the 3490
public record to comply with division (B) of this section, that 3491
awards court costs and reasonable attorney's fees to the person 3492
that instituted the mandamus action, and, if applicable, that 3493
includes an order fixing statutory damages under division (C)(2) 3494
of this section. The mandamus action may be commenced in the 3495
court of common pleas of the county in which division (B) of 3496
this section allegedly was not complied with, in the supreme 3497
court pursuant to its original jurisdiction under Section 2 of 3498
Article IV, Ohio Constitution, or in the court of appeals for 3499

the appellate district in which division (B) of this section 3500
allegedly was not complied with pursuant to its original 3501
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3502

(2) If a requester transmits a written request by hand 3503
delivery, electronic submission, or certified mail to inspect or 3504
receive copies of any public record in a manner that fairly 3505
describes the public record or class of public records to the 3506
public office or person responsible for the requested public 3507
records, except as otherwise provided in this section, the 3508
requester shall be entitled to recover the amount of statutory 3509
damages set forth in this division if a court determines that 3510
the public office or the person responsible for public records 3511
failed to comply with an obligation in accordance with division 3512
(B) of this section. 3513

The amount of statutory damages shall be fixed at one 3514
hundred dollars for each business day during which the public 3515
office or person responsible for the requested public records 3516
failed to comply with an obligation in accordance with division 3517
(B) of this section, beginning with the day on which the 3518
requester files a mandamus action to recover statutory damages, 3519
up to a maximum of one thousand dollars. The award of statutory 3520
damages shall not be construed as a penalty, but as compensation 3521
for injury arising from lost use of the requested information. 3522
The existence of this injury shall be conclusively presumed. The 3523
award of statutory damages shall be in addition to all other 3524
remedies authorized by this section. 3525

The court may reduce an award of statutory damages or not 3526
award statutory damages if the court determines both of the 3527
following: 3528

(a) That, based on the ordinary application of statutory 3529

law and case law as it existed at the time of the conduct or 3530
threatened conduct of the public office or person responsible 3531
for the requested public records that allegedly constitutes a 3532
failure to comply with an obligation in accordance with division 3533
(B) of this section and that was the basis of the mandamus 3534
action, a well-informed public office or person responsible for 3535
the requested public records reasonably would believe that the 3536
conduct or threatened conduct of the public office or person 3537
responsible for the requested public records did not constitute 3538
a failure to comply with an obligation in accordance with 3539
division (B) of this section; 3540

(b) That a well-informed public office or person 3541
responsible for the requested public records reasonably would 3542
believe that the conduct or threatened conduct of the public 3543
office or person responsible for the requested public records 3544
would serve the public policy that underlies the authority that 3545
is asserted as permitting that conduct or threatened conduct. 3546

(3) In a mandamus action filed under division (C) (1) of 3547
this section, the following apply: 3548

(a) (i) If the court orders the public office or the person 3549
responsible for the public record to comply with division (B) of 3550
this section, the court shall determine and award to the relator 3551
all court costs, which shall be construed as remedial and not 3552
punitive. 3553

(ii) If the court makes a determination described in 3554
division (C) (3) (b) (iii) of this section, the court shall 3555
determine and award to the relator all court costs, which shall 3556
be construed as remedial and not punitive. 3557

(b) If the court renders a judgment that orders the public 3558

office or the person responsible for the public record to comply 3559
with division (B) of this section or if the court determines any 3560
of the following, the court may award reasonable attorney's fees 3561
to the relator, subject to division (C) (4) of this section: 3562

(i) The public office or the person responsible for the 3563
public records failed to respond affirmatively or negatively to 3564
the public records request in accordance with the time allowed 3565
under division (B) of this section. 3566

(ii) The public office or the person responsible for the 3567
public records promised to permit the relator to inspect or 3568
receive copies of the public records requested within a 3569
specified period of time but failed to fulfill that promise 3570
within that specified period of time. 3571

(iii) The public office or the person responsible for the 3572
public records acted in bad faith when the office or person 3573
voluntarily made the public records available to the relator for 3574
the first time after the relator commenced the mandamus action, 3575
but before the court issued any order concluding whether or not 3576
the public office or person was required to comply with division 3577
(B) of this section. No discovery may be conducted on the issue 3578
of the alleged bad faith of the public office or person 3579
responsible for the public records. This division shall not be 3580
construed as creating a presumption that the public office or 3581
the person responsible for the public records acted in bad faith 3582
when the office or person voluntarily made the public records 3583
available to the relator for the first time after the relator 3584
commenced the mandamus action, but before the court issued any 3585
order described in this division. 3586

(c) The court shall not award attorney's fees to the 3587
relator if the court determines both of the following: 3588

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

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

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (3) (b) of this section:

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

(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.

(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. 3618

(d) The court may reduce the amount of fees awarded if the 3619
court determines that, given the factual circumstances involved 3620
with the specific public records request, an alternative means 3621
should have been pursued to more effectively and efficiently 3622
resolve the dispute that was subject to the mandamus action 3623
filed under division (C) (1) of this section. 3624

(5) If the court does not issue a writ of mandamus under 3625
division (C) of this section and the court determines at that 3626
time that the bringing of the mandamus action was frivolous 3627
conduct as defined in division (A) of section 2323.51 of the 3628
Revised Code, the court may award to the public office all court 3629
costs, expenses, and reasonable attorney's fees, as determined 3630
by the court. 3631

(D) Chapter 1347. of the Revised Code does not limit the 3632
provisions of this section. 3633

(E) (1) To ensure that all employees of public offices are 3634
appropriately educated about a public office's obligations under 3635
division (B) of this section, all elected officials or their 3636
appropriate designees shall attend training approved by the 3637
attorney general as provided in section 109.43 of the Revised 3638
Code. A future official may satisfy the requirements of this 3639
division by attending the training before taking office, 3640
provided that the future official may not send a designee in the 3641
future official's place. 3642

(2) All public offices shall adopt a public records policy 3643
in compliance with this section for responding to public records 3644
requests. In adopting a public records policy under this 3645
division, a public office may obtain guidance from the model 3646

public records policy developed and provided to the public 3647
office by the attorney general under section 109.43 of the 3648
Revised Code. Except as otherwise provided in this section, the 3649
policy may not limit the number of public records that the 3650
public office will make available to a single person, may not 3651
limit the number of public records that it will make available 3652
during a fixed period of time, and may not establish a fixed 3653
period of time before it will respond to a request for 3654
inspection or copying of public records, unless that period is 3655
less than eight hours. 3656

The public office shall distribute the public records 3657
policy adopted by the public office under this division to the 3658
employee of the public office who is the records custodian or 3659
records manager or otherwise has custody of the records of that 3660
office. The public office shall require that employee to 3661
acknowledge receipt of the copy of the public records policy. 3662
The public office shall create a poster that describes its 3663
public records policy and shall post the poster in a conspicuous 3664
place in the public office and in all locations where the public 3665
office has branch offices. The public office may post its public 3666
records policy on the internet web site of the public office if 3667
the public office maintains an internet web site. A public 3668
office that has established a manual or handbook of its general 3669
policies and procedures for all employees of the public office 3670
shall include the public records policy of the public office in 3671
the manual or handbook. 3672

(F) (1) The bureau of motor vehicles may adopt rules 3673
pursuant to Chapter 119. of the Revised Code to reasonably limit 3674
the number of bulk commercial special extraction requests made 3675
by a person for the same records or for updated records during a 3676
calendar year. The rules may include provisions for charges to 3677

be made for bulk commercial special extraction requests for the 3678
actual cost of the bureau, plus special extraction costs, plus 3679
ten per cent. The bureau may charge for expenses for redacting 3680
information, the release of which is prohibited by law. 3681

(2) As used in division (F)(1) of this section: 3682

(a) "Actual cost" means the cost of depleted supplies, 3683
records storage media costs, actual mailing and alternative 3684
delivery costs, or other transmitting costs, and any direct 3685
equipment operating and maintenance costs, including actual 3686
costs paid to private contractors for copying services. 3687

(b) "Bulk commercial special extraction request" means a 3688
request for copies of a record for information in a format other 3689
than the format already available, or information that cannot be 3690
extracted without examination of all items in a records series, 3691
class of records, or database by a person who intends to use or 3692
forward the copies for surveys, marketing, solicitation, or 3693
resale for commercial purposes. "Bulk commercial special 3694
extraction request" does not include a request by a person who 3695
gives assurance to the bureau that the person making the request 3696
does not intend to use or forward the requested copies for 3697
surveys, marketing, solicitation, or resale for commercial 3698
purposes. 3699

(c) "Commercial" means profit-seeking production, buying, 3700
or selling of any good, service, or other product. 3701

(d) "Special extraction costs" means the cost of the time 3702
spent by the lowest paid employee competent to perform the task, 3703
the actual amount paid to outside private contractors employed 3704
by the bureau, or the actual cost incurred to create computer 3705
programs to make the special extraction. "Special extraction 3706

costs" include any charges paid to a public agency for computer 3707
or records services. 3708

(3) For purposes of divisions (F) (1) and (2) of this 3709
section, "surveys, marketing, solicitation, or resale for 3710
commercial purposes" shall be narrowly construed and does not 3711
include reporting or gathering news, reporting or gathering 3712
information to assist citizen oversight or understanding of the 3713
operation or activities of government, or nonprofit educational 3714
research. 3715

(G) A request by a defendant, counsel of a defendant, or 3716
any agent of a defendant in a criminal action that public 3717
records related to that action be made available under this 3718
section shall be considered a demand for discovery pursuant to 3719
the Criminal Rules, except to the extent that the Criminal Rules 3720
plainly indicate a contrary intent. The defendant, counsel of 3721
the defendant, or agent of the defendant making a request under 3722
this division shall serve a copy of the request on the 3723
prosecuting attorney, director of law, or other chief legal 3724
officer responsible for prosecuting the action. 3725

(H) (1) Any portion of a body-worn camera or dashboard 3726
camera recording described in divisions (A) (17) (b) to (h) of 3727
this section may be released by consent of the subject of the 3728
recording or a representative of that person, as specified in 3729
those divisions, only if either of the following applies: 3730

(a) The recording will not be used in connection with any 3731
probable or pending criminal proceedings; 3732

(b) The recording has been used in connection with a 3733
criminal proceeding that was dismissed or for which a judgment 3734
has been entered pursuant to Rule 32 of the Rules of Criminal 3735

Procedure, and will not be used again in connection with any 3736
probable or pending criminal proceedings. 3737

(2) If a public office denies a request to release a 3738
restricted portion of a body-worn camera or dashboard camera 3739
recording, as defined in division (A)(17) of this section, any 3740
person may file a mandamus action pursuant to this section or a 3741
complaint with the clerk of the court of claims pursuant to 3742
section 2743.75 of the Revised Code, requesting the court to 3743
order the release of all or portions of the recording. If the 3744
court considering the request determines that the filing 3745
articulates by clear and convincing evidence that the public 3746
interest in the recording substantially outweighs privacy 3747
interests and other interests asserted to deny release, the 3748
court shall order the public office to release the recording. 3749

Sec. 307.93. ~~(A)(1)~~ (A) The boards of county commissioners 3750
of two or more adjacent counties may contract for the joint 3751
establishment of a multicounty correctional center, and the 3752
board of county commissioners of a county or the boards of two 3753
or more counties may contract with any municipal corporation or 3754
municipal corporations located in that county or those counties 3755
for the joint establishment of a municipal-county or 3756
multicounty-municipal correctional center. The center shall 3757
augment county and, where applicable, municipal jail programs 3758
and facilities by providing custody and rehabilitative programs 3759
for those persons under the charge of the sheriff of any of the 3760
contracting counties or of the officer or officers of the 3761
contracting municipal corporation or municipal corporations 3762
having charge of persons incarcerated in the municipal jail, 3763
workhouse, or other correctional facility who, in the opinion of 3764
the sentencing court, need programs of custody and 3765
rehabilitation not available at the county or municipal jail and 3766

by providing custody and rehabilitative programs in accordance 3767
with division (C) of this section, if applicable. The contract 3768
may include, but need not be limited to, provisions regarding 3769
the acquisition, construction, maintenance, repair, termination 3770
of operations, and administration of the center. The contract 3771
shall prescribe the manner of funding of, and debt assumption 3772
for, the center and the standards and procedures to be followed 3773
in the operation of the center. Except as provided in division 3774
(G) of this section, the contracting counties and municipal 3775
corporations shall form a corrections commission to oversee the 3776
administration of the center. Members of the commission shall 3777
consist of the sheriff of each participating county, a member of 3778
the board of county commissioners of each participating county, 3779
the chief of police of each participating municipal corporation, 3780
and the mayor or city manager of each participating municipal 3781
corporation. Any of the foregoing officers may appoint a 3782
designee to serve in the officer's place on the corrections 3783
commission. 3784

The standards and procedures prescribed under this 3785
division shall be formulated and agreed to by the commission and 3786
may be amended at any time during the life of the contract by 3787
agreement of a majority of the voting members of the commission 3788
or by other means set forth in the contract between the 3789
contracting counties and municipal corporations. The standards 3790
and procedures formulated by the commission and amendments to 3791
them shall include, but need not be limited to, designation of 3792
the person in charge of the center, designation of a fiscal 3793
agent, the categories of employees to be employed at the center, 3794
the appointing authority of the center, and the standards of 3795
treatment and security to be maintained at the center. The 3796
person in charge of, and all persons employed to work at, the 3797

center shall have all the powers of police officers that are 3798
necessary for the proper performance of the duties ~~and work~~ 3799
~~responsibilities of relating to their positions at the center,~~ 3800
~~provided that the corrections officers of the center may carry~~ 3801
~~firearms in the performance of those duties and responsibilities~~ 3802
~~only in accordance with division (A) (2) of this section.~~ 3803

~~(2) The person in charge of a multicounty correctional~~ 3804
~~center, or of a municipal county or multicounty municipal~~ 3805
~~correctional center, may grant permission to a corrections~~ 3806
~~officer of the center to carry firearms when required in the~~ 3807
~~discharge of official duties if the corrections officer has~~ 3808
~~successfully completed a basic firearm training program that is~~ 3809
~~approved by the executive director of the Ohio peace officer~~ 3810
~~training commission. A corrections officer who has been granted~~ 3811
~~permission to carry firearms in the discharge of official duties~~ 3812
~~annually shall successfully complete a firearms requalification~~ 3813
~~program in accordance with section 109.801 of the Revised Code.~~ 3814
~~A corrections officer may carry firearms under authority of this~~ 3815
~~division only while the officer is acting within the scope of~~ 3816
~~the officer's official duties.~~ 3817

(B) (1) Upon the establishment of a corrections commission 3818
under division (A) of this section, the judges specified in this 3819
division shall form a judicial advisory board for the purpose of 3820
making recommendations to the corrections commission on issues 3821
of bed allocation, expansion of the center that the corrections 3822
commission oversees, and other issues concerning the 3823
administration of sentences or any other matter determined to be 3824
appropriate by the board. The judges who shall form the judicial 3825
advisory board for a corrections commission are the 3826
administrative judge of the general division of the court of 3827
common pleas of each county participating in the corrections 3828

center, the presiding judge of the municipal court of each 3829
municipal corporation participating in the corrections center, 3830
and the presiding judge of each county court of each county 3831
participating in the corrections center. If the number of the 3832
foregoing members of the board is even, the county auditor or 3833
the county auditor of the most populous county if the board 3834
serves more than one county shall also be a member of the board. 3835
Any of the foregoing judges may appoint a designee to serve in 3836
the judge's place on the judicial advisory board, provided that 3837
the designee shall be a judge of the same court as the judge who 3838
makes the appointment. The judicial advisory board for a 3839
corrections commission shall meet with the corrections 3840
commission at least once each year. 3841

(2) Each board of county commissioners that enters a 3842
contract under division (A) of this section may appoint a 3843
building commission pursuant to section 153.21 of the Revised 3844
Code. If any commissions are appointed, they shall function 3845
jointly in the construction of a multicounty or multicounty- 3846
municipal correctional center with all the powers and duties 3847
authorized by law. 3848

(C) Prior to the acceptance for custody and rehabilitation 3849
into a center established under this section of any persons who 3850
are designated by the department of rehabilitation and 3851
correction, who plead guilty to or are convicted of a felony of 3852
the fourth or fifth degree, and who satisfy the other 3853
requirements listed in section 5120.161 of the Revised Code, the 3854
corrections commission of a center established under this 3855
section shall enter into an agreement with the department of 3856
rehabilitation and correction under section 5120.161 of the 3857
Revised Code for the custody and rehabilitation in the center of 3858
persons who are designated by the department, who plead guilty 3859

to or are convicted of a felony of the fourth or fifth degree, 3860
and who satisfy the other requirements listed in that section, 3861
in exchange for a per diem fee per person. Persons incarcerated 3862
in the center pursuant to an agreement entered into under this 3863
division shall be subject to supervision and control in the 3864
manner described in section 5120.161 of the Revised Code. This 3865
division does not affect the authority of a court to directly 3866
sentence a person who is convicted of or pleads guilty to a 3867
felony to the center in accordance with section 2929.16 of the 3868
Revised Code. 3869

(D) Pursuant to section 2929.37 of the Revised Code, each 3870
board of county commissioners and the legislative authority of 3871
each municipal corporation that enters into a contract under 3872
division (A) of this section may require a person who was 3873
convicted of an offense, who is under the charge of the sheriff 3874
of their county or of the officer or officers of the contracting 3875
municipal corporation or municipal corporations having charge of 3876
persons incarcerated in the municipal jail, workhouse, or other 3877
correctional facility, and who is confined in the multicounty, 3878
municipal-county, or multicounty-municipal correctional center 3879
as provided in that division, to reimburse the applicable county 3880
or municipal corporation for its expenses incurred by reason of 3881
the person's confinement in the center. 3882

(E) Notwithstanding any contrary provision in this section 3883
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 3884
corrections commission of a center may establish a policy that 3885
complies with section 2929.38 of the Revised Code and that 3886
requires any person who is not indigent and who is confined in 3887
the multicounty, municipal-county, or multicounty-municipal 3888
correctional center to pay a reception fee, a fee for medical 3889
treatment or service requested by and provided to that person, 3890

or the fee for a random drug test assessed under division (E) of 3891
section 341.26 of the Revised Code. 3892

(F) (1) The corrections commission of a center established 3893
under this section may establish a commissary for the center. 3894
The commissary may be established either in-house or by another 3895
arrangement. If a commissary is established, all persons 3896
incarcerated in the center shall receive commissary privileges. 3897
A person's purchases from the commissary shall be deducted from 3898
the person's account record in the center's business office. The 3899
commissary shall provide for the distribution to indigent 3900
persons incarcerated in the center of necessary hygiene articles 3901
and writing materials. 3902

(2) If a commissary is established, the corrections 3903
commission of a center established under this section shall 3904
establish a commissary fund for the center. The management of 3905
funds in the commissary fund shall be strictly controlled in 3906
accordance with procedures adopted by the auditor of state. 3907
Commissary fund revenue over and above operating costs and 3908
reserve shall be considered profits. All profits from the 3909
commissary fund shall be used to purchase supplies and equipment 3910
for the benefit of persons incarcerated in the center and to pay 3911
salary and benefits for employees of the center, or for any 3912
other persons, who work in or are employed for the sole purpose 3913
of providing service to the commissary. The corrections 3914
commission shall adopt rules and regulations for the operation 3915
of any commissary fund it establishes. 3916

(G) In lieu of forming a corrections commission to 3917
administer a multicounty correctional center or a municipal- 3918
county or multicounty-municipal correctional center, the boards 3919
of county commissioners and the legislative authorities of the 3920

municipal corporations contracting to establish the center may 3921
also agree to contract for the private operation and management 3922
of the center as provided in section 9.06 of the Revised Code, 3923
but only if the center houses only misdemeanor inmates. In 3924
order to enter into a contract under section 9.06 of the Revised 3925
Code, all the boards and legislative authorities establishing 3926
the center shall approve and be parties to the contract. 3927

(H) If a person who is convicted of or pleads guilty to an 3928
offense is sentenced to a term in a multicounty correctional 3929
center or a municipal-county or multicounty-municipal 3930
correctional center or is incarcerated in the center in the 3931
manner described in division (C) of this section, or if a person 3932
who is arrested for an offense, and who has been denied bail or 3933
has had bail set and has not been released on bail is confined 3934
in a multicounty correctional center or a municipal-county or 3935
multicounty-municipal correctional center pending trial, at the 3936
time of reception and at other times the officer, officers, or 3937
other person in charge of the operation of the center determines 3938
to be appropriate, the officer, officers, or other person in 3939
charge of the operation of the center may cause the convicted or 3940
accused offender to be examined and tested for tuberculosis, HIV 3941
infection, hepatitis, including but not limited to hepatitis A, 3942
B, and C, and other contagious diseases. The officer, officers, 3943
or other person in charge of the operation of the center may 3944
cause a convicted or accused offender in the center who refuses 3945
to be tested or treated for tuberculosis, HIV infection, 3946
hepatitis, including but not limited to hepatitis A, B, and C, 3947
or another contagious disease to be tested and treated 3948
involuntarily. 3949

(I) As used in this section, "multicounty-municipal" means 3950
more than one county and a municipal corporation, or more than 3951

one municipal corporation and a county, or more than one 3952
municipal corporation and more than one county. 3953

Sec. 307.932. (A) As used in this section: 3954

(1) "Division of parole and community services" means the 3955
division of parole and community services of the department of 3956
rehabilitation and correction. 3957

(2) "Eligible offender" means, in relation to a particular 3958
community alternative sentencing center or district community 3959
alternative sentencing center established and operated under 3960
this section, an offender who has been convicted of or pleaded 3961
guilty to a qualifying felony offense or a qualifying 3962
misdemeanor offense, for whom no provision of the Revised Code 3963
or ordinance of a municipal corporation other than section 3964
4511.19 of the Revised Code, both sections 4510.14 and 4511.19 3965
of the Revised Code, or an ordinance or ordinances of a 3966
municipal corporation that provide the penalties for a municipal 3967
OVI offense or for both a municipal OVI ordinance and a 3968
municipal DUS ordinance of the municipal corporation requires 3969
the imposition of a mandatory jail term for that qualifying 3970
misdemeanor offense, and who is eligible to be sentenced 3971
directly to that center and admitted to it under rules adopted 3972
under division (G) of this section by the board of county 3973
commissioners, affiliated group of boards of county 3974
commissioners, or municipal corporation that established and 3975
operates that center. "Eligible offender" also means a person 3976
who has been convicted of or pleaded guilty to a qualifying 3977
felony offense. 3978

(3) "Municipal OVI offense" has the same meaning as in 3979
section 4511.181 of the Revised Code. 3980

(4) "OVI term of confinement" means a term of confinement 3981
imposed for a violation of section 4511.19 of the Revised Code 3982
or for a municipal OVI offense, including any mandatory jail 3983
term or mandatory term of local incarceration imposed for that 3984
violation or offense. "OVI term of confinement" does not include 3985
any prison term imposed on an offender for a qualifying felony 3986
offense. 3987

(5) "Community residential sanction" means a community 3988
residential sanction imposed under section 2929.26 of the 3989
Revised Code for a misdemeanor violation of a section of the 3990
Revised Code or a term of confinement imposed for a misdemeanor 3991
violation of a municipal ordinance that is not a jail term. 3992

(6) "Qualifying misdemeanor offense" means a violation of 3993
any section of the Revised Code that is a misdemeanor or a 3994
violation of any ordinance of a municipal corporation located in 3995
the county that is a misdemeanor. 3996

(7) "Municipal DUS offense" means a violation of a 3997
municipal ordinance that is substantially equivalent to section 3998
4510.14 of the Revised Code. 3999

(8) "Qualifying felony offense" means a violation of 4000
section 4511.19 of the Revised Code that is a felony of the 4001
fourth degree or a municipal OVI offense that is substantially 4002
equivalent to a fourth degree felony violation of section 4003
4511.19 of the Revised Code. 4004

(B) (1) The board of county commissioners of any county, in 4005
consultation with the sheriff of the county, may establish a 4006
community alternative sentencing center that, upon 4007
implementation by the county or being subcontracted to or 4008
operated by a nonprofit organization, shall be used for the 4009

confinement of eligible offenders sentenced directly to the 4010
center by a court located in any county pursuant to a community 4011
residential sanction of not more than ninety days or pursuant to 4012
an OVI term of confinement of not more than ~~ninety~~ one hundred 4013
twenty days, and for the purpose of closely monitoring those 4014
eligible offenders' adjustment to community supervision. A board 4015
that establishes a center pursuant to this division shall do so 4016
by resolution. 4017

(2) The boards of county commissioners of two or more 4018
adjoining or neighboring counties, in consultation with the 4019
sheriffs of each of those counties, may affiliate and establish 4020
by resolution adopted by each of them a district community 4021
alternative sentencing center that, upon implementation by the 4022
counties or being subcontracted to or operated by a nonprofit 4023
organization, shall be used for the confinement of eligible 4024
offenders sentenced directly to the center by a court located in 4025
any county pursuant to a community residential sanction of not 4026
more than ninety days or pursuant to an OVI term of confinement 4027
of not more than ~~ninety~~ one hundred twenty days, and for the 4028
purpose of closely monitoring those eligible offenders' 4029
adjustment to community supervision. Each board that affiliates 4030
with one or more other boards to establish a center pursuant to 4031
this division shall do so by resolution. 4032

(3) A municipal corporation may establish a community 4033
alternative sentencing center that, upon implementation by the 4034
municipal corporation or being subcontracted to or operated by a 4035
nonprofit organization, shall be used for the confinement of 4036
eligible offenders sentenced directly to the center by a court 4037
located in any county pursuant to a community residential 4038
sanction of not more than ninety days or pursuant to an OVI term 4039
of confinement of not more than ~~ninety~~ one hundred twenty days, 4040

and for the purpose of closely monitoring those eligible 4041
offenders' adjustment to community supervision. A municipal 4042
corporation that establishes a center pursuant to this division 4043
shall do so by resolution. 4044

(C) Each resolution establishing a community alternative 4045
sentencing center or a district community alternative sentencing 4046
center under division (B) of this section shall include 4047
provisions for operation of the center and for criteria to 4048
define which offenders are eligible to be sentenced directly to 4049
the center and admitted to it. At a minimum, the criteria that 4050
define which offenders are eligible to be sentenced directly to 4051
the center and admitted to it shall provide that an offender is 4052
eligible to be sentenced directly to the center and admitted to 4053
it if the offender has been convicted of or pleaded guilty to 4054
either a qualifying felony offense or a qualifying misdemeanor 4055
offense and is sentenced directly to the center for the 4056
~~qualifying misdemeanor~~ offense pursuant to a community 4057
residential sanction of not more than ninety days or pursuant to 4058
an OVI term of confinement of not more than ~~ninety~~ one hundred
twenty days by a court that is located in any county. 4060

(D) If a community alternative sentencing center or a 4061
district community alternative sentencing center that is 4062
established under division (B) of this section contemplates the 4063
use of an existing facility, or a part of an existing facility, 4064
as the center, nothing in this section limits, restricts, or 4065
precludes the use of the facility, the part of the facility, or 4066
any other part of the facility for any purpose other than as a 4067
community alternative sentencing center or district community 4068
alternative sentencing center. 4069

(E) If a board of county commissioners, an affiliated 4070

group of boards of county commissioners, or municipal 4071
corporation establishes and operates or subcontracts with a 4072
nonprofit organization for the operation of a community 4073
alternative sentencing center or district community alternative 4074
sentencing center under this division, except as otherwise 4075
provided in this division, the center is not a minimum security 4076
jail under section 341.14, section 753.21, or any other 4077
provision of the Revised Code, is not a jail or alternative 4078
residential facility as defined in section 2929.01 of the 4079
Revised Code, is not required to satisfy or comply with minimum 4080
standards for minimum security jails or other jails that are 4081
promulgated under division (A) of section 5120.10 of the Revised 4082
Code, is not a local detention facility as defined in section 4083
2929.36 of the Revised Code, and is not a residential unit as 4084
defined in section 2950.01 of the Revised Code. The center is a 4085
detention facility as defined in sections 2921.01 and 2923.124 4086
of the Revised Code, and an eligible offender confined in the 4087
center is under detention as defined in section 2921.01 of the 4088
Revised Code. Regarding persons sentenced directly to the center 4089
under an OVI term of confinement or under both an OVI term of 4090
confinement and confinement for a violation of section 4510.14 4091
of the Revised Code or a municipal DUS offense, the center shall 4092
be considered a ~~"jail" or "jail,"~~ "local correctional facility," 4093
or "alternative residential facility" for purposes of division 4094
(G) of section 2929.13 of the Revised Code or of any provision 4095
in section 4510.14 or 4511.19 of the Revised Code or in an 4096
ordinance of a municipal corporation that requires a mandatory 4097
jail term or mandatory term of local incarceration for the 4098
violation of section 4511.19 of the Revised Code, the violation 4099
of both sections 4510.14 and 4511.19 of the Revised Code, the 4100
municipal OVI offense, or the municipal OVI offense and the 4101
municipal DUS offense, and a direct sentence of a person to the 4102

center under an OVI term of confinement or under both an OVI 4103
term of confinement and confinement for a violation of section 4104
4510.14 of the Revised Code or a municipal DUS offense shall be 4105
considered to be a sentence to a ~~"jail" or "jail,"~~ "local 4106
correctional facility," or "alternative residential facility" 4107
for purposes of any such provision in section ~~2929.13,~~ 4510.14, 4108
or 4511.19 of the Revised Code or in an ordinance of a municipal 4109
corporation. 4110

(F) (1) If the board of county commissioners of a county 4111
that is being served by a community alternative sentencing 4112
center established pursuant to this section determines that it 4113
no longer wants to be served by the center, the board may 4114
dissolve the center by adopting a resolution evidencing the 4115
determination to dissolve the center. 4116

(2) If the boards of county commissioners of all of the 4117
counties served by any district community alternative sentencing 4118
center established pursuant to this section determine that they 4119
no longer want to be served by the center, the boards may 4120
dissolve the center by adopting in each county a resolution 4121
evidencing the determination to dissolve the center. 4122

(3) If at least one, but not all, of the boards of county 4123
commissioners of the counties being served by any district 4124
community alternative sentencing center established pursuant to 4125
this section determines that it no longer wants to be served by 4126
the center, the board may terminate its involvement with the 4127
center by adopting a resolution evidencing the determination to 4128
terminate its involvement with the center. If at least one, but 4129
not all, of the boards of county commissioners of the counties 4130
being served by any community alternative sentencing center 4131
terminates its involvement with the center in accordance with 4132

this division, the other boards of county commissioners of the 4133
counties being served by the center may continue to be served by 4134
the center. 4135

(4) If a municipal corporation that is being served by a 4136
community alternative sentencing center established pursuant to 4137
this section determines that it no longer wants to be served by 4138
the center, the municipal corporation may dissolve the center by 4139
adopting a resolution evidencing the determination to dissolve 4140
the center. 4141

(G) Prior to operating a community alternative sentencing 4142
center or a district community alternative sentencing center, 4143
the board of county commissioners, the affiliated group of 4144
boards of county commissioners, or municipal corporation that 4145
established the center shall adopt rules for the operation of 4146
the center. The rules shall include criteria that define which 4147
offenders are eligible to be sentenced directly to the center 4148
and admitted to it. 4149

(H) If a board of county commissioners operates or 4150
subcontracts with a nonprofit organization for the operation of 4151
a community alternative sentencing center, an affiliated group 4152
of boards of county commissioners operates or subcontracts with 4153
a nonprofit organization for the operation of a district 4154
community alternative sentencing center, or a municipal 4155
corporation operates or subcontracts with a nonprofit 4156
organization for the operation of a community alternative 4157
sentencing center under this section, all of the following 4158
apply: 4159

(1) With the approval of the operator of the center, a 4160
court located within any county may directly sentence eligible 4161
offenders to a community alternative sentencing center or 4162

district community alternative sentencing center pursuant to a 4163
community residential sanction of not more than ninety days or 4164
pursuant to an OVI term of confinement, a combination of an OVI 4165
term of confinement and confinement for a violation of section 4166
4510.14 of the Revised Code, or confinement for a municipal DUS 4167
offense of not more than ~~ninety~~one hundred twenty days. 4168

(2) Each eligible offender who is sentenced to the center 4169
as described in division (H) (1) of this section and admitted to 4170
it shall be offered during the eligible offender's confinement 4171
at the center educational and vocational services and reentry 4172
planning and may be offered any other treatment and 4173
rehabilitative services that are available and that the court 4174
that sentenced the particular eligible offender to the center 4175
and the administrator of the center determine are appropriate 4176
based upon the offense for which the eligible offender was 4177
sentenced to the community residential sanction and the length 4178
of the sanction. 4179

(3) Before accepting an eligible offender sentenced to the 4180
center by a court, the board, the affiliated group of boards, or 4181
the municipal corporation shall enter into an agreement with a 4182
political subdivision that operates that court that addresses 4183
the cost and payment of medical treatment or services received 4184
by eligible offenders sentenced by that court while they are 4185
confined in the center. The agreement may provide for the 4186
payment of the costs by the particular eligible offender who 4187
receives the treatment or services, as described in division (I) 4188
of this section. 4189

(4) If an eligible offender a court sentences to the 4190
center is admitted to the center, all of the following apply: 4191

(a) The admission shall be under the terms and conditions 4192

established by the court and the administrator of the center, 4193
and the court and the administrator of the center shall provide 4194
for the confinement of the eligible offender and supervise the 4195
eligible offender as provided in divisions (H) (4) (b) to (f) of 4196
this section. 4197

(b) The eligible offender shall be confined in the center 4198
during any period of time that the eligible offender is not 4199
actually working at the eligible offender's approved work 4200
release described in division (H) (4) (c) of this section, engaged 4201
in community service activities described in division (H) (4) (d) 4202
of this section, engaged in authorized vocational training or 4203
another authorized educational program, engaged in another 4204
program designated by the administrator of the center, or 4205
engaged in other activities approved by the court and the 4206
administrator of the center. 4207

(c) If the court and the administrator of the center 4208
determine that work release is appropriate based upon the 4209
offense for which the eligible offender was sentenced to the 4210
community residential sanction or OVI term of confinement and 4211
the length of the sanction or term, the eligible offender may be 4212
offered work release from confinement at the center and be 4213
released from confinement while engaged in the work release. 4214

(d) An eligible offender may not participate in community 4215
service without the court's approval. If the administrator of 4216
the center determines that community service is appropriate and 4217
if the eligible offender will be confined for more than ten days 4218
at the center, the eligible offender may be required to 4219
participate in community service activities approved by the 4220
court and by the political subdivision served by the court. 4221
Community service activities that may be required under this 4222

division may take place in facilities of the political 4223
subdivision that operates the court, in the community, or in 4224
both such locales. The eligible offender shall be released from 4225
confinement while engaged in the community service activities. 4226
Community service activities required under this division shall 4227
be supervised by the court or an official designated by the 4228
board of county commissioners or affiliated group of boards of 4229
county commissioners that established and is operating the 4230
center. Community service activities required under this 4231
division shall not exceed in duration the period for which the 4232
eligible offender will be confined at the center under the 4233
community residential sanction or the OVI term of confinement. 4234

(e) The confinement of the eligible offender in the center 4235
shall be considered for purposes of this division and division 4236
(H) (4) (f) of this section as including any period of time 4237
described in division (H) (4) (b) of this section when the 4238
eligible offender may be outside of the center and shall 4239
continue until the expiration of the community residential 4240
sanction, the OVI term of confinement, or the combination of the 4241
OVI term of confinement and the confinement for the violation of 4242
section 4510.14 of the Revised Code or the municipal DUS 4243
ordinance that the eligible offender is serving upon admission 4244
to the center. 4245

(f) After the admission and until the expiration of the 4246
community residential sanction or OVI term of confinement that 4247
the eligible offender is serving upon admission to the center, 4248
the eligible offender shall be considered for purposes of any 4249
provision in Title XXIX of the Revised Code to be serving the 4250
community residential sanction or OVI term of confinement. 4251

(5) The administrator of the center, or the 4252

administrator's designee, shall post a sign as described in 4253
section 2923.1212 of the Revised Code in a conspicuous location 4254
at the center. 4255

(I) The board of county commissioners that establishes a 4256
community alternative sentencing center under this section, the 4257
affiliated group of boards of county commissioners that 4258
establishes a district community alternative sentencing center 4259
under this section, or the municipal corporation that 4260
establishes a community alternative sentencing center under this 4261
section, may require an eligible offender who is sentenced 4262
directly to the center and admitted to it to pay to the county 4263
served by the board, the counties served by the affiliated group 4264
of boards, the municipal corporation, or the entity operating 4265
the center the reasonable expenses incurred by the county, 4266
counties, municipal corporation, or entity, whichever is 4267
applicable, in supervising or confining the eligible offender 4268
after being sentenced to the center and admitted. Inability to 4269
pay those reasonable expenses shall not be grounds for refusing 4270
to admit an otherwise eligible offender to the center. 4271

(J) (1) If an eligible offender who is directly sentenced 4272
to a community alternative sentencing center or district 4273
community alternative sentencing center and admitted to the 4274
center successfully completes the service of the community 4275
residential sanction in the center, the administrator of the 4276
center shall notify the court that imposed the sentence, and the 4277
court shall enter into the journal that the eligible offender 4278
successfully completed the service of the sanction. 4279

(2) If an eligible offender who is directly sentenced to a 4280
community alternative sentencing center or district community 4281
alternative sentencing center and admitted to the center 4282

violates any rule established under this section by the board of 4283
county commissioners or the affiliated group of boards of county 4284
commissioners that establishes the center, violates any 4285
condition of the community residential sanction, the OVI term of 4286
confinement, or the combination of the OVI term of confinement 4287
and the confinement for the violation of section 4510.14 of the 4288
Revised Code or the municipal OVI ordinance imposed by the 4289
sentencing court, or otherwise does not successfully complete 4290
the service of the community residential sanction or OVI term of 4291
confinement in the center, the administrator of the center shall 4292
report the violation or failure to successfully complete the 4293
sanction or term directly to the court or to the probation 4294
department or probation officer with general control and 4295
supervision over the eligible offender. A failure to 4296
successfully complete the service of the community residential 4297
sanction, the OVI term of confinement, or the combination of the 4298
OVI term of confinement and the confinement for the violation of 4299
section 4510.14 of the Revised Code or the municipal OVI 4300
ordinance in the center shall be considered a violation of a 4301
condition of the community residential sanction or the OVI term 4302
of confinement. If the administrator reports the violation to 4303
the probation department or probation officer, the department or 4304
officer shall report the violation to the court. Upon its 4305
receipt under this division of a report of a violation or 4306
failure to complete the sanction by a person sentenced to the 4307
center under a community residential sanction, the court may 4308
proceed as specified in division (C) (2) of section 2929.25 of 4309
the Revised Code based on the violation or as provided by 4310
ordinance of the municipal corporation based on the violation, 4311
whichever is applicable. Upon its receipt under this division of 4312
a report of a violation or failure to complete the term by a 4313
person sentenced to the center under an OVI term of confinement, 4314

the court shall determine the place at which the offender is to 4315
serve the remainder of the term of confinement. The eligible 4316
offender shall receive credit towards completing the eligible 4317
offender's sentence for the time spent in the center after 4318
admission to it. 4319

Sec. 313.10. (A) (1) Except as otherwise provided in this 4320
section, the records of the coroner who has jurisdiction over 4321
the case, including, but not limited to, the detailed 4322
descriptions of the observations written during the progress of 4323
an autopsy and the conclusions drawn from those observations 4324
filed in the office of the coroner under division (A) of section 4325
313.13 of the Revised Code, made personally by the coroner or by 4326
anyone acting under the coroner's direction or supervision, are 4327
public records. Those records, or transcripts or photostatic 4328
copies of them, certified by the coroner shall be received as 4329
evidence in any criminal or civil action or proceeding in a 4330
court in this state, as to the facts contained in those records. 4331
The coroner of the county where the death was pronounced shall 4332
be responsible for the release of all public records relating to 4333
that death. 4334

(2) Except as otherwise provided in division (D) or (E) of 4335
this section, the following records in a coroner's office are 4336
not public records: 4337

(a) Preliminary autopsy and investigative notes and 4338
findings made by the coroner or by anyone acting under the 4339
coroner's direction or supervision; 4340

(b) Photographs of a decedent made by the coroner or by 4341
anyone acting under the coroner's direction or supervision; 4342

(c) Suicide notes; 4343

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

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

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

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

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

(C) (1) The coroner shall provide a copy of the full and complete records of the coroner with respect to a decedent to a person who makes a written request as the next of kin of the decedent. The following persons may make a request pursuant to this division as the next of kin of a decedent:

(a) The surviving spouse of the decedent;

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

(c) If there is no surviving spouse or child over eighteen 4372
years of age, or if the surviving spouse and all children over 4373
eighteen years of age have died without having made a request 4374
pursuant to this division, the parents of the decedent, with 4375
each parent having an independent right to make a request 4376
pursuant to this division; 4377

(d) If there is no surviving spouse, child over eighteen 4378
years of age, or parents of the decedent, or if all have died 4379
without having made a request pursuant to this division, the 4380
brothers and sisters of the decedent, whether of the whole or 4381
the half blood, with each having an independent right to make a 4382
request pursuant to this division. 4383

(2) If there is no surviving person who may make a written 4384
request as next of kin for a copy of the full and complete 4385
records of the coroner pursuant to division (C)(1) of this 4386
section, or if all next of kin of the decedent have died without 4387
having made a request pursuant to that division, the coroner 4388
shall provide a copy of the full and complete records of the 4389
coroner with respect to a decedent to the representative of the 4390
estate of the decedent who is the subject of the records upon 4391
written request made by the representative. 4392

(D) A journalist may submit to the coroner a written 4393
request to view ~~preliminary autopsy and investigative notes and~~ 4394
~~findings~~, suicide notes, ~~or~~ photographs of the decedent made by 4395
the coroner or by anyone acting under the coroner's discretion 4396
or supervision, or preliminary autopsy and investigative notes 4397
and findings but not records of a deceased individual that are 4398
confidential law enforcement investigatory records as defined in 4399
section 149.43 of the Revised Code. The request shall include 4400
the journalist's name and title and the name and address of the 4401

journalist's employer and state that the granting of the request 4402
would be in the best interest of the public. If a journalist 4403
submits a written request to the coroner to view the records 4404
described in this division, the coroner shall grant the 4405
journalist's request. The journalist shall not copy the 4406
preliminary autopsy and investigative notes and findings, 4407
suicide notes, or photographs of the decedent. 4408

(E) (1) An insurer may submit to the coroner a written 4409
request to obtain a copy of the full and complete records of the 4410
coroner with respect to a deceased person. The request shall 4411
include the name of the deceased person, the type of policy to 4412
which the written request relates, and the name and address of 4413
the insurer. 4414

(2) If an insurer submits a written request to the coroner 4415
to obtain a copy of records pursuant to division (E) (1) of this 4416
section, the coroner shall grant that request. 4417

(3) Upon the granting of a written request to obtain a 4418
copy of records by the coroner, the insurer may utilize the 4419
records for the following purposes: 4420

(a) To investigate any first party claim or third party 4421
claim asserted under a policy of insurance issued by the insurer 4422
that arises from the death of the deceased person; 4423

(b) To determine coverage for any first party claim or 4424
third party claim asserted under a policy of insurance issued by 4425
the insurer that arises from the death of the deceased person; 4426

(c) To determine the insurer's liability for any first 4427
party claim or third party claim asserted under a policy of 4428
insurance issued by the insurer that arises from the death of 4429
the deceased person. 4430

(4) Prior to the delivery of records that are the subject 4431
of a request made pursuant to division (E) (1) of this section, 4432
the coroner may require the insurer who submitted the written 4433
request for the records to provide a payment to the coroner of a 4434
record retrieval and copying fee at the rate of twenty-five 4435
cents per page or a minimum fee of one dollar. 4436

(5) Any records produced by the coroner in response to a 4437
written request under division (E) (1) of this section shall 4438
remain in the care, custody, and control of the insurer and its 4439
employees or representatives at all times. The insurer may not 4440
release or disclose the records to any other person unless any 4441
of the following apply: 4442

(a) The release of the records is reasonably necessary to 4443
further a purpose described in division (E) (3) of this section. 4444

(b) A court of competent jurisdiction orders the insurer 4445
to produce the records. 4446

(c) The insurer is required to produce the records in 4447
response to a civil or criminal subpoena. 4448

(d) The insurer is responding to a request for the records 4449
from a law enforcement agency, the department of insurance or a 4450
department of insurance from another state, or another 4451
governmental authority. 4452

(F) The coroner may contact the decedent's next of kin to 4453
inform the next of kin that a journalist or an insurer has 4454
submitted a written request pursuant to division (D) or (E) of 4455
this section and whether the coroner has granted the 4456
journalist's or the insurer's request. 4457

(G) As used in this section: 4458

- (1) "Full and complete records of the coroner" includes, 4459
but is not limited to, the following: 4460
- (a) The detailed descriptions of the observations written 4461
by the coroner or by anyone acting under the coroner's direction 4462
or supervision during the progress of an autopsy and the 4463
conclusions drawn from those observations that are filed in the 4464
office of the coroner under division (A) of section 313.13 of 4465
the Revised Code; 4466
- (b) Preliminary autopsy and investigative notes and 4467
findings made by the coroner or by anyone acting under the 4468
coroner's direction or supervision; 4469
- (c) Photographs of a decedent made by the coroner or by 4470
anyone acting under the coroner's direction or supervision; 4471
- (d) Suicide notes; 4472
- (e) Medical and psychiatric records provided to the 4473
coroner, a deputy coroner, or a representative of the coroner or 4474
a deputy coroner under section 313.091 of the Revised Code; 4475
- (f) Records of a deceased individual that are confidential 4476
law enforcement investigatory records as defined in section 4477
149.43 of the Revised Code; 4478
- (g) Laboratory reports generated from the analysis of 4479
physical evidence by the coroner's laboratory that is 4480
discoverable under Criminal Rule 16. 4481
- (2) "Insurer" has the same meaning as in section 3901.07 4482
of the Revised Code. 4483
- (3) "Journalist" has the same meaning as in section 149.43 4484
of the Revised Code. 4485

Sec. 341.42. (A) As used in this section: 4486

(1) "County correctional officer" has the same meaning as 4487
in section 341.41 of the Revised Code. 4488

(2) "Computer," "computer network," "computer system," 4489
"computer services," "telecommunications service," and 4490
"information service" have the same meanings as in section 4491
2913.01 of the Revised Code. 4492

(3) "County correctional facility" means a county jail, 4493
county workhouse, minimum security jail, joint city and county 4494
workhouse, municipal-county correctional center, multicounty- 4495
municipal correctional center, municipal-county jail or 4496
workhouse, or multicounty-municipal jail or workhouse. 4497

(B) No county correctional officer shall provide a 4498
prisoner access to or permit a prisoner to have access to the 4499
internet through the use of a computer, computer network, 4500
computer system, computer services, telecommunications service, 4501
or information service unless both of the following apply: 4502

(1) The prisoner is ~~participating in an approved~~ 4503
~~educational program with direct supervision that requires the~~ 4504
~~use of the internet for training or research purposes~~accessing 4505
the internet solely for a use or purpose approved by the 4506
managing officer of that prisoner's county correctional facility 4507
or by the managing officer's designee. 4508

(2) The provision of and access to the internet is in 4509
accordance with rules promulgated by the department of 4510
rehabilitation and correction pursuant to section 5120.62 of the 4511
Revised Code. 4512

(C) (1) No prisoner in a county correctional facility under 4513
the control of a county shall access the internet through the 4514

use of a computer, computer network, computer system, computer 4515
services, telecommunications service, or information service 4516
unless both of the following apply: 4517

(a) The prisoner is ~~participating in an approved~~ 4518
~~educational program with direct supervision that requires the~~ 4519
~~use of the internet for training or research purposes~~accessing 4520
the internet solely for a use or purpose approved by the 4521
managing officer of that prisoner's county correctional facility 4522
or by the managing officer's designee. 4523

(b) The provision of and access to the internet is in 4524
accordance with rules promulgated by the department of 4525
rehabilitation and correction pursuant to section 5120.62 of the 4526
Revised Code. 4527

(2) Whoever violates division (C) (1) of this section is 4528
guilty of improper internet access, a misdemeanor of the first 4529
degree. 4530

Sec. 753.32. (A) As used in this section: 4531

(1) "Municipal correctional officer" has the same meaning 4532
as in section 753.31 of the Revised Code. 4533

(2) "Computer," "computer network," "computer system," 4534
"computer services," "telecommunications service," and 4535
"information service" have the same meanings as in section 4536
2913.01 of the Revised Code. 4537

(3) "Municipal correctional facility" means a municipal 4538
jail, municipal workhouse, minimum security jail, joint city and 4539
county workhouse, municipal-county correctional center, 4540
multicounty-municipal correctional center, municipal-county jail 4541
or workhouse, or multicounty-municipal jail or workhouse. 4542

(B) No municipal correctional officer shall provide a 4543
prisoner access to or permit a prisoner to have access to the 4544
internet through the use of a computer, computer network, 4545
computer system, computer services, telecommunications service, 4546
or information service unless both of the following apply: 4547

(1) The prisoner is ~~participating in an approved~~ 4548
~~educational program with direct supervision that requires the~~ 4549
~~use of the internet for training or research purposes~~accessing 4550
the internet solely for a use or purpose approved by the 4551
managing officer of that prisoner's municipal correctional 4552
facility or by the managing officer's designee. 4553

(2) The provision of and access to the internet is in 4554
accordance with rules promulgated by the department of 4555
rehabilitation and correction pursuant to section 5120.62 of the 4556
Revised Code. 4557

(C) (1) No prisoner in a municipal correctional facility 4558
under the control of a municipal corporation shall access the 4559
internet through the use of a computer, computer network, 4560
computer system, computer services, telecommunications service, 4561
or information service unless both of the following apply: 4562

(a) The prisoner is ~~participating in an approved~~ 4563
~~educational program with direct supervision that requires the~~ 4564
~~use of the internet for training or research purposes~~accessing 4565
the internet solely for a use or purpose approved by the 4566
managing officer of that prisoner's municipal correctional 4567
facility or by the managing officer's designee. 4568

(b) The provision of and access to the internet is in 4569
accordance with rules promulgated by the department of 4570
rehabilitation and correction pursuant to section 5120.62 of the 4571

Revised Code. 4572

(2) Whoever violates division (C) (1) of this section is 4573
guilty of improper internet access, a misdemeanor of the first 4574
degree. 4575

Sec. 1547.11. (A) No person shall operate or be in 4576
physical control of any vessel underway or shall manipulate any 4577
water skis, aquaplane, or similar device on the waters in this 4578
state if, at the time of the operation, control, or 4579
manipulation, any of the following applies: 4580

(1) The person is under the influence of alcohol, a drug 4581
of abuse, or a combination of them. 4582

(2) The person has a concentration of eight-hundredths of 4583
one per cent or more by weight of alcohol per unit volume in the 4584
person's whole blood. 4585

(3) The person has a concentration of ninety-six- 4586
thousandths of one per cent or more by weight per unit volume of 4587
alcohol in the person's blood serum or plasma. 4588

(4) The person has a concentration of eleven-hundredths of 4589
one gram or more by weight of alcohol per one hundred 4590
milliliters of the person's urine. 4591

(5) The person has a concentration of eight-hundredths of 4592
one gram or more by weight of alcohol per two hundred ten liters 4593
of the person's breath. 4594

(6) Except as provided in division (H) of this section, 4595
the person has a concentration of any of the following 4596
controlled substances or metabolites of a controlled substance 4597
in the person's whole blood, blood serum or plasma, or urine 4598
that equals or exceeds any of the following: 4599

(a) The person has a concentration of amphetamine in the 4600
person's urine of at least five hundred nanograms of amphetamine 4601
per milliliter of the person's urine or has a concentration of 4602
amphetamine in the person's whole blood or blood serum or plasma 4603
of at least one hundred nanograms of amphetamine per milliliter 4604
of the person's whole blood or blood serum or plasma. 4605

(b) The person has a concentration of cocaine in the 4606
person's urine of at least one hundred fifty nanograms of 4607
cocaine per milliliter of the person's urine or has a 4608
concentration of cocaine in the person's whole blood or blood 4609
serum or plasma of at least fifty nanograms of cocaine per 4610
milliliter of the person's whole blood or blood serum or plasma. 4611

(c) The person has a concentration of cocaine metabolite 4612
in the person's urine of at least one hundred fifty nanograms of 4613
cocaine metabolite per milliliter of the person's urine or has a 4614
concentration of cocaine metabolite in the person's whole blood 4615
or blood serum or plasma of at least fifty nanograms of cocaine 4616
metabolite per milliliter of the person's whole blood or blood 4617
serum or plasma. 4618

(d) The person has a concentration of heroin in the 4619
person's urine of at least two thousand nanograms of heroin per 4620
milliliter of the person's urine or has a concentration of 4621
heroin in the person's whole blood or blood serum or plasma of 4622
at least fifty nanograms of heroin per milliliter of the 4623
person's whole blood or blood serum or plasma. 4624

(e) The person has a concentration of heroin metabolite 4625
(6-monoacetyl morphine) in the person's urine of at least ten 4626
nanograms of heroin metabolite (6-monoacetyl morphine) per 4627
milliliter of the person's urine or has a concentration of 4628
heroin metabolite (6-monoacetyl morphine) in the person's whole 4629

blood or blood serum or plasma of at least ten nanograms of 4630
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4631
person's whole blood or blood serum or plasma. 4632

(f) The person has a concentration of L.S.D. in the 4633
person's urine of at least twenty-five nanograms of L.S.D. per 4634
milliliter of the person's urine or has a concentration of 4635
L.S.D. in the person's whole blood or blood serum or plasma of 4636
at least ten nanograms of L.S.D. per milliliter of the person's 4637
whole blood or blood serum or plasma. 4638

(g) The person has a concentration of marihuana in the 4639
person's urine of at least ten nanograms of marihuana per 4640
milliliter of the person's urine or has a concentration of 4641
marihuana in the person's whole blood or blood serum or plasma 4642
of at least two nanograms of marihuana per milliliter of the 4643
person's whole blood or blood serum or plasma. 4644

(h) The state board of pharmacy has adopted a rule 4645
pursuant to section 4729.041 of the Revised Code that specifies 4646
the amount of salvia divinorum and the amount of salvinorin A 4647
that constitute concentrations of salvia divinorum and 4648
salvinorin A in a person's urine, in a person's whole blood, or 4649
in a person's blood serum or plasma at or above which the person 4650
is impaired for purposes of operating or being in physical 4651
control of any vessel underway or manipulating any water skis, 4652
aquaplane, or similar device on the waters of this state, the 4653
rule is in effect, and the person has a concentration of salvia 4654
divinorum or salvinorin A of at least that amount so specified 4655
by rule in the person's urine, in the person's whole blood, or 4656
in the person's blood serum or plasma. 4657

(i) Either of the following applies: 4658

(i) The person is under the influence of alcohol, a drug 4659
of abuse, or a combination of them, and, as measured by gas 4660
chromatography mass spectrometry, the person has a concentration 4661
of marihuana metabolite in the person's urine of at least 4662
fifteen nanograms of marihuana metabolite per milliliter of the 4663
person's urine or has a concentration of marihuana metabolite in 4664
the person's whole blood or blood serum or plasma of at least 4665
five nanograms of marihuana metabolite per milliliter of the 4666
person's whole blood or blood serum or plasma. 4667

(ii) As measured by gas chromatography mass spectrometry, 4668
the person has a concentration of marihuana metabolite in the 4669
person's urine of at least thirty-five nanograms of marihuana 4670
metabolite per milliliter of the person's urine or has a 4671
concentration of marihuana metabolite in the person's whole 4672
blood or blood serum or plasma of at least fifty nanograms of 4673
marihuana metabolite per milliliter of the person's whole blood 4674
or blood serum or plasma. 4675

(j) The person has a concentration of methamphetamine in 4676
the person's urine of at least five hundred nanograms of 4677
methamphetamine per milliliter of the person's urine or has a 4678
concentration of methamphetamine in the person's whole blood or 4679
blood serum or plasma of at least one hundred nanograms of 4680
methamphetamine per milliliter of the person's whole blood or 4681
blood serum or plasma. 4682

(k) The person has a concentration of phencyclidine in the 4683
person's urine of at least twenty-five nanograms of 4684
phencyclidine per milliliter of the person's urine or has a 4685
concentration of phencyclidine in the person's whole blood or 4686
blood serum or plasma of at least ten nanograms of phencyclidine 4687
per milliliter of the person's whole blood or blood serum or 4688

plasma. 4689

(B) No person under twenty-one years of age shall operate 4690
or be in physical control of any vessel underway or shall 4691
manipulate any water skis, aquaplane, or similar device on the 4692
waters in this state if, at the time of the operation, control, 4693
or manipulation, any of the following applies: 4694

(1) The person has a concentration of at least two- 4695
hundredths of one per cent, but less than eight-hundredths of 4696
one per cent by weight per unit volume of alcohol in the 4697
person's whole blood. 4698

(2) The person has a concentration of at least three- 4699
hundredths of one per cent but less than ninety-six-thousandths 4700
of one per cent by weight per unit volume of alcohol in the 4701
person's blood serum or plasma. 4702

(3) The person has a concentration of at least twenty- 4703
eight one-thousandths of one gram, but less than eleven- 4704
hundredths of one gram by weight of alcohol per one hundred 4705
milliliters of the person's urine. 4706

(4) The person has a concentration of at least two- 4707
hundredths of one gram, but less than eight-hundredths of one 4708
gram by weight of alcohol per two hundred ten liters of the 4709
person's breath. 4710

(C) In any proceeding arising out of one incident, a 4711
person may be charged with a violation of division (A) (1) and a 4712
violation of division (B) (1), (2), (3), or (4) of this section, 4713
but the person shall not be convicted of more than one violation 4714
of those divisions. 4715

(D) (1) (a) In any criminal prosecution or juvenile court 4716
proceeding for a violation of division (A) or (B) of this 4717

section or for an equivalent offense that is watercraft-related, 4718
the result of any test of any blood or urine withdrawn and 4719
analyzed at any health care provider, as defined in section 4720
2317.02 of the Revised Code, may be admitted with expert 4721
testimony to be considered with any other relevant and competent 4722
evidence in determining the guilt or innocence of the defendant. 4723

(b) In any criminal prosecution or juvenile court 4724
proceeding for a violation of division (A) or (B) of this 4725
section or for an equivalent offense that is watercraft-related, 4726
the court may admit evidence on the concentration of alcohol, 4727
drugs of abuse, controlled substances, metabolites of a 4728
controlled substance, or a combination of them in the 4729
defendant's or child's whole blood, blood serum or plasma, 4730
urine, or breath at the time of the alleged violation as shown 4731
by chemical analysis of the substance withdrawn, or specimen 4732
taken within three hours of the time of the alleged violation. 4733
The three-hour time limit specified in this division regarding 4734
the admission of evidence does not extend or affect the two-hour 4735
time limit specified in division (C) of section 1547.111 of the 4736
Revised Code as the maximum period of time during which a person 4737
may consent to a chemical test or tests as described in that 4738
section. The court may admit evidence on the concentration of 4739
alcohol, drugs of abuse, or a combination of them as described 4740
in this division when a person submits to a blood, breath, 4741
urine, or other bodily substance test at the request of a law 4742
enforcement officer under section 1547.111 of the Revised Code 4743
or a blood or urine sample is obtained pursuant to a search 4744
warrant. Only a physician, a registered nurse, an emergency 4745
medical technician-intermediate, an emergency medical 4746
technician-paramedic, or a qualified technician, chemist, or 4747
phlebotomist shall withdraw blood for the purpose of determining 4748

the alcohol, drug, controlled substance, metabolite of a 4749
controlled substance, or combination content of the whole blood, 4750
blood serum, or blood plasma. This limitation does not apply to 4751
the taking of breath or urine specimens. A person authorized to 4752
withdraw blood under this division may refuse to withdraw blood 4753
under this division if, in that person's opinion, the physical 4754
welfare of the defendant or child would be endangered by 4755
withdrawing blood. 4756

The whole blood, blood serum or plasma, urine, or breath 4757
withdrawn under division (D) (1) (b) of this section shall be 4758
analyzed in accordance with methods approved by the director of 4759
health by an individual possessing a valid permit issued by the 4760
director pursuant to section 3701.143 of the Revised Code. 4761

(2) In a criminal prosecution or juvenile court proceeding 4762
for a violation of division (A) of this section or for an 4763
equivalent offense that is watercraft-related, if there was at 4764
the time the bodily substance was taken a concentration of less 4765
than the applicable concentration of alcohol specified for a 4766
violation of division (A) (2), (3), (4), or (5) of this section 4767
or less than the applicable concentration of a listed controlled 4768
substance or a listed metabolite of a controlled substance 4769
specified for a violation of division (A) (6) of this section, 4770
that fact may be considered with other competent evidence in 4771
determining the guilt or innocence of the defendant or in making 4772
an adjudication for the child. This division does not limit or 4773
affect a criminal prosecution or juvenile court proceeding for a 4774
violation of division (B) of this section or for a violation of 4775
a prohibition that is substantially equivalent to that division. 4776

(3) Upon the request of the person who was tested, the 4777
results of the chemical test shall be made available to the 4778

person or the person's attorney immediately upon completion of 4779
the test analysis. 4780

If the chemical test was administered pursuant to division 4781
(D) (1) (b) of this section, the person tested may have a 4782
physician, a registered nurse, or a qualified technician, 4783
chemist, or phlebotomist of the person's own choosing administer 4784
a chemical test or tests in addition to any administered at the 4785
direction of a law enforcement officer, and shall be so advised. 4786
The failure or inability to obtain an additional test by a 4787
person shall not preclude the admission of evidence relating to 4788
the test or tests taken at the direction of a law enforcement 4789
officer. 4790

(E) (1) In any criminal prosecution or juvenile court 4791
proceeding for a violation of division (A) or (B) of this 4792
section, of a municipal ordinance relating to operating or being 4793
in physical control of any vessel underway or to manipulating 4794
any water skis, aquaplane, or similar device on the waters of 4795
this state while under the influence of alcohol, a drug of 4796
abuse, or a combination of them, or of a municipal ordinance 4797
relating to operating or being in physical control of any vessel 4798
underway or to manipulating any water skis, aquaplane, or 4799
similar device on the waters of this state with a prohibited 4800
concentration of alcohol, a controlled substance, or a 4801
metabolite of a controlled substance in the whole blood, blood 4802
serum or plasma, breath, or urine, if a law enforcement officer 4803
has administered a field sobriety test to the operator or person 4804
found to be in physical control of the vessel underway involved 4805
in the violation or the person manipulating the water skis, 4806
aquaplane, or similar device involved in the violation and if it 4807
is shown by clear and convincing evidence that the officer 4808
administered the test in substantial compliance with the testing 4809

standards for reliable, credible, and generally accepted field 4810
sobriety tests for vehicles that were in effect at the time the 4811
tests were administered, including, but not limited to, any 4812
testing standards then in effect that have been set by the 4813
national highway traffic safety administration, that by their 4814
nature are not clearly inapplicable regarding the operation or 4815
physical control of vessels underway or the manipulation of 4816
water skis, aquaplanes, or similar devices, all of the following 4817
apply: 4818

(a) The officer may testify concerning the results of the 4819
field sobriety test so administered. 4820

(b) The prosecution may introduce the results of the field 4821
sobriety test so administered as evidence in any proceedings in 4822
the criminal prosecution or juvenile court proceeding. 4823

(c) If testimony is presented or evidence is introduced 4824
under division (E)(1)(a) or (b) of this section and if the 4825
testimony or evidence is admissible under the Rules of Evidence, 4826
the court shall admit the testimony or evidence, and the trier 4827
of fact shall give it whatever weight the trier of fact 4828
considers to be appropriate. 4829

(2) Division (E)(1) of this section does not limit or 4830
preclude a court, in its determination of whether the arrest of 4831
a person was supported by probable cause or its determination of 4832
any other matter in a criminal prosecution or juvenile court 4833
proceeding of a type described in that division, from 4834
considering evidence or testimony that is not otherwise 4835
disallowed by division (E)(1) of this section. 4836

(F)(1) Subject to division (F)(3) of this section, in any 4837
criminal prosecution or juvenile court proceeding for a 4838

violation of division (A) or (B) of this section or for an 4839
equivalent offense that is substantially equivalent to either of 4840
those divisions, the court shall admit as prima-facie evidence a 4841
laboratory report from any laboratory personnel issued a permit 4842
by the department of health authorizing an analysis as described 4843
in this division that contains an analysis of the whole blood, 4844
blood serum or plasma, breath, urine, or other bodily substance 4845
tested and that contains all of the information specified in 4846
this division. The laboratory report shall contain all of the 4847
following: 4848

(a) The signature, under oath, of any person who performed 4849
the analysis; 4850

(b) Any findings as to the identity and quantity of 4851
alcohol, a drug of abuse, a controlled substance, a metabolite 4852
of a controlled substance, or a combination of them that was 4853
found; 4854

(c) A copy of a notarized statement by the laboratory 4855
director or a designee of the director that contains the name of 4856
each certified analyst or test performer involved with the 4857
report, the analyst's or test performer's employment 4858
relationship with the laboratory that issued the report, and a 4859
notation that performing an analysis of the type involved is 4860
part of the analyst's or test performer's regular duties; 4861

(d) An outline of the analyst's or test performer's 4862
education, training, and experience in performing the type of 4863
analysis involved and a certification that the laboratory 4864
satisfies appropriate quality control standards in general and, 4865
in this particular analysis, under rules of the department of 4866
health. 4867

(2) Notwithstanding any other provision of law regarding 4868
the admission of evidence, a report of the type described in 4869
division (F)(1) of this section is not admissible against the 4870
defendant or child to whom it pertains in any proceeding, other 4871
than a preliminary hearing or a grand jury proceeding, unless 4872
the prosecutor has served a copy of the report on the 4873
defendant's or child's attorney or, if the defendant or child 4874
has no attorney, on the defendant or child. 4875

(3) A report of the type described in division (F)(1) of 4876
this section shall not be prima-facie evidence of the contents, 4877
identity, or amount of any substance if, within seven days after 4878
the defendant or child to whom the report pertains or the 4879
defendant's or child's attorney receives a copy of the report, 4880
the defendant or child or the defendant's or child's attorney 4881
demands the testimony of the person who signed the report. The 4882
judge in the case may extend the seven-day time limit in the 4883
interest of justice. 4884

(G) Except as otherwise provided in this division, any 4885
physician, registered nurse, emergency medical technician- 4886
intermediate, emergency medical technician-paramedic, or 4887
qualified technician, chemist, or phlebotomist who withdraws 4888
blood from a person pursuant to this section or section 1547.111 4889
of the Revised Code, and a hospital, first-aid station, or 4890
clinic at which blood is withdrawn from a person pursuant to 4891
this section or section 1547.111 of the Revised Code, is immune 4892
from criminal and civil liability based upon a claim of assault 4893
and battery or any other claim that is not a claim of 4894
malpractice, for any act performed in withdrawing blood from the 4895
person. The immunity provided in this division also extends to 4896
an emergency medical service organization that employs an 4897
emergency medical technician-intermediate, or an emergency 4898

medical technician-paramedic who withdraws blood under this 4899
section. The immunity provided in this division is not available 4900
to a person who withdraws blood if the person engages in willful 4901
or wanton misconduct. 4902

(H) Division (A)(6) of this section does not apply to a 4903
person who operates or is in physical control of a vessel 4904
underway or manipulates any water skis, aquaplane, or similar 4905
device while the person has a concentration of a listed 4906
controlled substance or a listed metabolite of a controlled 4907
substance in the person's whole blood, blood serum or plasma, or 4908
urine that equals or exceeds the amount specified in that 4909
division, if both of the following apply: 4910

(1) The person obtained the controlled substance pursuant 4911
to a prescription issued by a licensed health professional 4912
authorized to prescribe drugs. 4913

(2) The person injected, ingested, or inhaled the 4914
controlled substance in accordance with the health 4915
professional's directions. 4916

(I) As used in this section and section 1547.111 of the 4917
Revised Code: 4918

(1) "Equivalent offense" has the same meaning as in 4919
section 4511.181 of the Revised Code. 4920

(2) "National highway traffic safety administration" has 4921
the same meaning as in section 4511.19 of the Revised Code. 4922

(3) "Operate" means that a vessel is being used on the 4923
waters in this state when the vessel is not securely affixed to 4924
a dock or to shore or to any permanent structure to which the 4925
vessel has the right to affix or that a vessel is not anchored 4926
in a designated anchorage area or boat camping area that is 4927

established by the United States coast guard, this state, or a 4928
political subdivision and in which the vessel has the right to 4929
anchor. 4930

(4) "Controlled substance" and "marihuana" have the same 4931
meanings as in section 3719.01 of the Revised Code. 4932

(5) "Cocaine" and "L.S.D." have the same meanings as in 4933
section 2925.01 of the Revised Code. 4934

(6) "Equivalent offense that is watercraft-related" means 4935
an equivalent offense that is one of the following: 4936

(a) A violation of division (A) ~~or (B)~~ of this section; 4937

(b) A violation of a municipal ordinance prohibiting a 4938
person from operating or being in physical control of any vessel 4939
underway or from manipulating any water skis, aquaplane, or 4940
similar device on the waters of this state while under the 4941
influence of alcohol, a drug of abuse, or a combination of them 4942
or prohibiting a person from operating or being in physical 4943
control of any vessel underway or from manipulating any water 4944
skis, aquaplane, or similar device on the waters of this state 4945
with a prohibited concentration of alcohol, a controlled 4946
substance, or a metabolite of a controlled substance in the 4947
whole blood, blood serum or plasma, breath, or urine; 4948

(c) A violation of an existing or former municipal 4949
ordinance, law of another state, or law of the United States 4950
that is substantially equivalent to division (A) ~~or (B)~~ of this 4951
section; 4952

(d) A violation of a former law of this state that was 4953
substantially equivalent to division (A) ~~or (B)~~ of this section. 4954

(7) "Emergency medical technician-intermediate" and 4955

"emergency medical technician-paramedic" have the same meanings 4956
as in section 4765.01 of the Revised Code. 4957

Sec. 1547.111. (A) (1) (a) Any person who operates or is in 4958
physical control of a vessel or manipulates any water skis, 4959
aquaplane, or similar device upon any waters in this state shall 4960
be deemed to have given consent to a chemical test or tests to 4961
determine the alcohol, drug of abuse, controlled substance, 4962
metabolite of a controlled substance, or combination content of 4963
the person's whole blood, blood serum or plasma, breath, or 4964
urine if arrested for operating or being in physical control of 4965
a vessel or manipulating any water skis, aquaplane, or similar 4966
device in violation of section 1547.11 of the Revised Code or a 4967
substantially equivalent municipal ordinance. 4968

(b) The test or tests under division (A) (1) of this 4969
section shall be administered at the request of a law 4970
enforcement officer having reasonable grounds to believe the 4971
person was operating or in physical control of a vessel or 4972
manipulating any water skis, aquaplane, or similar device in 4973
violation of section 1547.11 of the Revised Code or a 4974
substantially equivalent municipal ordinance. The law 4975
enforcement agency by which the officer is employed shall 4976
designate which test or tests shall be administered. 4977

(2) Any person who is dead or unconscious or who otherwise 4978
is in a condition rendering the person incapable of refusal 4979
shall be deemed to have consented as provided in division (A) (1) 4980
of this section, and the test or tests may be administered, 4981
subject to sections 313.12 to 313.16 of the Revised Code. 4982

(B) (1) If a law enforcement officer arrests a person for 4983
operating or being in physical control of a vessel or 4984
manipulating any water skis, aquaplane, or similar device in 4985

violation of section 1547.11 of the Revised Code or a 4986
substantially equivalent municipal ordinance and if the person 4987
previously has been convicted of or pleaded guilty to two or 4988
more violations of division (A) of section 1547.11 of the 4989
Revised Code or other equivalent offenses, the law enforcement 4990
officer shall request the person to submit, and the person shall 4991
submit, to a chemical test or tests of the person's whole blood, 4992
blood serum or plasma, breath, or urine for the purpose of 4993
determining the alcohol, drug of abuse, controlled substance, 4994
metabolite of a controlled substance, or combination content of 4995
the person's whole blood, blood serum or plasma, breath, or 4996
urine. A law enforcement officer who makes a request pursuant to 4997
this division that a person submit to a chemical test or tests 4998
is not required to advise the person of the consequences of 4999
refusing to submit to the test or tests and is not required to 5000
give the person the form described in division (C) of this 5001
section, but the officer shall advise the person at the time of 5002
the arrest that if the person refuses to take a chemical test 5003
the officer may employ whatever reasonable means are necessary 5004
to ensure that the person submits to a chemical test of the 5005
person's whole blood or blood serum or plasma. The officer shall 5006
also advise the person at the time of the arrest that the person 5007
may have an independent chemical test taken at the person's own 5008
expense. The advice shall be in written form prescribed by the 5009
chief of the division of parks and watercraft and shall be read 5010
to the person. The form shall contain a statement that the form 5011
was shown to the person under arrest and read to the person by 5012
the arresting officer. The reading of the form shall be 5013
witnessed by one or more persons, and the witnesses shall 5014
certify to this fact by signing the form. Divisions (A) (1) (b) 5015
and (A) (2) of this section apply to the administration of a 5016
chemical test or tests pursuant to this division. 5017

(2) If a person refuses to submit to a chemical test upon 5018
a request made pursuant to division (B) (1) of this section, the 5019
law enforcement officer who made the request may employ whatever 5020
reasonable means are necessary to ensure that the person submits 5021
to a chemical test of the person's whole blood or blood serum or 5022
plasma. A law enforcement officer who acts pursuant to this 5023
division to ensure that a person submits to a chemical test of 5024
the person's whole blood or blood serum or plasma is immune from 5025
criminal and civil liability based upon a claim for assault and 5026
battery or any other claim for the acts, unless the officer so 5027
acted with malicious purpose, in bad faith, or in a wanton or 5028
reckless manner. 5029

(C) Except as provided in division (B) of this section, 5030
any person under arrest for violating section 1547.11 of the 5031
Revised Code or a substantially equivalent municipal ordinance 5032
shall be advised of the consequences of refusing to submit to a 5033
chemical test or tests designated as provided in division (A) of 5034
this section. The advice shall be in a written form prescribed 5035
by the chief of the division of parks and watercraft and shall 5036
be read to the person. The form shall contain a statement that 5037
the form was shown to the person under arrest and read to the 5038
person by the arresting officer. The reading of the form shall 5039
be witnessed by one or more persons, and the witnesses shall 5040
certify to this fact by signing the form. The person must submit 5041
to the chemical test or tests, subsequent to the request of the 5042
arresting officer, within two hours of the time of the alleged 5043
violation, and if the person does not submit to the test or 5044
tests within that two-hour time limit, the failure to submit 5045
automatically constitutes a refusal to submit to the test or 5046
tests. 5047

(D) Except as provided in division (B) of this section, if 5048

a law enforcement officer asks a person under arrest for 5049
violating section 1547.11 of the Revised Code or a substantially 5050
equivalent municipal ordinance to submit to a chemical test or 5051
tests as provided in division (A) of this section, if the 5052
arresting officer advises the person of the consequences of the 5053
person's refusal as provided in division (C) of this section, 5054
and if the person refuses to submit, no chemical test shall be 5055
given. Upon receipt of a sworn statement of the officer that the 5056
arresting law enforcement officer had reasonable grounds to 5057
believe the arrested person violated section 1547.11 of the 5058
Revised Code or a substantially equivalent municipal ordinance 5059
and that the person refused to submit to the chemical test upon 5060
the request of the officer, and upon receipt of the form as 5061
provided in division (C) of this section certifying that the 5062
arrested person was advised of the consequences of the refusal, 5063
the chief of the division of parks and watercraft shall inform 5064
the person by written notice that the person is prohibited from 5065
operating or being in physical control of a vessel, from 5066
manipulating any water skis, aquaplane, or similar device, and 5067
from registering any watercraft in accordance with section 5068
1547.54 of the Revised Code, for one year following the date of 5069
the alleged violation. The suspension of these operation, 5070
physical control, manipulation, and registration privileges 5071
shall continue for the entire one-year period, subject to review 5072
as provided in this section. 5073

If the person under arrest is the owner of the vessel 5074
involved in the alleged violation, the law enforcement officer 5075
who arrested the person shall seize the watercraft registration 5076
certificate and tags from the vessel involved in the violation 5077
and forward them to the chief. The chief shall retain the 5078
impounded registration certificate and tags and shall impound 5079

all other registration certificates and tags issued to the 5080
person in accordance with sections 1547.54 and 1547.57 of the 5081
Revised Code, for a period of one year following the date of the 5082
alleged violation, subject to review as provided in this 5083
section. 5084

If the arrested person fails to surrender the registration 5085
certificate because it is not on the person of the arrested 5086
person or in the watercraft, the law enforcement officer who 5087
made the arrest shall order the person to surrender it within 5088
twenty-four hours to the law enforcement officer or the law 5089
enforcement agency that employs the law enforcement officer. If 5090
the person fails to do so, the law enforcement officer shall 5091
notify the chief of that fact in the statement the officer 5092
submits to the chief under this division. 5093

(E) Upon suspending a person's operation, physical 5094
control, manipulation, and registration privileges in accordance 5095
with division (D) of this section, the chief shall notify the 5096
person in writing, at the person's last known address, and 5097
inform the person that the person may petition for a hearing in 5098
accordance with division (F) of this section. If a person whose 5099
operation, physical control, manipulation, and registration 5100
privileges have been suspended petitions for a hearing or 5101
appeals any adverse decision, the suspension shall begin at the 5102
termination of any hearing or appeal unless the hearing or 5103
appeal results in a decision favorable to the person. 5104

(F) Any person who has been notified by the chief that the 5105
person is prohibited from operating or being in physical control 5106
of a vessel or manipulating any water skis, aquaplane, or 5107
similar device and from registering any watercraft in accordance 5108
with section 1547.54 of the Revised Code, or who has had the 5109

registration certificate and tags of the person's watercraft 5110
impounded pursuant to division (D) of this section, within 5111
twenty days of the notification or impoundment, may file a 5112
petition in the municipal court or the county court, or if the 5113
person is a minor in juvenile court, with jurisdiction over the 5114
place at which the arrest occurred, agreeing to pay the cost of 5115
the proceedings and alleging error in the action taken by the 5116
chief under division (D) of this section or alleging one or more 5117
of the matters within the scope of the hearing as provided in 5118
this section, or both. The petitioner shall notify the chief of 5119
the filing of the petition and send the chief a copy of the 5120
petition. 5121

The scope of the hearing is limited to the issues of 5122
whether the law enforcement officer had reasonable grounds to 5123
believe the petitioner was operating or in physical control of a 5124
vessel or manipulating any water skis, aquaplane, or similar 5125
device in violation of section 1547.11 of the Revised Code or a 5126
substantially equivalent municipal ordinance, whether the 5127
petitioner was placed under arrest, whether the petitioner 5128
refused to submit to the chemical test upon request of the 5129
officer, and whether the petitioner was advised of the 5130
consequences of the petitioner's refusal. 5131

(G) (1) The chief shall furnish the court a copy of the 5132
affidavit as provided in division (C) of this section and any 5133
other relevant information requested by the court. 5134

(2) In hearing the matter and in determining whether the 5135
person has shown error in the decision taken by the chief as 5136
provided in division (D) of this section, the court shall decide 5137
the issue upon the relevant, competent, and material evidence 5138
submitted by the chief or the person whose operation, physical 5139

control, manipulation, and registration privileges have been 5140
suspended. 5141

In the proceedings, the chief shall be represented by the 5142
prosecuting attorney of the county in which the petition is 5143
filed if the petition is filed in a county court or juvenile 5144
court, except that if the arrest occurred within a city or 5145
village within the jurisdiction of the county court in which the 5146
petition is filed, the city director of law or village solicitor 5147
of that city or village shall represent the chief. If the 5148
petition is filed in the municipal court, the chief shall be 5149
represented as provided in section 1901.34 of the Revised Code. 5150

(3) If the court finds from the evidence submitted that 5151
the person has failed to show error in the action taken by the 5152
chief under division (D) of this section or in one or more of 5153
the matters within the scope of the hearing as provided in 5154
division (F) of this section, or both, the court shall assess 5155
the cost of the proceeding against the person and shall uphold 5156
the suspension of the operation, physical control, use, and 5157
registration privileges provided in division (D) of this 5158
section. If the court finds that the person has shown error in 5159
the action taken by the chief under division (D) of this section 5160
or in one or more of the matters within the scope of the hearing 5161
as provided in division (F) of this section, or both, the cost 5162
of the proceedings shall be paid out of the county treasury of 5163
the county in which the proceedings were held, the chief shall 5164
reinstate the operation, physical control, manipulation, and 5165
registration privileges of the person without charge, and the 5166
chief shall return the registration certificate and tags, if 5167
impounded, without charge. 5168

(4) The court shall give information in writing of any 5169

action taken under this section to the chief. 5170

(H) At the end of any period of suspension or impoundment 5171
imposed under this section, and upon request of the person whose 5172
operation, physical control, use, and registration privileges 5173
were suspended or whose registration certificate and tags were 5174
impounded, the chief shall reinstate the person's operation, 5175
physical control, manipulation, and registration privileges by 5176
written notice and return the certificate and tags. 5177

(I) No person who has received written notice from the 5178
chief that the person is prohibited from operating or being in 5179
physical control of a vessel, from manipulating any water skis, 5180
aquaplane, or similar device, and from registering a watercraft, 5181
or who has had the registration certificate and tags of the 5182
person's watercraft impounded, in accordance with division (D) 5183
of this section, shall operate or be in physical control of a 5184
vessel or manipulate any water skis, aquaplane, or similar 5185
device for a period of one year following the date of the 5186
person's alleged violation of section 1547.11 of the Revised 5187
Code or the substantially equivalent municipal ordinance. 5188

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 5189
Revised Code is guilty of a felony of the fourth degree. 5190

(B) Whoever violates division (F) of section 1547.08, 5191
section 1547.10, division (I) of section 1547.111, section 5192
1547.13, or section 1547.66 of the Revised Code is guilty of a 5193
misdemeanor of the first degree. 5194

(C) Whoever violates a provision of this chapter or a 5195
rule, for which no penalty is otherwise provided, is guilty of a 5196
minor misdemeanor. 5197

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 5198

of the Revised Code without causing injury to persons or damage 5199
to property is guilty of a misdemeanor of the fourth degree. 5200

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 5201
of the Revised Code causing injury to persons or damage to 5202
property is guilty of a misdemeanor of the third degree. 5203

(F) Whoever violates division (N) of section 1547.54, 5204
division (G) of section 1547.30, or section 1547.131, 1547.25, 5205
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 5206
of the Revised Code or a rule is guilty of a misdemeanor of the 5207
fourth degree. 5208

(G) Whoever violates section 1547.11 of the Revised Code 5209
is guilty of a misdemeanor of the first degree and shall be 5210
punished as provided in division (G) (1), (2), or (3) of this 5211
section. 5212

(1) Except as otherwise provided in division (G) (2) or (3) 5213
of this section, the court shall sentence the offender to a jail 5214
term of three consecutive days and may sentence the offender 5215
pursuant to section 2929.24 of the Revised Code to a longer jail 5216
term. In addition, the court shall impose upon the offender a 5217
fine of not less than one hundred fifty nor more than one 5218
thousand dollars. 5219

The court may suspend the execution of the mandatory jail 5220
term of three consecutive days that it is required to impose by 5221
division (G) (1) of this section if the court, in lieu of the 5222
suspended jail term, places the offender under a community 5223
control sanction pursuant to section 2929.25 of the Revised Code 5224
and requires the offender to attend, for three consecutive days, 5225
a drivers' intervention program that is certified pursuant to 5226
section 5119.38 of the Revised Code. The court also may suspend 5227

the execution of any part of the mandatory jail term of three 5228
consecutive days that it is required to impose by division (G) 5229
(1) of this section if the court places the offender under a 5230
community control sanction pursuant to section 2929.25 of the 5231
Revised Code for part of the three consecutive days; requires 5232
the offender to attend, for that part of the three consecutive 5233
days, a drivers' intervention program that is certified pursuant 5234
to section 5119.38 of the Revised Code; and sentences the 5235
offender to a jail term equal to the remainder of the three 5236
consecutive days that the offender does not spend attending the 5237
drivers' intervention program. The court may require the 5238
offender, as a condition of community control, to attend and 5239
satisfactorily complete any treatment or education programs, in 5240
addition to the required attendance at a drivers' intervention 5241
program, that the operators of the drivers' intervention program 5242
determine that the offender should attend and to report 5243
periodically to the court on the offender's progress in the 5244
programs. The court also may impose any other conditions of 5245
community control on the offender that it considers necessary. 5246

(2) If, within ten years of the offense, the offender has 5247
been convicted of or pleaded guilty to one violation of division 5248
(A) of section 1547.11 of the Revised Code or one other 5249
equivalent offense, the court shall sentence the offender to a 5250
jail term of ten consecutive days and may sentence the offender 5251
pursuant to section 2929.24 of the Revised Code to a longer jail 5252
term. In addition, the court shall impose upon the offender a 5253
fine of not less than one hundred fifty nor more than one 5254
thousand dollars. 5255

In addition to any other sentence that it imposes upon the 5256
offender, the court may require the offender to attend a 5257
drivers' intervention program that is certified pursuant to 5258

section 5119.38 of the Revised Code. 5259

(3) If, within ten years of the offense, the offender has 5260
been convicted of or pleaded guilty to more than one violation 5261
or offense identified in division (G)(2) of this section, the 5262
court shall sentence the offender to a jail term of thirty 5263
consecutive days and may sentence the offender to a longer jail 5264
term of not more than one year. In addition, the court shall 5265
impose upon the offender a fine of not less than one hundred 5266
fifty nor more than one thousand dollars. 5267

In addition to any other sentence that it imposes upon the 5268
offender, the court may require the offender to attend a 5269
drivers' intervention program that is certified pursuant to 5270
section 5119.38 of the Revised Code. 5271

(4) Upon a showing that serving a jail term would 5272
seriously affect the ability of an offender sentenced pursuant 5273
to division (G)(1), (2), or (3) of this section to continue the 5274
offender's employment, the court may authorize that the offender 5275
be granted work release after the offender has served the 5276
mandatory jail term of three, ten, or thirty consecutive days 5277
that the court is required by division (G)(1), (2), or (3) of 5278
this section to impose. No court shall authorize work release 5279
during the mandatory jail term of three, ten, or thirty 5280
consecutive days that the court is required by division (G)(1), 5281
(2), or (3) of this section to impose. The duration of the work 5282
release shall not exceed the time necessary each day for the 5283
offender to commute to and from the place of employment and the 5284
place in which the jail term is served and the time actually 5285
spent under employment. 5286

(5) Notwithstanding any section of the Revised Code that 5287
authorizes the suspension of the imposition or execution of a 5288

sentence or the placement of an offender in any treatment 5289
program in lieu of being imprisoned or serving a jail term, no 5290
court shall suspend the mandatory jail term of ten or thirty 5291
consecutive days required to be imposed by division (G) (2) or 5292
(3) of this section or place an offender who is sentenced 5293
pursuant to division (G) (2) or (3) of this section in any 5294
treatment program in lieu of being imprisoned or serving a jail 5295
term until after the offender has served the mandatory jail term 5296
of ten or thirty consecutive days required to be imposed 5297
pursuant to division (G) (2) or (3) of this section. 5298
Notwithstanding any section of the Revised Code that authorizes 5299
the suspension of the imposition or execution of a sentence or 5300
the placement of an offender in any treatment program in lieu of 5301
being imprisoned or serving a jail term, no court, except as 5302
specifically authorized by division (G) (1) of this section, 5303
shall suspend the mandatory jail term of three consecutive days 5304
required to be imposed by division (G) (1) of this section or 5305
place an offender who is sentenced pursuant to division (G) (1) 5306
of this section in any treatment program in lieu of imprisonment 5307
until after the offender has served the mandatory jail term of 5308
three consecutive days required to be imposed pursuant to 5309
division (G) (1) of this section. 5310

(6) As used in division (G) of this section: 5311

(a) "Equivalent offense" has the same meaning as in 5312
section 4511.181 of the Revised Code. 5313

(b) "Jail term" and "mandatory jail term" have the same 5314
meanings as in section 2929.01 of the Revised Code. 5315

(H) Whoever violates section 1547.304 of the Revised Code 5316
is guilty of a misdemeanor of the fourth degree and also shall 5317
be assessed any costs incurred by the state or a county, 5318

township, municipal corporation, or other political subdivision 5319
in disposing of an abandoned junk vessel or outboard motor, less 5320
any money accruing to the state, county, township, municipal 5321
corporation, or other political subdivision from that disposal. 5322

(I) Whoever violates division (B) or (C) of section 5323
1547.49 of the Revised Code is guilty of a minor misdemeanor. 5324

(J) Whoever violates section 1547.31 of the Revised Code 5325
is guilty of a misdemeanor of the fourth degree on a first 5326
offense. On each subsequent offense, the person is guilty of a 5327
misdemeanor of the third degree. 5328

(K) Whoever violates section 1547.05 or 1547.051 of the 5329
Revised Code is guilty of a misdemeanor of the fourth degree if 5330
the violation is not related to a collision, injury to a person, 5331
or damage to property and a misdemeanor of the third degree if 5332
the violation is related to a collision, injury to a person, or 5333
damage to property. 5334

(L) The sentencing court, in addition to the penalty 5335
provided under this section for a violation of this chapter or a 5336
rule that involves a powercraft powered by more than ten 5337
horsepower and that, in the opinion of the court, involves a 5338
threat to the safety of persons or property, shall order the 5339
offender to complete successfully a boating course approved by 5340
the national association of state boating law administrators 5341
before the offender is allowed to operate a powercraft powered 5342
by more than ten horsepower on the waters in this state. 5343
Violation of a court order entered under this division is 5344
punishable as contempt under Chapter 2705. of the Revised Code. 5345

Sec. 2151.23. (A) The juvenile court has exclusive 5346
original jurisdiction under the Revised Code as follows: 5347

(1) Concerning any child who on or about the date 5348
specified in the complaint, indictment, or information is 5349
alleged to have violated section 2151.87 of the Revised Code or 5350
an order issued under that section or to be a juvenile traffic 5351
offender or a delinquent, unruly, abused, neglected, or 5352
dependent child and, based on and in relation to the allegation 5353
pertaining to the child, concerning the parent, guardian, or 5354
other person having care of a child who is alleged to be an 5355
unruly child for being an habitual truant or who is alleged to 5356
be a delinquent child for violating a court order regarding the 5357
child's prior adjudication as an unruly child for being an 5358
habitual truant; 5359

(2) Subject to divisions (G), (I), (K), and (V) of section 5360
2301.03 of the Revised Code, to determine the custody of any 5361
child not a ward of another court of this state; 5362

(3) To hear and determine any application for a writ of 5363
habeas corpus involving the custody of a child; 5364

(4) To exercise the powers and jurisdiction given the 5365
probate division of the court of common pleas in Chapter 5122. 5366
of the Revised Code, if the court has probable cause to believe 5367
that a child otherwise within the jurisdiction of the court is a 5368
mentally ill person subject to court order, as defined in 5369
section 5122.01 of the Revised Code; 5370

(5) To hear and determine all criminal cases charging 5371
adults with the violation of any section of this chapter; 5372

(6) To hear and determine all criminal cases in which an 5373
adult is charged with a violation of division (C) of section 5374
2919.21, division (B)(1) of section 2919.22, section 2919.222, 5375
division (B) of section 2919.23, or section 2919.24 of the 5376

Revised Code, provided the charge is not included in an 5377
indictment that also charges the alleged adult offender with the 5378
commission of a felony arising out of the same actions that are 5379
the basis of the alleged violation of division (C) of section 5380
2919.21, division (B)(1) of section 2919.22, section 2919.222, 5381
division (B) of section 2919.23, or section 2919.24 of the 5382
Revised Code; 5383

(7) Under the interstate compact on juveniles in section 5384
2151.56 of the Revised Code; 5385

(8) Concerning any child who is to be taken into custody 5386
pursuant to section 2151.31 of the Revised Code, upon being 5387
notified of the intent to take the child into custody and the 5388
reasons for taking the child into custody; 5389

(9) To hear and determine requests for the extension of 5390
temporary custody agreements, and requests for court approval of 5391
permanent custody agreements, that are filed pursuant to section 5392
5103.15 of the Revised Code; 5393

(10) To hear and determine applications for consent to 5394
marry pursuant to section 3101.04 of the Revised Code; 5395

(11) Subject to divisions (G), (I), (K), and (V) of 5396
section 2301.03 of the Revised Code, to hear and determine a 5397
request for an order for the support of any child if the request 5398
is not ancillary to an action for divorce, dissolution of 5399
marriage, annulment, or legal separation, a criminal or civil 5400
action involving an allegation of domestic violence, or an 5401
action for support brought under Chapter 3115. of the Revised 5402
Code; 5403

(12) Concerning an action commenced under section 121.38 5404
of the Revised Code; 5405

(13) To hear and determine violations of section 3321.38	5406
of the Revised Code;	5407
(14) To exercise jurisdiction and authority over the	5408
parent, guardian, or other person having care of a child alleged	5409
to be a delinquent child, unruly child, or juvenile traffic	5410
offender, based on and in relation to the allegation pertaining	5411
to the child;	5412
(15) To conduct the hearings, and to make the	5413
determinations, adjudications, and orders authorized or required	5414
under sections 2152.82 to 2152.86 and Chapter 2950. of the	5415
Revised Code regarding a child who has been adjudicated a	5416
delinquent child and to refer the duties conferred upon the	5417
juvenile court judge under sections 2152.82 to 2152.86 and	5418
Chapter 2950. of the Revised Code to magistrates appointed by	5419
the juvenile court judge in accordance with Juvenile Rule 40;	5420
(16) To hear and determine a petition for a protection	5421
order against a child under section 2151.34 or 3113.31 of the	5422
Revised Code and to enforce a protection order issued or a	5423
consent agreement approved under either section against a child	5424
until a date certain but not later than the date the child	5425
attains nineteen years of age;	5426
(17) Concerning emancipated young adults under sections	5427
2151.45 to 2151.455 of the Revised Code;	5428
(18) To hear and determine a request for a court order to	5429
examine and interview a child who may be an abused, neglected,	5430
or dependent child under section 2151.25 of the Revised Code.	5431
(B) Except as provided in divisions (G), (I), and (P) of	5432
section 2301.03 of the Revised Code, the juvenile court has	5433
original jurisdiction under the Revised Code:	5434

(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;	5435
	5436
	5437
	5438
(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;	5439
	5440
	5441
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	5442
	5443
(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;	5444
	5445
	5446
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	5447
	5448
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	5449
	5450
(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.	5451
	5452
	5453
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	5454
	5455
	5456
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	5457
	5458
	5459
	5460
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a	5461
	5462

separate and independent juvenile court, has jurisdiction to 5463
hear, determine, and make a record of any action for divorce or 5464
legal separation that involves the custody or care of children 5465
and that is filed in the court of common pleas and certified by 5466
the court of common pleas with all the papers filed in the 5467
action to the juvenile court for trial, provided that no 5468
certification of that nature shall be made to any juvenile court 5469
unless the consent of the juvenile judge first is obtained. 5470
After a certification of that nature is made and consent is 5471
obtained, the juvenile court shall proceed as if the action 5472
originally had been begun in that court, except as to awards for 5473
spousal support or support due and unpaid at the time of 5474
certification, over which the juvenile court has no 5475
jurisdiction. 5476

(D) The juvenile court, except as provided in division (I) 5477
of section 2301.03 of the Revised Code, has jurisdiction to hear 5478
and determine all matters as to custody and support of children 5479
duly certified by the court of common pleas to the juvenile 5480
court after a divorce decree has been granted, including 5481
jurisdiction to modify the judgment and decree of the court of 5482
common pleas as the same relate to the custody and support of 5483
children. 5484

(E) The juvenile court, except as provided in division (I) 5485
of section 2301.03 of the Revised Code, has jurisdiction to hear 5486
and determine the case of any child certified to the court by 5487
any court of competent jurisdiction if the child comes within 5488
the jurisdiction of the juvenile court as defined by this 5489
section. 5490

(F) (1) The juvenile court shall exercise its jurisdiction 5491
in child custody matters in accordance with sections 3109.04 and 5492

3127.01 to 3127.53 of the Revised Code and, as applicable, 5493
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 5494
Revised Code. 5495

(2) The juvenile court shall exercise its jurisdiction in 5496
child support matters in accordance with section 3109.05 of the 5497
Revised Code. 5498

(G) Any juvenile court that makes or modifies an order for 5499
child support shall comply with Chapters 3119., 3121., 3123., 5500
and 3125. of the Revised Code. If any person required to pay 5501
child support under an order made by a juvenile court on or 5502
after April 15, 1985, or modified on or after December 1, 1986, 5503
is found in contempt of court for failure to make support 5504
payments under the order, the court that makes the finding, in 5505
addition to any other penalty or remedy imposed, shall assess 5506
all court costs arising out of the contempt proceeding against 5507
the person and require the person to pay any reasonable 5508
attorney's fees of any adverse party, as determined by the 5509
court, that arose in relation to the act of contempt. 5510

(H) If a child who is charged with an act that would be an 5511
offense if committed by an adult was fourteen years of age or 5512
older and under eighteen years of age at the time of the alleged 5513
act and if the case is transferred for criminal prosecution 5514
pursuant to section 2152.12 of the Revised Code, except as 5515
provided in section 2152.121 of the Revised Code, the juvenile 5516
court does not have jurisdiction to hear or determine the case 5517
subsequent to the transfer. The court to which the case is 5518
transferred for criminal prosecution pursuant to that section 5519
has jurisdiction subsequent to the transfer to hear and 5520
determine the case in the same manner as if the case originally 5521
had been commenced in that court, subject to section 2152.121 of 5522

the Revised Code, including, but not limited to, jurisdiction to 5523
accept a plea of guilty or another plea authorized by Criminal 5524
Rule 11 or another section of the Revised Code and jurisdiction 5525
to accept a verdict and to enter a judgment of conviction 5526
pursuant to the Rules of Criminal Procedure against the child 5527
for the commission of the offense that was the basis of the 5528
transfer of the case for criminal prosecution, whether the 5529
conviction is for the same degree or a lesser degree of the 5530
offense charged, for the commission of a lesser-included 5531
offense, or for the commission of another offense that is 5532
different from the offense charged. Section 2152.022 of the 5533
Revised Code applies with respect to the transfer of a case for 5534
criminal prosecution as described in this division and the 5535
determination of jurisdiction after the transfer and, as 5536
described in division (B) of that section, the juvenile court 5537
retains jurisdiction over charges included in the complaint or 5538
complaints containing the allegation that is the basis of the 5539
transfer that are not transferred. 5540

(I) If a person under eighteen years of age allegedly 5541
commits an act that would be a felony if committed by an adult 5542
and if the person is not taken into custody or apprehended for 5543
that act until after the person attains twenty-one years of age, 5544
the juvenile court does not have jurisdiction to hear or 5545
determine any portion of the case charging the person with 5546
committing that act. In those circumstances, divisions (A) and 5547
(B) of section 2152.12 of the Revised Code do not apply 5548
regarding the act, and the case charging the person with 5549
committing the act shall be a criminal prosecution commenced and 5550
heard in the appropriate court having jurisdiction of the 5551
offense as if the person had been eighteen years of age or older 5552
when the person committed the act. All proceedings pertaining to 5553

the act shall be within the jurisdiction of the court having 5554
jurisdiction of the offense, and that court has all the 5555
authority and duties in the case that it has in other criminal 5556
cases in that court. 5557

(J) In exercising its exclusive original jurisdiction 5558
under division (A)(16) of this section with respect to any 5559
proceedings brought under section 2151.34 or 3113.31 of the 5560
Revised Code in which the respondent is a child, the juvenile 5561
court retains all dispositional powers consistent with existing 5562
rules of juvenile procedure and may also exercise its discretion 5563
to adjudicate proceedings as provided in sections 2151.34 and 5564
3113.31 of the Revised Code, including the issuance of 5565
protection orders or the approval of consent agreements under 5566
those sections. 5567

Sec. 2151.34. (A) As used in this section: 5568

(1) "Court" means the juvenile division of the court of 5569
common pleas of the county in which the person to be protected 5570
by the protection order resides. 5571

(2) "Victim advocate" means a person who provides support 5572
and assistance for a person who files a petition under this 5573
section. 5574

(3) "Family or household member" has the same meaning as 5575
in section 3113.31 of the Revised Code. 5576

(4) "Protection order issued by a court of another state" 5577
has the same meaning as in section 2919.27 of the Revised Code. 5578

(5) "Petitioner" means a person who files a petition under 5579
this section and includes a person on whose behalf a petition 5580
under this section is filed. 5581

(6) "Respondent" means a person who is under eighteen 5582
years of age and against whom a petition is filed under this 5583
section. 5584

(7) "Sexually oriented offense" has the same meaning as in 5585
section 2950.01 of the Revised Code. 5586

(8) "Electronic monitoring" has the same meaning as in 5587
section 2929.01 of the Revised Code. 5588

(9) "Companion animal" has the same meaning as in section 5589
959.131 of the Revised Code. 5590

(B) The court has jurisdiction over all proceedings under 5591
this section. 5592

(C) (1) Any of the following persons may seek relief under 5593
this section by filing a petition with the court: 5594

(a) Any person on behalf of that person; 5595

(b) Any parent or adult family or household member on 5596
behalf of any other family or household member; 5597

(c) Any person who is determined by the court in its 5598
discretion as an appropriate person to seek relief under this 5599
section on behalf of any child. 5600

(2) The petition shall contain or state all of the 5601
following: 5602

(a) An allegation that the respondent engaged in a 5603
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 5604
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a 5605
sexually oriented offense, or engaged in a violation of any 5606
municipal ordinance that is substantially equivalent to any of 5607
those offenses against the person to be protected by the 5608

protection order, including a description of the nature and 5609
extent of the violation; 5610

(b) If the petitioner seeks relief in the form of 5611
electronic monitoring of the respondent, an allegation that at 5612
any time preceding the filing of the petition the respondent 5613
engaged in conduct that would cause a reasonable person to 5614
believe that the health, welfare, or safety of the person to be 5615
protected was at risk, a description of the nature and extent of 5616
that conduct, and an allegation that the respondent presents a 5617
continuing danger to the person to be protected; 5618

(c) A request for relief under this section. 5619

(3) The court in its discretion may determine whether or 5620
not to give notice that a petition has been filed under division 5621
(C) (1) of this section on behalf of a child to any of the 5622
following: 5623

(a) A parent of the child if the petition was filed by any 5624
person other than a parent of the child; 5625

(b) Any person who is determined by the court to be an 5626
appropriate person to receive notice of the filing of the 5627
petition. 5628

(D) (1) If a person who files a petition pursuant to this 5629
section requests an ex parte order, the court shall hold an ex 5630
parte hearing as soon as possible after the petition is filed, 5631
but not later than the next day after the court is in session 5632
after the petition is filed. The court, for good cause shown at 5633
the ex parte hearing, may enter any temporary orders, with or 5634
without bond, that the court finds necessary for the safety and 5635
protection of the person to be protected by the order. Immediate 5636
and present danger to the person to be protected by the 5637

protection order constitutes good cause for purposes of this 5638
section. Immediate and present danger includes, but is not 5639
limited to, situations in which the respondent has threatened 5640
the person to be protected by the protection order with bodily 5641
harm or in which the respondent previously has been convicted 5642
of, pleaded guilty to, or been adjudicated a delinquent child 5643
for committing a violation of section 2903.11, 2903.12, 2903.13, 5644
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 5645
sexually oriented offense, or a violation of any municipal 5646
ordinance that is substantially equivalent to any of those 5647
offenses against the person to be protected by the protection 5648
order. 5649

(2) (a) If the court, after an ex parte hearing, issues a 5650
protection order described in division (E) of this section, the 5651
court shall schedule a full hearing for a date that is within 5652
ten court days after the ex parte hearing. The court shall give 5653
the respondent notice of, and an opportunity to be heard at, the 5654
full hearing. The court also shall give notice of the full 5655
hearing to the parent, guardian, or legal custodian of the 5656
respondent. The court shall hold the full hearing on the date 5657
scheduled under this division unless the court grants a 5658
continuance of the hearing in accordance with this division. 5659
Under any of the following circumstances or for any of the 5660
following reasons, the court may grant a continuance of the full 5661
hearing to a reasonable time determined by the court: 5662

(i) Prior to the date scheduled for the full hearing under 5663
this division, the respondent has not been served with the 5664
petition filed pursuant to this section and notice of the full 5665
hearing. 5666

(ii) The parties consent to the continuance. 5667

(iii) The continuance is needed to allow a party to obtain
counsel. 5668
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(iv) The continuance is needed for other good cause. 5670

(b) An ex parte order issued under this section does not
expire because of a failure to serve notice of the full hearing
upon the respondent before the date set for the full hearing
under division (D) (2) (a) of this section or because the court
grants a continuance under that division. 5671
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(3) If a person who files a petition pursuant to this
section does not request an ex parte order, or if a person
requests an ex parte order but the court does not issue an ex
parte order after an ex parte hearing, the court shall proceed
as in a normal civil action and grant a full hearing on the
matter. 5676
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(E) (1) (a) After an ex parte or full hearing, the court may
issue any protection order, with or without bond, that contains
terms designed to ensure the safety and protection of the person
to be protected by the protection order. The court may include
within a protection order issued under this section a term
requiring that the respondent not remove, damage, hide, harm, or
dispose of any companion animal owned or possessed by the person
to be protected by the order, and may include within the order a
term authorizing the person to be protected by the order to
remove a companion animal owned by the person to be protected by
the order from the possession of the respondent. 5682
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(b) After a full hearing, if the court considering a
petition that includes an allegation of the type described in
division (C) (2) (b) of this section or the court, upon its own
motion, finds upon clear and convincing evidence that the 5693
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petitioner reasonably believed that the respondent's conduct at 5697
any time preceding the filing of the petition endangered the 5698
health, welfare, or safety of the person to be protected and 5699
that the respondent presents a continuing danger to the person 5700
to be protected and if division (N) of this section does not 5701
prohibit the issuance of an order that the respondent be 5702
electronically monitored, the court may order that the 5703
respondent be electronically monitored for a period of time and 5704
under the terms and conditions that the court determines are 5705
appropriate. Electronic monitoring shall be in addition to any 5706
other relief granted to the petitioner. 5707

(2) (a) Any protection order issued pursuant to this 5708
section shall be valid until a date certain but not later than 5709
the date the respondent attains nineteen years of age. 5710

(b) Any protection order issued pursuant to this section 5711
may be renewed in the same manner as the original order was 5712
issued. 5713

(3) A court may not issue a protection order that requires 5714
a petitioner to do or to refrain from doing an act that the 5715
court may require a respondent to do or to refrain from doing 5716
under division (E) (1) of this section unless all of the 5717
following apply: 5718

(a) The respondent files a separate petition for a 5719
protection order in accordance with this section. 5720

(b) The petitioner is served with notice of the 5721
respondent's petition at least forty-eight hours before the 5722
court holds a hearing with respect to the respondent's petition, 5723
or the petitioner waives the right to receive this notice. 5724

(c) If the petitioner has requested an ex parte order 5725

pursuant to division (D) of this section, the court does not 5726
delay any hearing required by that division beyond the time 5727
specified in that division in order to consolidate the hearing 5728
with a hearing on the petition filed by the respondent. 5729

(d) After a full hearing at which the respondent presents 5730
evidence in support of the request for a protection order and 5731
the petitioner is afforded an opportunity to defend against that 5732
evidence, the court determines that the petitioner has committed 5733
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 5734
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 5735
oriented offense, or a violation of any municipal ordinance that 5736
is substantially equivalent to any of those offenses against the 5737
person to be protected by the protection order issued pursuant 5738
to division (E) (3) of this section, or has violated a protection 5739
order issued pursuant to this section or section 2903.213 of the 5740
Revised Code relative to the person to be protected by the 5741
protection order issued pursuant to division (E) (3) of this 5742
section. 5743

(4) No protection order issued pursuant to this section 5744
shall in any manner affect title to any real property. 5745

(5) (a) A protection order issued under this section shall 5746
clearly state that the person to be protected by the order 5747
cannot waive or nullify by invitation or consent any requirement 5748
in the order. 5749

(b) Division (E) (5) (a) of this section does not limit any 5750
discretion of a court to determine that a respondent alleged to 5751
have violated section 2919.27 of the Revised Code, violated a 5752
municipal ordinance substantially equivalent to that section, or 5753
committed contempt of court, which allegation is based on an 5754
alleged violation of a protection order issued under this 5755

section, did not commit the violation or was not in contempt of 5756
court. 5757

(6) Any protection order issued pursuant to this section 5758
shall include a provision that the court will automatically seal 5759
all of the records of the proceeding in which the order is 5760
issued on the date the respondent attains the age of nineteen 5761
years unless the petitioner provides the court with evidence 5762
that the respondent has not complied with all of the terms of 5763
the protection order. The protection order shall specify the 5764
date when the respondent attains the age of nineteen years. 5765

(F) (1) The court shall cause the delivery of a copy of any 5766
protection order that is issued under this section to the 5767
petitioner, to the respondent, and to all law enforcement 5768
agencies that have jurisdiction to enforce the order. The court 5769
shall direct that a copy of the order be delivered to the 5770
respondent and the parent, guardian, or legal custodian of the 5771
respondent on the same day that the order is entered. 5772

(2) Upon the issuance of a protection order under this 5773
section, the court shall provide the parties to the order with 5774
the following notice orally or by form: 5775

"NOTICE 5776

As a result of this order, it may be unlawful for you to 5777
possess or purchase a firearm, including a rifle, pistol, or 5778
revolver, or ammunition pursuant to federal law under 18 U.S.C. 5779
922(g) (8) for the duration of this order. If you have any 5780
questions whether this law makes it illegal for you to possess 5781
or purchase a firearm or ammunition, you should consult an 5782
attorney." 5783

(3) All law enforcement agencies shall establish and 5784

maintain an index for the protection orders delivered to the 5785
agencies pursuant to division (F) (1) of this section. With 5786
respect to each order delivered, each agency shall note on the 5787
index the date and time that it received the order. 5788

(4) Regardless of whether the petitioner has registered 5789
the protection order in the county in which the officer's agency 5790
has jurisdiction pursuant to division (M) of this section, any 5791
officer of a law enforcement agency shall enforce a protection 5792
order issued pursuant to this section by any court in this state 5793
in accordance with the provisions of the order, including 5794
removing the respondent from the premises, if appropriate. 5795

(G) (1) Any proceeding under this section shall be 5796
conducted in accordance with the Rules of Civil Procedure, 5797
except that a protection order may be obtained under this 5798
section with or without bond. An order issued under this 5799
section, other than an ex parte order, that grants a protection 5800
order, or that refuses to grant a protection order, is a final, 5801
appealable order. The remedies and procedures provided in this 5802
section are in addition to, and not in lieu of, any other 5803
available civil or criminal remedies or any other available 5804
remedies under Chapter 2151. or 2152. of the Revised Code. 5805

(2) If as provided in division (G) (1) of this section an 5806
order issued under this section, other than an ex parte order, 5807
refuses to grant a protection order, the court, on its own 5808
motion, shall order that the ex parte order issued under this 5809
section and all of the records pertaining to that ex parte order 5810
be sealed after either of the following occurs: 5811

(a) No party has exercised the right to appeal pursuant to 5812
Rule 4 of the Rules of Appellate Procedure. 5813

(b) All appellate rights have been exhausted.	5814
(H) The filing of proceedings under this section does not	5815
excuse a person from filing any report or giving any notice	5816
required by section 2151.421 of the Revised Code or by any other	5817
law.	5818
(I) Any law enforcement agency that investigates an	5819
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21,	5820
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged	5821
commission of a sexually oriented offense, or an alleged	5822
violation of a municipal ordinance that is substantially	5823
equivalent to any of those offenses shall provide information to	5824
the victim and the family or household members of the victim	5825
regarding the relief available under this section.	5826
(J) (1) Subject to division (J) (2) of this section and	5827
regardless of whether a protection order is issued or a consent	5828
agreement is approved by a court of another county or by a court	5829
of another state, no court or unit of state or local government	5830
shall charge the petitioner any fee, cost, deposit, or money in	5831
connection with the filing of a petition pursuant to this	5832
section, in connection with the filing, issuance, registration,	5833
modification, enforcement, dismissal, withdrawal, or service of	5834
a protection order, consent agreement, or witness subpoena or	5835
for obtaining a certified copy of a protection order or consent	5836
agreement.	5837
(2) Regardless of whether a protection order is issued or	5838
a consent agreement is approved pursuant to this section, the	5839
court may assess costs against the respondent in connection with	5840
the filing, issuance, registration, modification, enforcement,	5841
dismissal, withdrawal, or service of a protection order, consent	5842
agreement, or witness subpoena or for obtaining a certified copy	5843

of a protection order or consent agreement. 5844

(K) (1) A person who violates a protection order issued 5845
under this section is subject to the following sanctions: 5846

(a) A delinquent child proceeding or a criminal 5847
prosecution for a violation of section 2919.27 of the Revised 5848
Code, if the violation of the protection order constitutes a 5849
violation of that section; 5850

(b) Punishment for contempt of court. 5851

(2) The punishment of a person for contempt of court for 5852
violation of a protection order issued under this section does 5853
not bar criminal prosecution of the person or a delinquent child 5854
proceeding concerning the person for a violation of section 5855
2919.27 of the Revised Code. However, a person punished for 5856
contempt of court is entitled to credit for the punishment 5857
imposed upon conviction of or adjudication as a delinquent child 5858
for a violation of that section, and a person convicted of or 5859
adjudicated a delinquent child for a violation of that section 5860
shall not subsequently be punished for contempt of court arising 5861
out of the same activity. 5862

(L) In all stages of a proceeding under this section, a 5863
petitioner may be accompanied by a victim advocate. 5864

(M) (1) A petitioner who obtains a protection order under 5865
this section may provide notice of the issuance or approval of 5866
the order to the judicial and law enforcement officials in any 5867
county other than the county in which the order is issued by 5868
registering that order in the other county pursuant to division 5869
(M) (2) of this section and filing a copy of the registered order 5870
with a law enforcement agency in the other county in accordance 5871
with that division. A person who obtains a protection order 5872

issued by a court of another state may provide notice of the 5873
issuance of the order to the judicial and law enforcement 5874
officials in any county of this state by registering the order 5875
in that county pursuant to section 2919.272 of the Revised Code 5876
and filing a copy of the registered order with a law enforcement 5877
agency in that county. 5878

(2) A petitioner may register a protection order issued 5879
pursuant to this section in a county other than the county in 5880
which the court that issued the order is located in the 5881
following manner: 5882

(a) The petitioner shall obtain a certified copy of the 5883
order from the clerk of the court that issued the order and 5884
present that certified copy to the clerk of the court of common 5885
pleas or the clerk of a municipal court or county court in the 5886
county in which the order is to be registered. 5887

(b) Upon accepting the certified copy of the order for 5888
registration, the clerk of the court of common pleas, municipal 5889
court, or county court shall place an endorsement of 5890
registration on the order and give the petitioner a copy of the 5891
order that bears that proof of registration. 5892

(3) The clerk of each court of common pleas, municipal 5893
court, or county court shall maintain a registry of certified 5894
copies of protection orders that have been issued by courts in 5895
other counties pursuant to this section and that have been 5896
registered with the clerk. 5897

(N) If the court orders electronic monitoring of the 5898
respondent under this section, the court shall direct the 5899
sheriff's office or any other appropriate law enforcement agency 5900
to install the electronic monitoring device and to monitor the 5901

respondent. Unless the court determines that the respondent is 5902
indigent, the court shall order the respondent to pay the cost 5903
of the installation and monitoring of the electronic monitoring 5904
device. ~~If the court determines that the respondent is indigent-~~ 5905
~~and subject to the maximum amount allowable to be paid in any-~~ 5906
~~year from the fund and the rules promulgated by the attorney-~~ 5907
~~general under section 2903.214 of the Revised Code, the cost of-~~ 5908
~~the installation and monitoring of the electronic monitoring-~~ 5909
~~device may be paid out of funds from the reparations fund-~~ 5910
~~created pursuant to section 2743.191 of the Revised Code. The-~~ 5911
~~total amount paid from the reparations fund created pursuant to-~~ 5912
~~section 2743.191 of the Revised Code for electronic monitoring-~~ 5913
~~under this section and sections 2903.214 and 2919.27 of the-~~ 5914
~~Revised Code shall not exceed three hundred thousand dollars per-~~ 5915
~~year. When the total amount paid from the reparations fund in-~~ 5916
~~any year for electronic monitoring under those sections equals-~~ 5917
~~or exceeds three hundred thousand dollars, the court shall not-~~ 5918
~~order pursuant to this section that an indigent respondent be-~~ 5919
~~electronically monitored.~~ 5920

(O) The court, in its discretion, may determine if the 5921
respondent is entitled to court-appointed counsel in a 5922
proceeding under this section. 5923

Sec. 2151.358. (A) The juvenile court shall expunge all 5924
records sealed under section 2151.356 of the Revised Code five 5925
years after the court issues a sealing order or upon the twenty- 5926
third birthday of the person who is the subject of the sealing 5927
order, whichever date is earlier. 5928

(B) Notwithstanding division (A) of this section, upon 5929
application by the person who has had a record sealed under 5930
section 2151.356 of the Revised Code, the juvenile court may 5931

expunge a record sealed under section 2151.356 of the Revised 5932
Code. In making the determination whether to expunge records, 5933
all of the following apply: 5934

(1) The court may require a person filing an application 5935
for expungement to submit any relevant documentation to support 5936
the application. 5937

(2) The court may cause an investigation to be made to 5938
determine if the person who is the subject of the proceedings 5939
has been rehabilitated to a satisfactory degree. 5940

(3) The court shall promptly notify the prosecuting 5941
attorney of any proceedings to expunge records. 5942

(4) (a) The prosecuting attorney may file a response with 5943
the court within thirty days of receiving notice of the 5944
expungement proceedings. 5945

(b) If the prosecuting attorney does not file a response 5946
with the court or if the prosecuting attorney files a response 5947
but indicates that the prosecuting attorney does not object to 5948
the expungement of the records, the court may order the records 5949
of the person that are under consideration to be expunged 5950
without conducting a hearing on the application. If the court 5951
decides in its discretion to conduct a hearing on the 5952
application, the court shall conduct the hearing within thirty 5953
days after making that decision and shall give notice, by 5954
regular mail, of the date, time, and location of the hearing to 5955
the prosecuting attorney and to the person who is the subject of 5956
the records under consideration. 5957

(c) If the prosecuting attorney files a response with the 5958
court that indicates that the prosecuting attorney objects to 5959
the expungement of the records, the court shall conduct a 5960

hearing on the application within thirty days after the court 5961
receives the response. The court shall give notice, by regular 5962
mail, of the date, time, and location of the hearing to the 5963
prosecuting attorney and to the person who is the subject of the 5964
records under consideration. 5965

(5) After conducting a hearing in accordance with division 5966
(B) (4) of this section or after due consideration when a hearing 5967
is not conducted, the court may order the records of the person 5968
that are the subject of the application to be expunged if it 5969
finds that the person has been rehabilitated to a satisfactory 5970
degree. In determining whether the person has been rehabilitated 5971
to a satisfactory degree, the court may consider all of the 5972
following: 5973

(a) The age of the person; 5974

(b) The nature of the case; 5975

(c) The cessation or continuation of delinquent, unruly, 5976
or criminal behavior; 5977

(d) The education and employment history of the person; 5978

(e) Any other circumstances that may relate to the 5979
rehabilitation of the person who is the subject of the records 5980
under consideration. 5981

(C) If the juvenile court is notified by any party in a 5982
civil action that a civil action has been filed based on a case 5983
the records for which are the subject of a sealing order, the 5984
juvenile court shall not expunge a record sealed under section 5985
2151.356 of the Revised Code until the civil action has been 5986
resolved and is not subject to further appellate review, at 5987
which time the records shall be expunged pursuant to division 5988
(A) of this section. 5989

(D) (1) A juvenile court that issues a protection order or 5990
approves a consent agreement under section 2151.34 or 3113.31 of 5991
the Revised Code shall automatically seal all of the records of 5992
the proceeding in which the order was issued or agreement 5993
approved on the date the person against whom the protection 5994
order was issued or the consent agreement approved attains the 5995
age of nineteen years if the court determines that the person 5996
has complied with all of the terms of the protection order or 5997
consent agreement. 5998

(2) In a proceeding under section 2151.34 of the Revised 5999
Code, if the juvenile court does not issue any protection order 6000
under division (E) of that section, the court shall 6001
automatically seal all of the records in that proceeding. In a 6002
proceeding under section 3113.31 of the Revised Code, if the 6003
juvenile court does not issue any protection order or approve 6004
any consent agreement under division (E) of that section, the 6005
court shall automatically seal all of the records in that 6006
proceeding. 6007

(3) (a) If a juvenile court that issues a protection order 6008
or approves a consent agreement under section 2151.34 or 3113.31 6009
of the Revised Code determines that the person against whom the 6010
protection order was issued or the consent agreement approved 6011
has not complied with all of the terms of the protection order 6012
or consent agreement, the court shall consider sealing all of 6013
the records of the proceeding in which the order was issued or 6014
agreement approved upon the court's own motion or upon the 6015
application of a person. The court may make the motion or the 6016
person who is the subject of the records under consideration may 6017
apply for an order sealing the records of the proceeding at any 6018
time after two years after the expiration of the protection 6019
order or consent agreement. 6020

(b) In making a determination whether to seal records 6021
pursuant to division (D) (3) of this section, all of the 6022
following apply: 6023

(i) The court may require a person filing an application 6024
under division (D) (3) of this section to submit any relevant 6025
documentation to support the application. 6026

(ii) The court shall promptly notify the victim or the 6027
victim's attorney of any proceedings to seal records initiated 6028
pursuant to division (D) (3) of this section. 6029

(iii) The victim or the victim's attorney may file a 6030
response with the court within thirty days of receiving notice 6031
of the sealing proceedings. 6032

If the victim or the victim's attorney does not file a 6033
response with the court or if the victim or the victim's 6034
attorney files a response but indicates that the victim or the 6035
victim's attorney does not object to the sealing of the records, 6036
the court may order the records of the person that are under 6037
consideration to be sealed without conducting a hearing on the 6038
motion or application. If the court decides in its discretion to 6039
conduct a hearing on the motion or application, the court shall 6040
conduct the hearing within thirty days after making that 6041
decision and shall give notice, by regular mail, of the date, 6042
time, and location of the hearing to the victim or the victim's 6043
attorney and to the person who is the subject of the records 6044
under consideration. 6045

If the victim or the victim's attorney files a response 6046
with the court that indicates that the victim or the victim's 6047
attorney objects to the sealing of the records, the court shall 6048
conduct a hearing on the motion or application within thirty 6049

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

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

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

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

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

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

(d) 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;

(e) By a prosecuting attorney or the prosecuting

attorney's assistants, to determine a defendant's eligibility to 6079
enter a pre-trial diversion program established pursuant to 6080
section 2935.36 of the Revised Code; 6081

(f) By any law enforcement agency or any authorized 6082
employee of a law enforcement agency or by the department of 6083
rehabilitation and correction as part of a background 6084
investigation of a person who applies for employment with the 6085
agency as a law enforcement officer or with the department as a 6086
corrections officer; 6087

(g) By any law enforcement agency or any authorized 6088
employee of a law enforcement agency, for the purposes set forth 6089
in, and in the manner provided in, division (I) of section 6090
~~2953.321~~2953.34 of the Revised Code; 6091

(h) By the bureau of criminal identification and 6092
investigation or any authorized employee of the bureau for the 6093
purpose of providing information to a board or person pursuant 6094
to division (F) or (G) of section 109.57 of the Revised Code; 6095

(i) By the bureau of criminal identification and 6096
investigation or any authorized employee of the bureau for the 6097
purpose of performing a criminal history records check on a 6098
person to whom a certificate as prescribed in section 109.77 of 6099
the Revised Code is to be awarded; 6100

(j) By the bureau of criminal identification and 6101
investigation or any authorized employee of the bureau for the 6102
purpose of conducting a criminal records check of an individual 6103
pursuant to division (B) of section 109.572 of the Revised Code 6104
that was requested pursuant to any of the sections identified in 6105
division (B) (1) of that section; 6106

(k) By the bureau of criminal identification and 6107

investigation, an authorized employee of the bureau, a sheriff, 6108
or an authorized employee of a sheriff in connection with a 6109
criminal records check described in section 311.41 of the 6110
Revised Code; 6111

(l) By the attorney general or an authorized employee of 6112
the attorney general or a court for purposes of determining a 6113
person's classification pursuant to Chapter 2950. of the Revised 6114
Code. 6115

When the nature and character of the offense with which a 6116
person is to be charged would be affected by the information, it 6117
may be used for the purpose of charging the person with an 6118
offense. 6119

(E) In addition to the methods of expungement provided for 6120
in divisions (A) and (B) of this section, a person who has been 6121
adjudicated a delinquent child for having committed an act that 6122
would be a violation of section 2907.24, 2907.241, or 2907.25 of 6123
the Revised Code if the child were an adult may apply to the 6124
adjudicating court for the expungement of the record of 6125
adjudication if the person's participation in the act was a 6126
result of the person having been a victim of human trafficking. 6127
The application shall be made in the same manner as an 6128
application for expungement under section ~~2953.38~~2953.36 of the 6129
Revised Code, and all of the provisions of that section shall 6130
apply to the expungement procedure. 6131

(F) After the records have been expunged under this 6132
section, the person who is the subject of the expunged records 6133
properly may, and the court shall, reply that no record exists 6134
with respect to the person upon any inquiry in the matter. 6135

Sec. 2152.02. As used in this chapter: 6136

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

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

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

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

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

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

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

that case, unless a serious youthful offender dispositional 6166
sentence is imposed on the child for that offense under division 6167
(B) (2) or (3) of section 2152.121 of the Revised Code and the 6168
adult portion of that sentence is not invoked pursuant to 6169
section 2152.14 of the Revised Code, and any person who is 6170
adjudicated a delinquent child for the commission of an act, who 6171
has a serious youthful offender dispositional sentence imposed 6172
for the act pursuant to section 2152.13 of the Revised Code, and 6173
whose adult portion of the dispositional sentence is invoked 6174
pursuant to section 2152.14 of the Revised Code, shall be deemed 6175
after the conviction, plea, or invocation not to be a child in 6176
any case in which a complaint is filed against the person. 6177

(6) The juvenile court has jurisdiction over a person who 6178
is adjudicated a delinquent child or juvenile traffic offender 6179
prior to attaining eighteen years of age until the person 6180
attains twenty-one years of age, and, for purposes of that 6181
jurisdiction related to that adjudication, except as otherwise 6182
provided in this division, a person who is so adjudicated a 6183
delinquent child or juvenile traffic offender shall be deemed a 6184
"child" until the person attains twenty-one years of age. If a 6185
person is so adjudicated a delinquent child or juvenile traffic 6186
offender and the court makes a disposition of the person under 6187
this chapter, at any time after the person attains twenty-one 6188
years of age, the places at which the person may be held under 6189
that disposition are not limited to places authorized under this 6190
chapter solely for confinement of children, and the person may 6191
be confined under that disposition, in accordance with division 6192
(F) (2) of section 2152.26 of the Revised Code, in places other 6193
than those authorized under this chapter solely for confinement 6194
of children. 6195

(7) The juvenile court has jurisdiction over any person 6196

whose case is transferred for criminal prosecution solely for 6197
the purpose of detaining the person as authorized in division 6198
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 6199
person is convicted of or pleads guilty to a felony in the adult 6200
court. 6201

(8) Any person who, while eighteen years of age, violates 6202
division (A) (1) or (2) of section 2919.27 of the Revised Code by 6203
violating a protection order issued or consent agreement 6204
approved under section 2151.34 or 3113.31 of the Revised Code 6205
shall be considered a child for the purposes of that violation 6206
of section 2919.27 of the Revised Code. 6207

(D) "Community corrections facility," "public safety 6208
beds," "release authority," and "supervised release" have the 6209
same meanings as in section 5139.01 of the Revised Code. 6210

(E) "Delinquent child" includes any of the following: 6211

(1) Any child, except a juvenile traffic offender, who 6212
violates any law of this state or the United States, or any 6213
ordinance of a political subdivision of the state, that would be 6214
an offense if committed by an adult; 6215

(2) Any child who violates any lawful order of the court 6216
made under this chapter, including a child who violates a court 6217
order regarding the child's prior adjudication as an unruly 6218
child for being an habitual truant; 6219

(3) Any child who violates any lawful order of the court 6220
made under Chapter 2151. of the Revised Code other than an order 6221
issued under section 2151.87 of the Revised Code; 6222

(4) Any child who violates division (C) of section 6223
2907.39, division (A) of section 2923.211, or division (C) (1) or 6224
(D) of section 2925.55 of the Revised Code. 6225

(F) "Discretionary serious youthful offender" means a 6226
person who is eligible for a discretionary SYO and who is not 6227
transferred to adult court under a mandatory or discretionary 6228
transfer. 6229

(G) "Discretionary SYO" means a case in which the juvenile 6230
court, in the juvenile court's discretion, may impose a serious 6231
youthful offender disposition under section 2152.13 of the 6232
Revised Code. 6233

(H) "Discretionary transfer" means that the juvenile court 6234
has discretion to transfer a case for criminal prosecution under 6235
division (B) of section 2152.12 of the Revised Code. 6236

(I) "Drug abuse offense," "felony drug abuse offense," and 6237
"minor drug possession offense" have the same meanings as in 6238
section 2925.01 of the Revised Code. 6239

(J) "Electronic monitoring" and "electronic monitoring 6240
device" have the same meanings as in section 2929.01 of the 6241
Revised Code. 6242

(K) "Economic loss" means any economic detriment suffered 6243
by a victim of a delinquent act or juvenile traffic offense as a 6244
direct and proximate result of the delinquent act or juvenile 6245
traffic offense and includes any loss of income due to lost time 6246
at work because of any injury caused to the victim and any 6247
property loss, medical cost, or funeral expense incurred as a 6248
result of the delinquent act or juvenile traffic offense. 6249
"Economic loss" does not include non-economic loss or any 6250
punitive or exemplary damages. 6251

(L) "Firearm" has the same meaning as in section 2923.11 6252
of the Revised Code. 6253

(M) "Intellectual disability" has the same meaning as in 6254

section 5123.01 of the Revised Code. 6255

(N) "Juvenile traffic offender" means any child who 6256
violates any traffic law, traffic ordinance, or traffic 6257
regulation of this state, the United States, or any political 6258
subdivision of this state, other than a resolution, ordinance, 6259
or regulation of a political subdivision of this state the 6260
violation of which is required to be handled by a parking 6261
violations bureau or a joint parking violations bureau pursuant 6262
to Chapter 4521. of the Revised Code. 6263

(O) A "legitimate excuse for absence from the public 6264
school the child is supposed to attend" has the same meaning as 6265
in section 2151.011 of the Revised Code. 6266

(P) "Mandatory serious youthful offender" means a person 6267
who is eligible for a mandatory SYO and who is not transferred 6268
to adult court under a mandatory or discretionary transfer and 6269
also includes, for purposes of imposition of a mandatory serious 6270
youthful dispositional sentence under section 2152.13 of the 6271
Revised Code, a person upon whom a juvenile court is required to 6272
impose such a sentence under division (B) (3) of section 2152.121 6273
of the Revised Code. 6274

(Q) "Mandatory SYO" means a case in which the juvenile 6275
court is required to impose a mandatory serious youthful 6276
offender disposition under section 2152.13 of the Revised Code. 6277

(R) "Mandatory transfer" means that a case is required to 6278
be transferred for criminal prosecution under division (A) of 6279
section 2152.12 of the Revised Code. 6280

(S) "Mental illness" has the same meaning as in section 6281
5122.01 of the Revised Code. 6282

(T) "Monitored time" and "repeat violent offender" have 6283

the same meanings as in section 2929.01 of the Revised Code. 6284

(U) "Of compulsory school age" has the same meaning as in 6285
section 3321.01 of the Revised Code. 6286

(V) "Public record" has the same meaning as in section 6287
149.43 of the Revised Code. 6288

(W) "Serious youthful offender" means a person who is 6289
eligible for a mandatory SYO or discretionary SYO but who is not 6290
transferred to adult court under a mandatory or discretionary 6291
transfer and also includes, for purposes of imposition of a 6292
mandatory serious youthful dispositional sentence under section 6293
2152.13 of the Revised Code, a person upon whom a juvenile court 6294
is required to impose such a sentence under division (B) (3) of 6295
section 2152.121 of the Revised Code. 6296

(X) "Sexually oriented offense," "juvenile offender 6297
registrant," "child-victim oriented offense," "tier I sex 6298
offender/child-victim offender," "tier II sex offender/child- 6299
victim offender," "tier III sex offender/child-victim offender," 6300
and "public registry-qualified juvenile offender registrant" 6301
have the same meanings as in section 2950.01 of the Revised 6302
Code. 6303

(Y) "Traditional juvenile" means a case that is not 6304
transferred to adult court under a mandatory or discretionary 6305
transfer, that is eligible for a disposition under sections 6306
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 6307
that is not eligible for a disposition under section 2152.13 of 6308
the Revised Code. 6309

(Z) "Transfer" means, except with respect to a transfer 6310
from a criminal court to a juvenile court under section 2152.03 6311
or 2152.121 of the Revised Code, the transfer for criminal 6312

prosecution of a case ~~involving the alleged commission by that~~ 6313
includes a charge alleging that a child ~~of~~ is a delinquent child 6314
for committing an act that would be an offense if committed by 6315
an adult from the juvenile court to the appropriate court that 6316
has jurisdiction of the offense. 6317

(AA) "Category one offense" means any of the following: 6318

(1) A violation of section 2903.01 or 2903.02 of the 6319
Revised Code; 6320

(2) A violation of section 2923.02 of the Revised Code 6321
involving an attempt to commit aggravated murder or murder. 6322

(BB) "Category two offense" means any of the following: 6323

(1) A violation of section 2903.03, 2905.01, 2907.02, 6324
2909.02, 2911.01, or 2911.11 of the Revised Code; 6325

(2) A violation of section 2903.04 of the Revised Code 6326
that is a felony of the first degree; 6327

(3) A violation of section 2907.12 of the Revised Code as 6328
it existed prior to September 3, 1996. 6329

(CC) "Non-economic loss" means nonpecuniary harm suffered 6330
by a victim of a delinquent act or juvenile traffic offense as a 6331
result of or related to the delinquent act or juvenile traffic 6332
offense, including, but not limited to, pain and suffering; loss 6333
of society, consortium, companionship, care, assistance, 6334
attention, protection, advice, guidance, counsel, instruction, 6335
training, or education; mental anguish; and any other intangible 6336
loss. 6337

Sec. 2152.022. (A) If a complaint or multiple complaints 6338
have been filed in juvenile court alleging that a child is a 6339
delinquent child for committing an act that would be a felony if 6340

committed by an adult and if the juvenile court under section 6341
2152.10 and division (A) (1) or (B) of section 2152.12 of the 6342
Revised Code is required to transfer the "case" or is authorized 6343
to transfer the "case" and decides to do so, as used in all 6344
provisions of the Revised Code that apply with respect to the 6345
transfer, "case" means all charges that are included in the 6346
complaint or complaints containing the allegation that is the 6347
basis of the transfer under division (A) (1) or (B) of section 6348
2152.12 of the Revised Code and for which the court found 6349
probable cause to believe that the child committed the act 6350
charged, regardless of whether the complaint or complaints are 6351
filed under the same case number or different case numbers. 6352

(B) If a complaint or multiple complaints have been filed 6353
in juvenile court alleging that a child is a delinquent child 6354
for committing an act that would be a felony if committed by an 6355
adult, if the juvenile court, as described in division (A) of 6356
this section, is required to transfer the case or is authorized 6357
to transfer the case and decides to do so, and if the complaint 6358
or complaints containing the allegation that is the basis of the 6359
transfer under division (A) (1) or (B) of section 2152.12 of the 6360
Revised Code include one or more other counts alleging that the 6361
child committed an act that would be an offense if committed by 6362
an adult, both of the following apply: 6363

(1) Each count included in the complaint or complaints 6364
with respect to which the court found probable cause to believe 6365
that the child committed the act charged shall be transferred 6366
and the court to which the case is transferred has jurisdiction 6367
over all of the counts so transferred as provided in division 6368
(H) of section 2151.23 of the Revised Code. 6369

(2) Each count included in the complaint or complaints 6370

that is not transferred as described in division (B) (1) of this 6371
section shall remain within the jurisdiction of the juvenile 6372
court, to be handled by that court in an appropriate manner. 6373

Sec. 2152.10. (A) A child who is alleged to be a 6374
delinquent child is eligible for mandatory transfer and the 6375
child's case shall be transferred as provided in section 2152.12 6376
of the Revised Code in any of the following circumstances: 6377

(1) The child is charged with a category one offense and 6378
either of the following apply: 6379

(a) The child was sixteen years of age or older at the 6380
time of the act charged. 6381

(b) The child was fourteen or fifteen years of age at the 6382
time of the act charged and previously was adjudicated a 6383
delinquent child for committing an act that is a category one or 6384
category two offense and was committed to the legal custody of 6385
the department of youth services upon the basis of that 6386
adjudication. 6387

(2) The child is charged with a category two offense, 6388
other than a violation of section 2905.01 of the Revised Code, 6389
the child was sixteen years of age or older at the time of the 6390
commission of the act charged, and either or both of the 6391
following apply: 6392

(a) The child previously was adjudicated a delinquent 6393
child for committing an act that is a category one or a category 6394
two offense and was committed to the legal custody of the 6395
department of youth services on the basis of that adjudication. 6396

(b) The child is alleged to have had a firearm on or about 6397
the child's person or under the child's control while committing 6398
the act charged and to have displayed the firearm, brandished 6399

the firearm, indicated possession of the firearm, or used the 6400
firearm to facilitate the commission of the act charged. 6401

(3) Division (A) (2) of section 2152.12 of the Revised Code 6402
applies. 6403

(B) Unless the child is subject to mandatory transfer, if 6404
a child is fourteen years of age or older at the time of the act 6405
charged and if the child is charged with an act that would be a 6406
felony if committed by an adult, the child is eligible for 6407
discretionary transfer, and for transfer of the child's case, to 6408
the appropriate court for criminal prosecution. In determining 6409
whether to transfer the child for criminal prosecution, the 6410
juvenile court shall follow the procedures in section 2152.12 of 6411
the Revised Code. If the court does not transfer the child and 6412
if the court adjudicates the child to be a delinquent child for 6413
the act charged, the court shall issue an order of disposition 6414
in accordance with section 2152.11 of the Revised Code. 6415

Sec. 2152.11. (A) A child who is adjudicated a delinquent 6416
child for committing an act that would be a felony if committed 6417
by an adult is eligible for a particular type of disposition 6418
under this section if the ~~child~~ child's case was not transferred 6419
under section 2152.12 of the Revised Code. If the complaint, 6420
indictment, or information charging the act includes one or more 6421
of the following factors, the act is considered to be enhanced, 6422
and the child is eligible for a more restrictive disposition 6423
under this section; 6424

(1) The act charged against the child would be an offense 6425
of violence if committed by an adult. 6426

(2) During the commission of the act charged, the child 6427
used a firearm, displayed a firearm, brandished a firearm, or 6428

indicated that the child possessed a firearm and actually 6429
possessed a firearm. 6430

(3) The child previously was admitted to a department of 6431
youth services facility for the commission of an act that would 6432
have been aggravated murder, murder, a felony of the first or 6433
second degree if committed by an adult, or an act that would 6434
have been a felony of the third degree and an offense of 6435
violence if committed by an adult. 6436

(B) If a child is adjudicated a delinquent child for 6437
committing an act that would be aggravated murder or murder if 6438
committed by an adult, the child is eligible for whichever of 6439
the following is appropriate: 6440

(1) Mandatory SYO, if the act allegedly was committed when 6441
the child was fourteen or fifteen years of age; 6442

(2) Discretionary SYO, if the act was committed when the 6443
child was ten, eleven, twelve, or thirteen years of age; 6444

(3) Traditional juvenile, if divisions (B)(1) and (2) of 6445
this section do not apply. 6446

(C) If a child is adjudicated a delinquent child for 6447
committing an act that would be attempted aggravated murder or 6448
attempted murder if committed by an adult, the child is eligible 6449
for whichever of the following is appropriate: 6450

(1) Mandatory SYO, if the act allegedly was committed when 6451
the child was fourteen or fifteen years of age; 6452

(2) Discretionary SYO, if the act was committed when the 6453
child was ten, eleven, twelve, or thirteen years of age; 6454

(3) Traditional juvenile, if divisions (C)(1) and (2) of 6455
this section do not apply. 6456

(D) If a child is adjudicated a delinquent child for 6457
committing an act that would be a felony of the first degree if 6458
committed by an adult, the child is eligible for whichever of 6459
the following is appropriate: 6460

(1) Mandatory SYO, if the act allegedly was committed when 6461
the child was sixteen or seventeen years of age, and the act is 6462
enhanced by the factors described in division (A)(1) and either 6463
division (A)(2) or (3) of this section; 6464

(2) Discretionary SYO, if any of the following applies: 6465

(a) The act was committed when the child was sixteen or 6466
seventeen years of age, and division (D)(1) of this section does 6467
not apply. 6468

(b) The act was committed when the child was fourteen or 6469
fifteen years of age. 6470

(c) The act was committed when the child was twelve or 6471
thirteen years of age, and the act is enhanced by any factor 6472
described in division (A)(1), (2), or (3) of this section. 6473

(d) The act was committed when the child was ten or eleven 6474
years of age, and the act is enhanced by the factors described 6475
in division (A)(1) and either division (A)(2) or (3) of this 6476
section. 6477

(3) Traditional juvenile, if divisions (D)(1) and (2) of 6478
this section do not apply. 6479

(E) If a child is adjudicated a delinquent child for 6480
committing an act that would be a felony of the second degree if 6481
committed by an adult, the child is eligible for whichever of 6482
the following is appropriate: 6483

(1) Discretionary SYO, if the act was committed when the 6484

child was fourteen, fifteen, sixteen, or seventeen years of age; 6485

(2) Discretionary SYO, if the act was committed when the 6486
child was twelve or thirteen years of age, and the act is 6487
enhanced by any factor described in division (A) (1), (2), or (3) 6488
of this section; 6489

(3) Traditional juvenile, if divisions (E) (1) and (2) of 6490
this section do not apply. 6491

(F) If a child is adjudicated a delinquent child for 6492
committing an act that would be a felony of the third degree if 6493
committed by an adult, the child is eligible for whichever of 6494
the following is appropriate: 6495

(1) Discretionary SYO, if the act was committed when the 6496
child was sixteen or seventeen years of age; 6497

(2) Discretionary SYO, if the act was committed when the 6498
child was fourteen or fifteen years of age, and the act is 6499
enhanced by any factor described in division (A) (1), (2), or (3) 6500
of this section; 6501

(3) Traditional juvenile, if divisions (F) (1) and (2) of 6502
this section do not apply. 6503

(G) If a child is adjudicated a delinquent child for 6504
committing an act that would be a felony of the fourth or fifth 6505
degree if committed by an adult, the child is eligible for 6506
whichever of the following dispositions is appropriate: 6507

(1) Discretionary SYO, if the act was committed when the 6508
child was sixteen or seventeen years of age, and the act is 6509
enhanced by any factor described in division (A) (1), (2), or (3) 6510
of this section; 6511

(2) Traditional juvenile, if division (G) (1) of this 6512

section does not apply. 6513

(H) The following table describes the dispositions that a juvenile court may impose on a delinquent child: 6514
6515

6516

	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,	DSYO,	TJ	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. 6530
6531
- (6) "F3" refers to an act that would be a felony of the third degree if committed by an adult. 6532
6533
- (7) "F4" refers to an act that would be a felony of the fourth degree if committed by an adult. 6534
6535
- (8) "F5" refers to an act that would be a felony of the fifth degree if committed by an adult. 6536
6537
- (9) "MSYO" refers to mandatory serious youthful offender disposition. 6538
6539
- (10) The "offense of violence factor" applies when the criteria described in division (A)(1) of this section apply. 6540
6541
- (11) The "previous DYS admission factor" applies when the criteria described in division (A)(3) of this section apply. 6542
6543
- (12) "TJ" refers to traditional juvenile. 6544
- Sec. 2152.12.** (A)(1)(a) After a complaint has been filed 6545
alleging that a child is a delinquent child for committing ~~an~~ 6546
~~act that~~ one or more acts that would be an offense if committed 6547
by an adult, if any of those acts would be aggravated murder, 6548
murder, attempted aggravated murder, or attempted murder if 6549
committed by an adult, the juvenile court at a hearing shall 6550
transfer the case if either of the following applies: 6551
- (i) The child was sixteen or seventeen years of age at the 6552
time of the act charged that would be aggravated murder, murder, 6553
attempted aggravated murder, or attempted murder and there is 6554
probable cause to believe that the child committed the act 6555
charged. 6556

(ii) The child was fourteen or fifteen years of age at the 6557
time of the act charged that would be aggravated murder, murder, 6558
attempted aggravated murder, or attempted murder, section 6559
2152.10 of the Revised Code provides that the child is eligible 6560
for mandatory transfer, and there is probable cause to believe 6561
that the child committed the act charged. 6562

(b) After a complaint has been filed alleging that a child 6563
is a delinquent child by reason of committing one or more acts 6564
that would be an offense if committed by an adult, if any of 6565
those acts is a category two offense, the juvenile court at a 6566
hearing shall transfer the case if the child was sixteen or 6567
seventeen years of age at the time of the act charged that is a 6568
category two offense and either of the following applies: 6569

(i) Division (A) (2) (a) of section 2152.10 of the Revised 6570
Code requires the mandatory transfer of the case, and there is 6571
probable cause to believe that the child committed the act 6572
charged that is a category two offense. 6573

(ii) Division (A) (2) (b) of section 2152.10 of the Revised 6574
Code requires the mandatory transfer of the case, and there is 6575
probable cause to believe that the child committed the act 6576
charged that is a category two offense. 6577

(2) The juvenile court also shall transfer a case in the 6578
circumstances described in division (C) (5) of section 2152.02 of 6579
the Revised Code or if either of the following applies: 6580

(a) A complaint is filed against a child who is eligible 6581
for a discretionary transfer under section 2152.10 of the 6582
Revised Code and who previously was convicted of or pleaded 6583
guilty to a felony in a case that was transferred to a criminal 6584
court. 6585

(b) A complaint is filed against a child who is domiciled 6586
in another state alleging that the child is a delinquent child 6587
for committing an act that would be a felony if committed by an 6588
adult, and, if the act charged had been committed in that other 6589
state, the child would be subject to criminal prosecution as an 6590
adult under the law of that other state without the need for a 6591
transfer of jurisdiction from a juvenile, family, or similar 6592
noncriminal court to a criminal court. 6593

(3) If a complaint is filed against a child alleging that 6594
the child is a delinquent child and the case is transferred 6595
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this 6596
section and if the child subsequently is convicted of or pleads 6597
guilty to an offense in that case, the sentence to be imposed or 6598
disposition to be made of the child shall be determined in 6599
accordance with section 2152.121 of the Revised Code. 6600

(B) Except as provided in division (A) of this section, 6601
after a complaint has been filed alleging that a child is a 6602
delinquent child ~~for by reason of committing an act that one or~~ 6603
more acts that would be an offense if committed by an adult and 6604
if any of those acts would be a felony if committed by an adult, 6605
the juvenile court at a hearing may transfer the case if the 6606
court finds all of the following with respect to an act charged 6607
that would be a felony: 6608

(1) The child was fourteen years of age or older at the 6609
time of the act charged. 6610

(2) There is probable cause to believe that the child 6611
committed the act charged. 6612

(3) The child is not amenable to care or rehabilitation 6613
within the juvenile system, and the safety of the community may 6614

require that the child be subject to adult sanctions. In making 6615
its decision under this division, the court shall consider 6616
whether the applicable factors under division (D) of this 6617
section indicating that the case should be transferred outweigh 6618
the applicable factors under division (E) of this section 6619
indicating that the case should not be transferred. The record 6620
shall indicate the specific factors that were applicable and 6621
that the court weighed. 6622

(C) Before considering a transfer under division (B) of 6623
this section, the juvenile court shall order an investigation 6624
into the child's social history, education, family situation, 6625
and any other factor bearing on whether the child is amenable to 6626
juvenile rehabilitation, including a mental examination of the 6627
child by a public or private agency or a person qualified to 6628
make the examination. The investigation shall be completed and a 6629
report on the investigation shall be submitted to the court as 6630
soon as possible but not more than forty-five calendar days 6631
after the court orders the investigation. The court may grant 6632
one or more extensions for a reasonable length of time. The 6633
child may waive the examination required by this division if the 6634
court finds that the waiver is competently and intelligently 6635
made. Refusal to submit to a mental examination by the child 6636
constitutes a waiver of the examination. 6637

(D) In considering whether to transfer a child under 6638
division (B) of this section based on an act charged that would 6639
be a felony if committed by an adult, the juvenile court shall 6640
consider the following relevant factors, and any other relevant 6641
factors, in favor of a transfer under that division: 6642

(1) The victim of the act charged suffered physical or 6643
psychological harm, or serious economic harm, as a result of the 6644

alleged act. 6645

(2) The physical or psychological harm suffered by the 6646
victim due to the alleged act of the child was exacerbated 6647
because of the physical or psychological vulnerability or the 6648
age of the victim. 6649

(3) The child's relationship with the victim facilitated 6650
the act charged. 6651

(4) The child allegedly committed the act charged for hire 6652
or as a part of a gang or other organized criminal activity. 6653

(5) The child had a firearm on or about the child's person 6654
or under the child's control at the time of the act charged, the 6655
act charged is not a violation of section 2923.12 of the Revised 6656
Code, and the child, during the commission of the act charged, 6657
allegedly used or displayed the firearm, brandished the firearm, 6658
or indicated that the child possessed a firearm. 6659

(6) At the time of the act charged, the child was awaiting 6660
adjudication or disposition as a delinquent child, was under a 6661
community control sanction, or was on parole for a prior 6662
delinquent child adjudication or conviction. 6663

(7) The results of any previous juvenile sanctions and 6664
programs indicate that rehabilitation of the child will not 6665
occur in the juvenile system. 6666

(8) The child is emotionally, physically, or 6667
psychologically mature enough for the transfer. 6668

(9) There is not sufficient time to rehabilitate the child 6669
within the juvenile system. 6670

(E) In considering whether to transfer a child under 6671
division (B) of this section based on an act charged that would 6672

be a felony if committed by an adult, the juvenile court shall 6673
consider the following relevant factors, and any other relevant 6674
factors, against a transfer under that division: 6675

(1) The victim induced or facilitated the act charged. 6676

(2) The child acted under provocation in allegedly 6677
committing the act charged. 6678

(3) The child was not the principal actor in the act 6679
charged, or, at the time of the act charged, the child was under 6680
the negative influence or coercion of another person. 6681

(4) The child did not cause physical harm to any person or 6682
property, or have reasonable cause to believe that harm of that 6683
nature would occur, in allegedly committing the act charged. 6684

(5) The child previously has not been adjudicated a 6685
delinquent child. 6686

(6) The child is not emotionally, physically, or 6687
psychologically mature enough for the transfer. 6688

(7) The child has a mental illness or intellectual 6689
disability. 6690

(8) There is sufficient time to rehabilitate the child 6691
within the juvenile system and the level of security available 6692
in the juvenile system provides a reasonable assurance of public 6693
safety. 6694

(F) If one or more complaints are filed alleging that a 6695
child is a delinquent child for committing two or more acts that 6696
would be offenses if committed by an adult, if a motion is made 6697
alleging that division (A) of this section applies and requires 6698
that the case or cases involving one or more of the acts charged 6699
be transferred, and if a motion also is made requesting that the 6700

case or cases involving one or more of the acts charged be 6701
transferred pursuant to division (B) of this section, the 6702
juvenile court, in deciding the motions, shall proceed in the 6703
following manner: 6704

(1) Initially, the court shall decide the motion alleging 6705
that division (A) of this section applies and requires that the 6706
case or cases involving one or more of the acts charged be 6707
transferred. 6708

(2) If the court determines that division (A) of this 6709
section applies and requires that the case or cases involving 6710
one or more of the acts charged be transferred, the court shall 6711
transfer the case or cases in accordance with that division-- 6712
~~After the transfer pursuant to division (A) of this section, the~~ 6713
~~court shall decide, in accordance with, and that transfer also~~ 6714
automatically requires the transfer of the case or cases for 6715
which the transfer request was made under division (B) of this 6716
~~section, whether to grant the motion requesting that the case or~~ 6717
~~cases involving one or more of the acts charged be transferred~~ 6718
~~pursuant to without any action taken or finding made under that~~ 6719
~~division, provided that as described in section 2152.022 of the~~ 6720
Revised Code no count shall be transferred with the case unless 6721
the court finds probable cause to believe that the child 6722
committed the act charged in the count. Notwithstanding division 6723
(B) of this section, prior to transferring a case pursuant to 6724
division (A) of this section, the court is not required to 6725
consider any factor specified in division (D) or (E) of this 6726
section or to conduct an investigation under division (C) of 6727
this section. 6728

(3) If the court determines that division (A) of this 6729
section does not require that the case or cases involving one or 6730

more of the acts charged be transferred, the court shall decide 6731
in accordance with division (B) of this section whether to grant 6732
the motion requesting that the case or cases involving one or 6733
more of the acts charged be transferred pursuant to that 6734
division. 6735

(4) No report on an investigation conducted pursuant to 6736
division (C) of this section shall include details of the 6737
alleged offense as reported by the child. 6738

(G) The court shall give notice in writing of the time, 6739
place, and purpose of any hearing held pursuant to division (A) 6740
or (B) of this section to the child's parents, guardian, or 6741
other custodian and to the child's counsel at least three days 6742
prior to the hearing. 6743

(H) No person, either before or after reaching eighteen 6744
years of age, shall be prosecuted as an adult for an offense 6745
committed prior to becoming eighteen years of age, unless the 6746
person has been transferred as provided in division (A) or (B) 6747
of this section or unless division (J) of this section applies. 6748
Any prosecution that is had in a criminal court on the mistaken 6749
belief that the person who is the subject of the case was 6750
eighteen years of age or older at the time of the commission of 6751
the offense shall be deemed a nullity, and the person shall not 6752
be considered to have been in jeopardy on the offense. 6753

~~(I)~~(I) (1) Section 2152.022 of the Revised Code applies 6754
with respect to the transfer of a case made under division (A) 6755
(1) or (B) of this section. Section 2152.022 of the Revised Code 6756
applies with respect to the transfer of a case made under 6757
division (A) (2) of this section in the same manner as if the 6758
transfer was made under division (A) (1) of this section. 6759

(2) Upon the transfer of a case under division (A) or (B) 6760
of this section, the juvenile court shall state the reasons for 6761
the transfer on the record, and shall order the child to enter 6762
into a recognizance with good and sufficient surety for the 6763
child's appearance before the appropriate court for any 6764
disposition that the court is authorized to make for a similar 6765
act committed by an adult. ~~The~~ Except as otherwise provided in 6766
division (B) of section 2152.022 of the Revised Code, all of the 6767
following apply with respect to the transfer: 6768

(a) The transfer abates the jurisdiction of the juvenile 6769
court with respect to the delinquent acts alleged in the 6770
complaint, ~~and, upon~~ in the case; 6771

(b) Upon the transfer, all further proceedings pertaining 6772
to the ~~act~~ acts charged in the complaint in the case shall be 6773
discontinued in the juvenile court, ~~and the;~~ 6774

(c) Upon the transfer, the case then shall be within the 6775
jurisdiction of the court to which it is transferred as 6776
described in division (H) of section 2151.23 of the Revised 6777
Code. 6778

(J) If a person under eighteen years of age allegedly 6779
commits an act that would be a felony if committed by an adult 6780
and if the person is not taken into custody or apprehended for 6781
that act until after the person attains twenty-one years of age, 6782
the juvenile court does not have jurisdiction to hear or 6783
determine that act, any other charge included in the case 6784
charging the person with committing that act, or any portion of 6785
the that case charging the person with committing that act. In 6786
those circumstances, divisions (A) and (B) of this section do 6787
not apply regarding the act, and the case ~~charging that includes~~ 6788
the charge that the person with committing committed the act, 6789

and all other charges in the case, shall be a criminal 6790
prosecution commenced and heard in the appropriate court having 6791
jurisdiction of the offense as if the person had been eighteen 6792
years of age or older when the person committed the act. All 6793
proceedings pertaining to the ~~act~~ acts charged in the case shall 6794
be within the jurisdiction of the court having jurisdiction of 6795
the offense, and that court has all the authority and duties in 6796
the case as it has in other criminal cases in that court. 6797

Sec. 2152.121. (A) If a complaint is filed against a child 6798
alleging that the child is a delinquent child and the case is 6799
transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) 6800
of section 2152.12 of the Revised Code, the juvenile court that 6801
transferred the case shall retain jurisdiction for purposes of 6802
making disposition of the child when required under division (B) 6803
of this section. 6804

(B) If a complaint is filed against a child alleging that 6805
the child is a delinquent child, if the case is transferred 6806
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 6807
2152.12 of the Revised Code, and if the child subsequently is 6808
convicted of or pleads guilty to ~~an offense~~ one or more offenses 6809
in that case, the sentence to be imposed or disposition to be 6810
made of the child with respect to each of the offenses shall be 6811
determined as follows: 6812

(1) The court in which the child is convicted of or pleads 6813
guilty to the ~~offense~~ offenses shall determine whether, had a 6814
complaint been filed in juvenile court alleging that the child 6815
was a delinquent child for committing an act that would be ~~that~~ 6816
~~offense~~ any of the offenses if committed by an adult, division 6817
(A) of section 2152.12 of the Revised Code would have required 6818
mandatory transfer of the case or division (B) of that section 6819

would have allowed discretionary transfer of the case. The court 6820
shall not consider the factor specified in division (B) (3) of 6821
section 2152.12 of the Revised Code in making its determination 6822
under this division. 6823

(2) If the court in which the child is convicted of or 6824
pleads guilty to the ~~offense~~offenses determines under division 6825
(B) (1) of this section that, had a complaint been filed in 6826
juvenile court alleging that the child was a delinquent child 6827
for committing an act that would be ~~that offense~~any of the
offenses if committed by an adult, division (A) of section 6828
2152.12 of the Revised Code would not have required mandatory 6829
transfer of the case, and division (B) of that section would not 6830
have allowed discretionary transfer of the case, the court shall 6831
transfer jurisdiction of the case back to the juvenile court 6832
that initially transferred the case, the court and all other 6833
agencies that have any record of the conviction of the child or 6834
the child's guilty plea shall expunge all of the conviction or
convictions and guilty plea pleas and all records of ~~it~~ them, 6835
the ~~conviction or convictions and guilty plea pleas~~ shall be 6836
considered and treated for all purposes other than as provided 6837
in this section to have never occurred, the ~~conviction or~~
convictions and guilty plea pleas shall be considered and 6838
treated for all purposes other than as provided in this section 6839
to have been a delinquent child ~~adjudication~~adjudications of 6840
the child, and the juvenile court shall impose one or more 6841
traditional juvenile dispositions ~~upon~~on the child under 6842
sections 2152.19 and 2152.20 of the Revised Code for each of the
offenses. 6843
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(3) If the court in which the child is convicted of or 6848
pleads guilty to the ~~offense~~offenses determines under division 6849
(B) (1) of this section that, had a complaint been filed in 6850

juvenile court alleging that the child was a delinquent child 6851
for committing an act that would be ~~that offense~~ any of the 6852
offenses if committed by an adult, division (A) of section 6853
2152.12 of the Revised Code would not have required mandatory 6854
transfer of the case but division (B) of that section would have 6855
allowed discretionary transfer of the case, the court shall 6856
determine the sentence it believes should be imposed ~~upon~~ on the 6857
child under Chapter 2929. of the Revised Code for each of the 6858
offenses, shall impose that sentence ~~upon~~ on the child, and 6859
shall stay that sentence pending completion of the procedures 6860
specified in this division. Upon imposition and staying of the 6861
sentence, the court shall transfer jurisdiction of the case back 6862
to the juvenile court that initially transferred the case and 6863
the juvenile court shall proceed in accordance with this 6864
division. In no case may the child waive a right to a hearing of 6865
the type described in division (B) (3) (b) of this section, 6866
regarding a motion filed as described in that division by the 6867
prosecuting attorney in the case. Upon transfer of jurisdiction 6868
of the case back to the juvenile court, both of the following 6869
apply: 6870

(a) Except as otherwise provided in division (B) (3) (b) of 6871
this section, for each of the offenses, the juvenile court shall 6872
impose a serious youthful offender dispositional sentence ~~upon~~ 6873
on the child under division (D) (1) of section 2152.13 of the 6874
Revised Code. In imposing the adult portion of ~~that the serious~~ 6875
youthful offender dispositional sentence, the juvenile court 6876
shall consider and give preference to the sentence imposed ~~upon~~ 6877
on the child by the court in which the child was convicted of or 6878
pleaded guilty to the offense. Upon imposing a serious youthful 6879
offender dispositional sentence ~~upon~~ or traditional juvenile 6880
disposition on the child as described in this division, the 6881

juvenile court shall notify the court in which the child was 6882
convicted of or pleaded guilty to the offense, the sentence 6883
imposed ~~upon~~ on the child by that court shall terminate, the 6884
court and all other agencies that have any record of the 6885
conviction of the child or the child's guilty plea shall expunge 6886
the conviction or guilty plea and all records of it, the 6887
conviction or guilty plea shall be considered and treated for 6888
all purposes other than as provided in this section to have 6889
never occurred, and the conviction or guilty plea shall be 6890
considered and treated for all purposes other than as provided 6891
in this section to have been a delinquent child adjudication of 6892
the child. 6893

(b) Within fourteen days after the filing of the journal 6894
entry regarding the transfer, the prosecuting attorney in the 6895
case may file a motion in the juvenile court that objects to the 6896
imposition of ~~a~~ serious youthful offender dispositional sentence 6897
~~upon sentences on~~ the child for the offenses and requests that 6898
the ~~sentence~~ sentences imposed ~~upon~~ on the child by the court in 6899
which the child was convicted of or pleaded guilty to the 6900
~~offense~~ offenses be invoked. Upon the filing of a motion under 6901
this division, the juvenile court shall hold a hearing to 6902
determine whether the child is not amenable to care or 6903
rehabilitation within the juvenile system and whether the safety 6904
of the community may require that the child be subject solely to 6905
adult sanctions. If the juvenile court at the hearing finds that 6906
the child is not amenable to care or rehabilitation within the 6907
juvenile system or that the safety of the community may require 6908
that the child be subject solely to adult sanctions, the court 6909
shall grant the motion. Absent such a finding, the juvenile 6910
court shall deny the motion. In making its decision under this 6911
division, the juvenile court shall consider the factors listed 6912

in division (D) of section 2152.12 of the Revised Code as 6913
factors indicating that the motion should be granted, shall 6914
consider the factors listed in division (E) of that section as 6915
factors indicating that the motion should not be granted, and 6916
shall consider whether the applicable factors listed in division 6917
(D) of that section outweigh the applicable factors listed in 6918
division (E) of that section. 6919

If the juvenile court grants the motion of the prosecuting 6920
attorney under this division, the juvenile court shall transfer 6921
jurisdiction of the case back to the court in which the child 6922
was convicted of or pleaded guilty to the ~~offense~~offenses, and 6923
the ~~sentence~~sentences imposed by that court shall be invoked. 6924
If the juvenile court denies the motion of the prosecuting 6925
attorney under this section, for each of the offenses, the 6926
juvenile court shall impose a serious youthful offender 6927
dispositional sentence ~~upon~~on the child in accordance with 6928
division (B) (3) (a) of this section. 6929

(4) If the court in which the child is convicted of or 6930
pleads guilty to the ~~offense~~offenses determines under division 6931
(B) (1) of this section that, had a complaint been filed in 6932
juvenile court alleging that the child was a delinquent child 6933
for committing an act that would be ~~that offense~~any of the 6934
offenses if committed by an adult, division (A) of section 6935
2152.12 of the Revised Code would have required mandatory 6936
transfer of the case, for each of the offenses, the court shall 6937
impose sentence ~~upon~~on the child under Chapter 2929. of the 6938
Revised Code. 6939

Sec. 2305.118. (A) As used in this section "health care 6940
professional" has the same meaning as in section 2907.13 of the 6941
Revised Code. 6942

(B) Except as provided in division (C) of this section, an 6943
action under section 4731.861 or 4731.864 of the Revised Code 6944
for an assisted reproduction procedure performed without consent 6945
shall be brought within ten years after the procedure was 6946
performed. 6947

(C) (1) An action that would otherwise be barred under 6948
division (B) of this section, may be brought not later than five 6949
years after the latest any of the following occurs: 6950

(a) The discovery of evidence based on deoxyribonucleic 6951
acid analysis sufficient to bring the action against the health 6952
care professional. 6953

(b) The discovery of a recording providing evidence 6954
sufficient to bring the action against the health care 6955
professional. 6956

(c) The health care professional confesses and the 6957
confession is known to the plaintiff. 6958

(2) If a person born as a result of an assisted 6959
reproduction procedure discovers any of the evidence listed in 6960
division (C) (1) of this section before the person reaches the 6961
age of twenty-one, the five-year period does not begin to run 6962
until the person reaches the age of twenty-one. 6963

Sec. 2501.03. The judges of the court of appeals shall 6964
meet annually at such time and place within the state as may be 6965
set by the chief ~~judge~~ justice of the court of appeals to 6966
organize and to choose one of their members as chief ~~judge~~ 6967
justice and one as secretary for the next judicial year, which 6968
shall commence on the first day of January. The judges may adopt 6969
rules to govern their organization, the purpose of which is the 6970
implementation of the goals of the Ohio judicial conference as 6971

set forth in section 105.91 of the Revised Code. 6972

The judges of the court of appeals, or committees composed 6973
of those judges, may meet at such other times and places within 6974
this state as may be designated by the chief ~~judge~~ justice to 6975
carry out the purposes of the organization. Annual dues in a 6976
reasonable amount may be assessed each member of the 6977
organization. Annual dues and the actual and necessary expenses 6978
incurred by each judge in attending meetings of the organization 6979
shall be reimbursed by the state in the same manner as provided 6980
in section 141.10 of the Revised Code. 6981

Sec. 2501.14. When the presiding judge of a district 6982
requests that judges of the court of appeals be assigned to hold 6983
court with the judges of such district or to hold an additional 6984
court in such district, the chief ~~judge~~ justice of the court of 6985
appeals, upon being satisfied that the business of such district 6986
requires it, shall assign such judges, as in the chief ~~judge's~~ 6987
justice's opinion can be assigned without impairing the business 6988
of the district from which such assigned judges are selected, to 6989
hold court in such district. 6990

Sec. 2501.15. A judge assigned under section 2501.14 of 6991
the Revised Code shall be paid the judge's actual expenses for 6992
each day the judge performs judicial duties, including the time 6993
necessarily devoted to going to, and returning from, such 6994
assignment, and to the examination and decision of cases heard 6995
by the judge while engaged outside the district for which the 6996
judge was elected. Such expenses shall be paid from 6997
appropriations made for this purpose pursuant to the certificate 6998
of the chief ~~judge~~ justice of the court of appeals, or the judge 6999
making the assignment. 7000

Sec. 2743.191. (A) (1) There is hereby created in the state 7001

treasury the reparations fund, which shall be used only for the	7002
following purposes:	7003
(a) The payment of awards of reparations that are granted	7004
by the attorney general;	7005
(b) The compensation of any personnel needed by the	7006
attorney general to administer sections 2743.51 to 2743.72 of	7007
the Revised Code;	7008
(c) The compensation of witnesses as provided in division	7009
(J) of section 2743.65 of the Revised Code;	7010
(d) Other administrative costs of hearing and determining	7011
claims for an award of reparations by the attorney general;	7012
(e) The costs of administering sections 2907.28 and	7013
2969.01 to 2969.06 of the Revised Code;	7014
(f) The costs of investigation and decision-making as	7015
certified by the attorney general;	7016
(g) The provision of state financial assistance to victim	7017
assistance programs in accordance with sections 109.91 and	7018
109.92 of the Revised Code;	7019
(h) The costs of paying the expenses of sex offense-	7020
related examinations, antibiotics, and HIV post-exposure	7021
prophylaxis pursuant to section 2907.28 of the Revised Code;	7022
(i) The cost of printing and distributing the pamphlet	7023
prepared by the attorney general pursuant to section 109.42 of	7024
the Revised Code;	7025
(j) Subject to division (D) of section 2743.71 of the	7026
Revised Code, the costs associated with the printing and	7027
providing of information cards or other printed materials to law	7028

enforcement agencies and prosecuting authorities and with 7029
publicizing the availability of awards of reparations pursuant 7030
to section 2743.71 of the Revised Code; 7031

(k) The payment of costs of administering a DNA specimen 7032
collection procedure pursuant to sections 2152.74 and 2901.07 of 7033
the Revised Code, of performing DNA analysis of those DNA 7034
specimens, and of entering the resulting DNA records regarding 7035
those analyses into the DNA database pursuant to section 109.573 7036
of the Revised Code; 7037

(l) The payment of actual costs associated with 7038
initiatives by the attorney general for the apprehension, 7039
prosecution, and accountability of offenders, and the enhancing 7040
of services to crime victims. The amount of payments made 7041
pursuant to division (A) (1) (1) of this section during any given 7042
fiscal year shall not exceed five per cent of the balance of the 7043
reparations fund at the close of the immediately previous fiscal 7044
year; 7045

(m) The costs of administering the adult parole 7046
authority's supervision pursuant to division (E) of section 7047
2971.05 of the Revised Code of sexually violent predators who 7048
are sentenced to a prison term pursuant to division (A) (3) of 7049
section 2971.03 of the Revised Code and of offenders who are 7050
sentenced to a prison term pursuant to division (B) (1) (a), (b), 7051
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 7052
of that section; 7053

~~(n) Subject to the limit set forth in those sections, the 7054
costs of the installation and monitoring of an electronic 7055
monitoring device used in the monitoring of a respondent 7056
pursuant to an electronic monitoring order issued by a court 7057
under division (E) (1) (b) of section 2151.34 or division (E) (1) 7058~~

~~(b) of section 2903.214 of the Revised Code if the court determines that the respondent is indigent or used in the monitoring of an offender pursuant to an electronic monitoring order issued under division (B) (5) of section 2919.27 of the Revised Code if the court determines that the offender is indigent.~~ 7059
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(2) All costs paid pursuant to section 2743.70 of the Revised Code, the portions of license reinstatement fees mandated by division (F) (2) (b) of section 4511.191 of the Revised Code to be credited to the fund, the portions of the proceeds of the sale of a forfeited vehicle specified in division (C) (2) of section 4503.234 of the Revised Code, payments collected by the department of rehabilitation and correction from prisoners who voluntarily participate in an approved work and training program pursuant to division (C) (8) (b) (ii) of section 5145.16 of the Revised Code, and all moneys collected by the state pursuant to its right of subrogation provided in section 2743.72 of the Revised Code shall be deposited in the fund. 7065
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(B) In making an award of reparations, the attorney general shall render the award against the state. The award shall be accomplished only through the following procedure, and the following procedure may be enforced by writ of mandamus directed to the appropriate official: 7078
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(1) The attorney general shall provide for payment of the claimant or providers in the amount of the award only if the amount of the award is fifty dollars or more. 7083
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(2) The expense shall be charged against all available unencumbered moneys in the fund. 7086
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(3) If sufficient unencumbered moneys do not exist in the fund, the attorney general shall make application for payment of the award out of the emergency purposes account or any other appropriation for emergencies or contingencies, and payment out of this account or other appropriation shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests or requests for releases from the other appropriations.

(4) If sufficient moneys do not exist in the account or any other appropriation for emergencies or contingencies to pay the award, the attorney general shall request the general assembly to make an appropriation sufficient to pay the award, and no payment shall be made until the appropriation has been made. The attorney general shall make this appropriation request during the current biennium and during each succeeding biennium until a sufficient appropriation is made. If, prior to the time that an appropriation is made by the general assembly pursuant to this division, the fund has sufficient unencumbered funds to pay the award or part of the award, the available funds shall be used to pay the award or part of the award, and the appropriation request shall be amended to request only sufficient funds to pay that part of the award that is unpaid.

(C) The attorney general shall not make payment on a decision or order granting an award until all appeals have been determined and all rights to appeal exhausted, except as otherwise provided in this section. If any party to a claim for an award of reparations appeals from only a portion of an award, and a remaining portion provides for the payment of money by the state, that part of the award calling for the payment of money by the state and not a subject of the appeal shall be processed for payment as described in this section.

(D) The attorney general shall prepare itemized bills for 7119
the costs of printing and distributing the pamphlet the attorney 7120
general prepares pursuant to section 109.42 of the Revised Code. 7121
The itemized bills shall set forth the name and address of the 7122
persons owed the amounts set forth in them. 7123

(E) Interest earned on the moneys in the fund shall be 7124
credited to the fund. 7125

(F) As used in this section, "DNA analysis" and "DNA 7126
specimen" have the same meanings as in section 109.573 of the 7127
Revised Code. 7128

Sec. 2743.671. (A) As used in this section, "funeral 7129
expenses" means the payment of cremation or burial services of 7130
the decedent. 7131

(B) Before acting on an application for an award of 7132
reparations that has been filed pursuant to section 2743.56 of 7133
the Revised Code, the attorney general may make an emergency 7134
award for funeral expenses if at the time the application for 7135
emergency funeral expenses is made the claimant is the party 7136
responsible for the victim's funeral expenses and the 7137
information that is then available to the attorney general 7138
supports a finding of reasonable belief that all of the 7139
following criteria are met: 7140

(1) That the requirements for a final award under division 7141
(C) of section 2743.59 of the Revised Code may be satisfied; 7142

(2) The decedent and the claimant are indigent; 7143

(3) The claimant will suffer undue hardship if immediate 7144
economic relief is not obtained. 7145

(C) An emergency award for funeral expenses under this 7146

section may only be made before cremation or burial of the 7147
decedent. Payment for funeral expenses under this section shall 7148
be the full award for such expenses arising from the death of 7149
the victim. No additional payment for funeral expenses shall be 7150
made to the funeral home, to the claimant applicant, or to any 7151
other claimant. A determination under this section does not 7152
preclude the attorney general from determining eligibility and 7153
awarding reparations for any expenses other than those related 7154
to the funeral. 7155

(D) If, after a payment of emergency funeral expenses is 7156
awarded under this section, a final determination is made that 7157
no compensation on the application for an award of reparations 7158
will be made, the claimant or victim may be required to repay 7159
the entire emergency award. 7160

Sec. 2746.02. A court of record of this state shall tax as 7161
costs or otherwise require the payment of fees for the following 7162
services rendered, as compensation for the following persons, or 7163
as part of the sentence imposed by the court, or any other of 7164
the following fees that are applicable in a particular case: 7165

(A) In a felony case, financial sanctions, as provided in 7166
section 2929.18 of the Revised Code; 7167

(B) In any criminal case, the costs of prosecution, as 7168
provided in section 2947.23 of the Revised Code; 7169

(C) In a misdemeanor case in which the offender is 7170
sentenced to a jail term, the local detention facility is 7171
covered by a policy adopted by the facility's governing 7172
authority requiring reimbursement for the costs of confinement, 7173
and the offender is presented with an itemized bill pursuant to 7174
section 2929.37 of the Revised Code for such costs, the costs of 7175

confinement, as provided in section 2929.24 of the Revised Code;	7176
(D) In a case in which an offender is sentenced for	7177
endangering children in violation of section 2919.22 of the	7178
Revised Code, the costs of the offender's supervised community	7179
service work, as provided in section 2919.22 of the Revised	7180
Code;	7181
(E) In a case in which a defendant is charged with any of	7182
certain sexual assault or prostitution-related offenses and is	7183
found to be suffering from a venereal disease in an infectious	7184
stage, the cost of medical treatment, as provided in section	7185
2907.27 of the Revised Code;	7186
(F) In a case in which a defendant is charged with	7187
harassment with a bodily substance, the cost of medical testing,	7188
as provided in section 2921.38 of the Revised Code;	7189
(G) In a case in which a defendant is charged with	7190
violating a protection order in violation of section 2919.27 of	7191
the Revised Code or of a municipal ordinance that is	7192
substantially similar to that section, the costs of any	7193
evaluation and preceding examination of the defendant, as	7194
provided in section 2919.271 of the Revised Code;	7195
(H) Presentence psychological or psychiatric reports, as	7196
provided in section 2947.06 of the Revised Code;	7197
(I) In a criminal proceeding, the taking of a deposition	7198
of a person who is imprisoned in a detention facility or state	7199
correctional institution within this state or who is in the	7200
custody of the department of youth services, as provided in	7201
section 2945.47 of the Revised Code;	7202
(J) In a case in which a person is convicted of or pleads	7203
guilty to any offense other than a parking violation or in which	7204

a child is found to be a delinquent child or a juvenile traffic offender for an act that, if committed by an adult, would be an offense other than a parking violation, additional costs and bail, if applicable, as provided in sections 2743.70 and 2949.091 of the Revised Code, but subject to waiver as provided in section 2949.092 of the Revised Code;

(K) In a case in which a person is convicted of or pleads guilty to a moving violation or in which a child is found to be a juvenile traffic offender for an act which, if committed by an adult, would be a moving violation, additional costs and bail, if applicable, as provided in sections 2949.093 and 2949.094 of the Revised Code, but subject to waiver as provided in section 2949.092 of the Revised Code;

(L) In a case in which a defendant is convicted of abandoning a junk vessel or outboard motor without notifying the appropriate law enforcement officer, the cost incurred by the state or a political subdivision in disposing of the vessel or motor, as provided in section 1547.99 of the Revised Code;

(M) The costs of electronic monitoring in the following cases:

(1) In a misdemeanor case in which the offender is convicted of any of certain prostitution-related offenses and a specification under section 2941.1421 of the Revised Code, as provided in section 2929.24 of the Revised Code;

(2) In a case in which the court issues a criminal protection order against a minor upon a petition alleging that the respondent committed any of certain assault, menacing, or trespass offenses, a sexually oriented offense, or an offense under a municipal ordinance that is substantially equivalent to

any of those offenses, as provided in section 2151.34 of the Revised Code; 7234
7235

(3) In a case in which the court issues a protection order against an adult upon a petition alleging that the respondent committed menacing by stalking or a sexually oriented offense, as provided in section 2903.214 of the Revised Code; 7236
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7239

(4) In a case in which an offender is convicted of violating a protection order, as provided in section 2919.27 of the Revised Code; 7240
7241
7242

(5) In a case in which the offender is convicted of any sexually oriented offense and is a tier III sex offender/child-victim offender relative to that offense, as provided in section 2929.13 of the Revised Code. 7243
7244
7245
7246

(N) In a proceeding for post-conviction relief, a transcript, as provided in section 2953.21 of the Revised Code; 7247
7248

(O) In a proceeding for the sealing or expungement of a conviction record, the fees provided for in section 2953.32 or 2953.39 of the Revised Code. 7249
7250
7251

Sec. 2901.01. (A) As used in the Revised Code: 7252

(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing. 7253
7254
7255

(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person. 7256
7257
7258

(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration. 7259
7260
7261

(4) "Physical harm to property" means any tangible or 7262
intangible damage to property that, in any degree, results in 7263
loss to its value or interferes with its use or enjoyment. 7264
"Physical harm to property" does not include wear and tear 7265
occasioned by normal use. 7266

(5) "Serious physical harm to persons" means any of the 7267
following: 7268

(a) Any mental illness or condition of such gravity as 7269
would normally require hospitalization or prolonged psychiatric 7270
treatment; 7271

(b) Any physical harm that carries a substantial risk of 7272
death; 7273

(c) Any physical harm that involves some permanent 7274
incapacity, whether partial or total, or that involves some 7275
temporary, substantial incapacity; 7276

(d) Any physical harm that involves some permanent 7277
disfigurement or that involves some temporary, serious 7278
disfigurement; 7279

(e) Any physical harm that involves acute pain of such 7280
duration as to result in substantial suffering or that involves 7281
any degree of prolonged or intractable pain. 7282

(6) "Serious physical harm to property" means any physical 7283
harm to property that does either of the following: 7284

(a) Results in substantial loss to the value of the 7285
property or requires a substantial amount of time, effort, or 7286
money to repair or replace; 7287

(b) Temporarily prevents the use or enjoyment of the 7288
property or substantially interferes with its use or enjoyment 7289

for an extended period of time. 7290

(7) "Risk" means a significant possibility, as contrasted 7291
with a remote possibility, that a certain result may occur or 7292
that certain circumstances may exist. 7293

(8) "Substantial risk" means a strong possibility, as 7294
contrasted with a remote or significant possibility, that a 7295
certain result may occur or that certain circumstances may 7296
exist. 7297

(9) "Offense of violence" means any of the following: 7298

(a) A violation of section 2903.01, 2903.02, 2903.03, 7299
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.18, 2903.21, 7300
2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 7301
2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 7302
2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 7303
2921.04, 2921.34, or 2923.161, of division (A) (1) of section 7304
2903.34, of division (A) (1), (2), or (3) of section 2911.12, or 7305
of division (B) (1), (2), (3), or (4) of section 2919.22 of the 7306
Revised Code or felonious sexual penetration in violation of 7307
former section 2907.12 of the Revised Code; 7308

(b) A violation of an existing or former municipal 7309
ordinance or law of this or any other state or the United 7310
States, substantially equivalent to any section, division, or 7311
offense listed in division (A) (9) (a) of this section; 7312

(c) An offense, other than a traffic offense, under an 7313
existing or former municipal ordinance or law of this or any 7314
other state or the United States, committed purposely or 7315
knowingly, and involving physical harm to persons or a risk of 7316
serious physical harm to persons; 7317

(d) A conspiracy or attempt to commit, or complicity in 7318

committing, any offense under division (A) (9) (a), (b), or (c) of 7319
this section. 7320

(10) (a) "Property" means any property, real or personal, 7321
tangible or intangible, and any interest or license in that 7322
property. "Property" includes, but is not limited to, cable 7323
television service, other telecommunications service, 7324
telecommunications devices, information service, computers, 7325
data, computer software, financial instruments associated with 7326
computers, other documents associated with computers, or copies 7327
of the documents, whether in machine or human readable form, 7328
trade secrets, trademarks, copyrights, patents, and property 7329
protected by a trademark, copyright, or patent. "Financial 7330
instruments associated with computers" include, but are not 7331
limited to, checks, drafts, warrants, money orders, notes of 7332
indebtedness, certificates of deposit, letters of credit, bills 7333
of credit or debit cards, financial transaction authorization 7334
mechanisms, marketable securities, or any computer system 7335
representations of any of them. 7336

(b) As used in division (A) (10) of this section, "trade 7337
secret" has the same meaning as in section 1333.61 of the 7338
Revised Code, and "telecommunications service" and "information 7339
service" have the same meanings as in section 2913.01 of the 7340
Revised Code. 7341

(c) As used in divisions (A) (10) and (13) of this section, 7342
"cable television service," "computer," "computer software," 7343
"computer system," "computer network," "data," and 7344
"telecommunications device" have the same meanings as in section 7345
2913.01 of the Revised Code. 7346

(11) "Law enforcement officer" means any of the following: 7347

- (a) A sheriff, deputy sheriff, constable, police officer 7348
of a township or joint police district, marshal, deputy marshal, 7349
municipal police officer, member of a police force employed by a 7350
metropolitan housing authority under division (D) of section 7351
3735.31 of the Revised Code, or state highway patrol trooper; 7352
- (b) An officer, agent, or employee of the state or any of 7353
its agencies, instrumentalities, or political subdivisions, upon 7354
whom, by statute, a duty to conserve the peace or to enforce all 7355
or certain laws is imposed and the authority to arrest violators 7356
is conferred, within the limits of that statutory duty and 7357
authority; 7358
- (c) A mayor, in the mayor's capacity as chief conservator 7359
of the peace within the mayor's municipal corporation; 7360
- (d) A member of an auxiliary police force organized by 7361
county, township, or municipal law enforcement authorities, 7362
within the scope of the member's appointment or commission; 7363
- (e) A person lawfully called pursuant to section 311.07 of 7364
the Revised Code to aid a sheriff in keeping the peace, for the 7365
purposes and during the time when the person is called; 7366
- (f) A person appointed by a mayor pursuant to section 7367
~~737.01~~737.10 of the Revised Code as a special patrolling 7368
officer during riot or emergency, for the purposes and during 7369
the time when the person is appointed; 7370
- (g) A member of the organized militia of this state or the 7371
armed forces of the United States, lawfully called to duty to 7372
aid civil authorities in keeping the peace or protect against 7373
domestic violence; 7374
- (h) A prosecuting attorney, assistant prosecuting 7375
attorney, secret service officer, or municipal prosecutor; 7376

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	7377 7378
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	7379 7380 7381
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	7382 7383
(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;	7384 7385 7386 7387
(m) The senate sergeant at arms and an assistant senate sergeant at arms;	7388 7389
(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.	7390 7391 7392 7393 7394 7395 7396 7397 7398 7399
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	7400 7401 7402 7403
(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or	7404 7405

rule, or that a trier of fact lawfully determines to be illegal 7406
to possess by reason of the property's involvement in an 7407
offense. "Contraband" includes, but is not limited to, all of 7408
the following: 7409

(a) Any controlled substance, as defined in section 7410
3719.01 of the Revised Code, or any device or paraphernalia; 7411

(b) Any unlawful gambling device or paraphernalia; 7412

(c) Any dangerous ordnance or obscene material. 7413

(14) A person is "not guilty by reason of insanity" 7414
relative to a charge of an offense only if the person proves, in 7415
the manner specified in section 2901.05 of the Revised Code, 7416
that at the time of the commission of the offense, the person 7417
did not know, as a result of a severe mental disease or defect, 7418
the wrongfulness of the person's acts. 7419

(B) (1) (a) Subject to division (B) (2) of this section, as 7420
used in any section contained in Title XXIX of the Revised Code 7421
that sets forth a criminal offense, "person" includes all of the 7422
following: 7423

(i) An individual, corporation, business trust, estate, 7424
trust, partnership, and association; 7425

(ii) An unborn human who is viable. 7426

(b) As used in any section contained in Title XXIX of the 7427
Revised Code that does not set forth a criminal offense, 7428
"person" includes an individual, corporation, business trust, 7429
estate, trust, partnership, and association. 7430

(c) As used in division (B) (1) (a) of this section: 7431

(i) "Unborn human" means an individual organism of the 7432

species Homo sapiens from fertilization until live birth. 7433

(ii) "Viable" means the stage of development of a human 7434
fetus at which there is a realistic possibility of maintaining 7435
and nourishing of a life outside the womb with or without 7436
temporary artificial life-sustaining support. 7437

(2) Notwithstanding division (B) (1) (a) of this section, in 7438
no case shall the portion of the definition of the term "person" 7439
that is set forth in division (B) (1) (a) (ii) of this section be 7440
applied or construed in any section contained in Title XXIX of 7441
the Revised Code that sets forth a criminal offense in any of 7442
the following manners: 7443

(a) Except as otherwise provided in division (B) (2) (a) of 7444
this section, in a manner so that the offense prohibits or is 7445
construed as prohibiting any pregnant woman or her physician 7446
from performing an abortion with the consent of the pregnant 7447
woman, with the consent of the pregnant woman implied by law in 7448
a medical emergency, or with the approval of one otherwise 7449
authorized by law to consent to medical treatment on behalf of 7450
the pregnant woman. An abortion that violates the conditions 7451
described in the immediately preceding sentence may be punished 7452
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 7453
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 7454
2903.21, or 2903.22 of the Revised Code, as applicable. An 7455
abortion that does not violate the conditions described in the 7456
second immediately preceding sentence, but that does violate 7457
section 2919.12, division (B) of section 2919.13, or section 7458
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 7459
be punished as a violation of section 2919.12, division (B) of 7460
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 7461
2919.18 of the Revised Code, as applicable. Consent is 7462

sufficient under this division if it is of the type otherwise 7463
adequate to permit medical treatment to the pregnant woman, even 7464
if it does not comply with section 2919.12 of the Revised Code. 7465

(b) In a manner so that the offense is applied or is 7466
construed as applying to a woman based on an act or omission of 7467
the woman that occurs while she is or was pregnant and that 7468
results in any of the following: 7469

(i) Her delivery of a stillborn baby; 7470

(ii) Her causing, in any other manner, the death in utero 7471
of a viable, unborn human that she is carrying; 7472

(iii) Her causing the death of her child who is born alive 7473
but who dies from one or more injuries that are sustained while 7474
the child is a viable, unborn human; 7475

(iv) Her causing her child who is born alive to sustain 7476
one or more injuries while the child is a viable, unborn human; 7477

(v) Her causing, threatening to cause, or attempting to 7478
cause, in any other manner, an injury, illness, or other 7479
physiological impairment, regardless of its duration or gravity, 7480
or a mental illness or condition, regardless of its duration or 7481
gravity, to a viable, unborn human that she is carrying. 7482

(C) As used in Title XXIX of the Revised Code: 7483

(1) "School safety zone" consists of a school, school 7484
building, school premises, school activity, and school bus. 7485

(2) "School," "school building," and "school premises" 7486
have the same meanings as in section 2925.01 of the Revised 7487
Code. 7488

(3) "School activity" means any activity held under the 7489

auspices of a board of education of a city, local, exempted 7490
village, joint vocational, or cooperative education school 7491
district; a governing authority of a community school 7492
established under Chapter 3314. of the Revised Code; a governing 7493
board of an educational service center, or the governing body of 7494
a school for which the state board of education prescribes 7495
minimum standards under section 3301.07 of the Revised Code. 7496

(4) "School bus" has the same meaning as in section 7497
4511.01 of the Revised Code. 7498

Sec. 2901.011. The amendments to sections 109.42, 121.22, 7499
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 7500
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 7501
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 7502
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 7503
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 7504
2967.03, 2967.13, ~~2967.19~~, 2967.191, 2967.193, 2967.26, 2967.28, 7505
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and to 7506
former section 2967.19 and the enactment of sections 2901.011, 7507
2929.144, 2967.271, and 5120.038 of the Revised Code by S.B. 201 7508
of the 132nd general assembly constitute the Reagan Tokes Law. 7509

Sec. 2901.13. (A) (1) Except as provided in division (A) 7510
(2), (3), ~~or~~ (4), or (5) of this section or as otherwise 7511
provided in this section, a prosecution shall be barred unless 7512
it is commenced within the following periods after an offense is 7513
committed: 7514

(a) For a felony, six years; 7515

(b) For a misdemeanor other than a minor misdemeanor, two 7516
years; 7517

(c) For a minor misdemeanor, six months. 7518

(2) There is no period of limitation for the prosecution 7519
of a violation of section 2903.01 or 2903.02 of the Revised Code 7520
or for the prosecution of a conspiracy to commit, attempt to 7521
commit, or complicity in committing a violation of section 7522
2903.01 or 2903.02 of the Revised Code. 7523

(3) Except as otherwise provided in divisions (B) to (J) 7524
of this section, a prosecution of any of the following offenses 7525
shall be barred unless it is commenced within twenty years after 7526
the offense is committed: 7527

(a) A violation of section 2903.03, 2903.04, 2905.01, 7528
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 7529
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 7530
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 7531
section 2903.11 or 2903.12 of the Revised Code if the victim is 7532
a peace officer, a violation of section 2903.13 of the Revised 7533
Code that is a felony, or a violation of former section 2907.12 7534
of the Revised Code; 7535

(b) A conspiracy to commit, attempt to commit, or 7536
complicity in committing a violation set forth in division (A) 7537
(3) (a) of this section. 7538

(4) Except as otherwise provided in divisions (D) to (L) 7539
of this section, a prosecution of a violation of section 2907.02 7540
or 2907.03 of the Revised Code or a conspiracy to commit, 7541
attempt to commit, or complicity in committing a violation of 7542
either section shall be barred unless it is commenced within 7543
twenty-five years after the offense is committed. 7544

(5) (a) Except as otherwise provided in divisions (A) (5) (b) 7545
and (E) to (I) of this section, a prosecution of a violation of 7546
section 2907.13 of the Revised Code shall be barred unless it is 7547

commenced within five years after the offense is committed. 7548

(b) Prosecution that would otherwise be barred under 7549
division (A) (5) (a) of this section may be commenced within five 7550
years after the date of the discovery of the offense by either 7551
an aggrieved person or the aggrieved person's legal 7552
representative who is not a party to the offense. 7553

(c) As used in division (B) (5) (b) of this section, 7554
"aggrieved person" includes any of the following individuals 7555
with regard to a violation of section 2907.13 of the Revised 7556
Code: 7557

(i) A patient who was the victim of the violation; 7558

(ii) The spouse or surviving spouse of a patient who was 7559
the victim of the violation; 7560

(iii) Any child born as a result of the violation. 7561

(B) (1) Except as otherwise provided in division (B) (2) of 7562
this section, if the period of limitation provided in division 7563
(A) (1) or (3) of this section has expired, prosecution shall be 7564
commenced for an offense of which an element is fraud or breach 7565
of a fiduciary duty, within one year after discovery of the 7566
offense either by an aggrieved person, or by the aggrieved 7567
person's legal representative who is not a party to the offense. 7568

(2) If the period of limitation provided in division (A) 7569
(1) or (3) of this section has expired, prosecution for a 7570
violation of section 2913.49 of the Revised Code shall be 7571
commenced within five years after discovery of the offense 7572
either by an aggrieved person or the aggrieved person's legal 7573
representative who is not a party to the offense. 7574

(C) (1) If the period of limitation provided in division 7575

(A) (1) or (3) of this section has expired, prosecution shall be 7576
commenced for the following offenses during the following 7577
specified periods of time: 7578

(a) For an offense involving misconduct in office by a 7579
public servant, at any time while the accused remains a public 7580
servant, or within two years thereafter; 7581

(b) For an offense by a person who is not a public servant 7582
but whose offense is directly related to the misconduct in 7583
office of a public servant, at any time while that public 7584
servant remains a public servant, or within two years 7585
thereafter. 7586

(2) As used in this division: 7587

(a) An "offense is directly related to the misconduct in 7588
office of a public servant" includes, but is not limited to, a 7589
violation of section 101.71, 101.91, 121.61 or 2921.13, division 7590
(F) or (H) of section 102.03, division (A) of section 2921.02, 7591
division (A) or (B) of section 2921.43, or division (F) or (G) 7592
of section 3517.13 of the Revised Code, that is directly related 7593
to an offense involving misconduct in office of a public 7594
servant. 7595

(b) "Public servant" has the same meaning as in section 7596
2921.01 of the Revised Code. 7597

(D) (1) If a DNA record made in connection with the 7598
criminal investigation of the commission of a violation of 7599
section 2907.02 or 2907.03 of the Revised Code is determined to 7600
match another DNA record that is of an identifiable person and 7601
if the time of the determination is later than twenty-five years 7602
after the offense is committed, prosecution of that person for a 7603
violation of the section may be commenced within five years 7604

after the determination is complete. 7605

(2) If a DNA record made in connection with the criminal 7606
investigation of the commission of a violation of section 7607
2907.02 or 2907.03 of the Revised Code is determined to match 7608
another DNA record that is of an identifiable person and if the 7609
time of the determination is within twenty-five years after the 7610
offense is committed, prosecution of that person for a violation 7611
of the section may be commenced within the longer of twenty-five 7612
years after the offense is committed or five years after the 7613
determination is complete. 7614

(3) As used in this division, "DNA record" has the same 7615
meaning as in section 109.573 of the Revised Code. 7616

(E) An offense is committed when every element of the 7617
offense occurs. In the case of an offense of which an element is 7618
a continuing course of conduct, the period of limitation does 7619
not begin to run until such course of conduct or the accused's 7620
accountability for it terminates, whichever occurs first. 7621

(F) A prosecution is commenced on the date an indictment 7622
is returned or an information filed, or on the date a lawful 7623
arrest without a warrant is made, or on the date a warrant, 7624
summons, citation, or other process is issued, whichever occurs 7625
first. A prosecution is not commenced by the return of an 7626
indictment or the filing of an information unless reasonable 7627
diligence is exercised to issue and execute process on the same. 7628
A prosecution is not commenced upon issuance of a warrant, 7629
summons, citation, or other process, unless reasonable diligence 7630
is exercised to execute the same. 7631

(G) The period of limitation shall not run during any time 7632
when the corpus delicti remains undiscovered. 7633

(H) The period of limitation shall not run during any time 7634
when the accused purposely avoids prosecution. Proof that the 7635
accused departed this state or concealed the accused's identity 7636
or whereabouts is prima-facie evidence of the accused's purpose 7637
to avoid prosecution. 7638

(I) The period of limitation shall not run during any time 7639
a prosecution against the accused based on the same conduct is 7640
pending in this state, even though the indictment, information, 7641
or process that commenced the prosecution is quashed or the 7642
proceedings on the indictment, information, or process are set 7643
aside or reversed on appeal. 7644

(J) The period of limitation for a violation of any 7645
provision of Title XXIX of the Revised Code that involves a 7646
physical or mental wound, injury, disability, or condition of a 7647
nature that reasonably indicates abuse or neglect of a child 7648
under eighteen years of age or of a child with a developmental 7649
disability or physical impairment under twenty-one years of age 7650
shall not begin to run until either of the following occurs: 7651

(1) The victim of the offense reaches the age of majority. 7652

(2) A public children services agency, or a municipal or 7653
county peace officer that is not the parent or guardian of the 7654
child, in the county in which the child resides or in which the 7655
abuse or neglect is occurring or has occurred has been notified 7656
that abuse or neglect is known, suspected, or believed to have 7657
occurred. 7658

(K) As used in this section, "peace officer" has the same 7659
meaning as in section 2935.01 of the Revised Code. 7660

~~(L)~~ (L) (1) The amendments to divisions (A) and (D) of this 7661
section that took effect on July 16, 2015, apply to a violation 7662

of section 2907.02 or 2907.03 of the Revised Code committed on 7663
and after July 16, 2015, and apply to a violation of either of 7664
those sections committed prior to July 16, 2015, if prosecution 7665
for that violation was not barred under this section as it 7666
existed on the day prior to July 16, 2015. 7667

(2) The amendment to division (A) (2) of this section that 7668
takes effect on the effective date of this amendment applies to 7669
a conspiracy to commit, attempt to commit, or complicity in 7670
committing a violation of section 2903.01 or 2903.02 of the 7671
Revised Code if the conspiracy, attempt, or complicity is 7672
committed on or after the effective date of this amendment and 7673
applies to a conspiracy to commit, attempt to commit, or 7674
complicity in committing a violation of either of those sections 7675
if the conspiracy, attempt, or complicity was committed prior to 7676
that effective date and prosecution for that conspiracy, 7677
attempt, or complicity was not barred under this section as it 7678
existed on the day prior to that effective date. 7679

Sec. 2903.06. (A) No person, while operating or 7680
participating in the operation of a motor vehicle, motorcycle, 7681
snowmobile, locomotive, watercraft, or aircraft, shall cause the 7682
death of another or the unlawful termination of another's 7683
pregnancy in any of the following ways: 7684

(1) (a) As the proximate result of committing a violation 7685
of division (A) of section 4511.19 of the Revised Code or of a 7686
substantially equivalent municipal ordinance; 7687

(b) As the proximate result of committing a violation of 7688
division (A) of section 1547.11 of the Revised Code or of a 7689
substantially equivalent municipal ordinance; 7690

(c) As the proximate result of committing a violation of 7691

division (A) (3) of section 4561.15 of the Revised Code or of a 7692
substantially equivalent municipal ordinance. 7693

(2) In one of the following ways: 7694

(a) Recklessly; 7695

(b) As the proximate result of committing, while operating 7696
or participating in the operation of a motor vehicle or 7697
motorcycle in a construction zone, a reckless operation offense, 7698
provided that this division applies only if the person whose 7699
death is caused or whose pregnancy is unlawfully terminated is 7700
in the construction zone at the time of the offender's 7701
commission of the reckless operation offense in the construction 7702
zone and does not apply as described in division (F) of this 7703
section. 7704

(3) In one of the following ways: 7705

(a) Negligently; 7706

(b) As the proximate result of committing, while operating 7707
or participating in the operation of a motor vehicle or 7708
motorcycle in a construction zone, a speeding offense, provided 7709
that this division applies only if the person whose death is 7710
caused or whose pregnancy is unlawfully terminated is in the 7711
construction zone at the time of the offender's commission of 7712
the speeding offense in the construction zone and does not apply 7713
as described in division (F) of this section. 7714

(4) As the proximate result of committing a violation of 7715
any provision of any section contained in Title XLV of the 7716
Revised Code that is a minor misdemeanor or of a municipal 7717
ordinance that, regardless of the penalty set by ordinance for 7718
the violation, is substantially equivalent to any provision of 7719
any section contained in Title XLV of the Revised Code that is a 7720

minor misdemeanor. 7721

(B) (1) Whoever violates division (A) (1) or (2) of this 7722
section is guilty of aggravated vehicular homicide and shall be 7723
punished as provided in divisions (B) (2) and (3) of this 7724
section. 7725

(2) (a) Except as otherwise provided in division (B) (2) (b) 7726
or (c) of this section, aggravated vehicular homicide committed 7727
in violation of division (A) (1) of this section is a felony of 7728
the second degree and the court shall impose a mandatory prison 7729
term on the offender as described in division (E) of this 7730
section. 7731

(b) Except as otherwise provided in division (B) (2) (c) of 7732
this section, aggravated vehicular homicide committed in 7733
violation of division (A) (1) of this section is a felony of the 7734
first degree, and the court shall impose a mandatory prison term 7735
on the offender as described in division (E) of this section, if 7736
any of the following apply: 7737

(i) At the time of the offense, the offender was driving 7738
under a suspension or cancellation imposed under Chapter 4510. 7739
or any other provision of the Revised Code or was operating a 7740
motor vehicle or motorcycle, did not have a valid driver's 7741
license, commercial driver's license, temporary instruction 7742
permit, probationary license, or nonresident operating 7743
privilege, and was not eligible for renewal of the offender's 7744
driver's license or commercial driver's license without 7745
examination under section 4507.10 of the Revised Code. 7746

(ii) The offender previously has been convicted of or 7747
pleaded guilty to a violation of this section. 7748

(iii) The offender previously has been convicted of or 7749

pleaded guilty to any traffic-related homicide, manslaughter, or 7750
assault offense. 7751

(c) Aggravated vehicular homicide committed in violation 7752
of division (A) (1) of this section is a felony of the first 7753
degree, and the court shall sentence the offender to a mandatory 7754
prison term as provided in section 2929.142 of the Revised Code 7755
and described in division (E) of this section if any of the 7756
following apply: 7757

(i) The offender previously has been convicted of or 7758
pleaded guilty to three or more prior violations of division (A) 7759
of section 4511.19 of the Revised Code or of a substantially 7760
equivalent municipal ordinance within the previous ten years. 7761

(ii) The offender previously has been convicted of or 7762
pleaded guilty to three or more prior violations of division (A) 7763
of section 1547.11 of the Revised Code or of a substantially 7764
equivalent municipal ordinance within the previous ten years. 7765

(iii) The offender previously has been convicted of or 7766
pleaded guilty to three or more prior violations of division (A) 7767
(3) of section 4561.15 of the Revised Code or of a substantially 7768
equivalent municipal ordinance within the previous ten years. 7769

(iv) The offender previously has been convicted of or 7770
pleaded guilty to three or more prior violations of division (A) 7771
(1) of this section within the previous ten years. 7772

(v) The offender previously has been convicted of or 7773
pleaded guilty to three or more prior violations of division (A) 7774
(1) of section 2903.08 of the Revised Code within the previous 7775
ten years. 7776

(vi) The offender previously has been convicted of or 7777
pleaded guilty to three or more prior violations of section 7778

2903.04 of the Revised Code within the previous ten years in 7779
circumstances in which division (D) of that section applied 7780
regarding the violations. 7781

(vii) The offender previously has been convicted of or 7782
pleaded guilty to three or more violations of any combination of 7783
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 7784
(v), or (vi) of this section within the previous ten years. 7785

(viii) The offender previously has been convicted of or 7786
pleaded guilty to a second or subsequent felony violation of 7787
division (A) of section 4511.19 of the Revised Code. 7788

(d) In addition to any other sanctions imposed pursuant to 7789
division (B)(2)(a), (b), or (c) of this section for aggravated 7790
vehicular homicide committed in violation of division (A)(1) of 7791
this section, the court shall impose upon the offender a class 7792
one suspension of the offender's driver's license, commercial 7793
driver's license, temporary instruction permit, probationary 7794
license, or nonresident operating privilege as specified in 7795
division (A)(1) of section 4510.02 of the Revised Code. 7796

Divisions (A)(1) to (3) of section 4510.54 of the Revised 7797
Code apply to a suspension imposed under division (B)(2)(d) of 7798
this section. 7799

(3) Except as otherwise provided in this division, 7800
aggravated vehicular homicide committed in violation of division 7801
(A)(2) of this section is a felony of the third degree. 7802
Aggravated vehicular homicide committed in violation of division 7803
(A)(2) of this section is a felony of the second degree if, at 7804
the time of the offense, the offender was driving under a 7805
suspension or cancellation imposed under Chapter 4510. or any 7806
other provision of the Revised Code or was operating a motor 7807

vehicle or motorcycle, did not have a valid driver's license, 7808
commercial driver's license, temporary instruction permit, 7809
probationary license, or nonresident operating privilege, and 7810
was not eligible for renewal of the offender's driver's license 7811
or commercial driver's license without examination under section 7812
4507.10 of the Revised Code or if the offender previously has 7813
been convicted of or pleaded guilty to a violation of this 7814
section or any traffic-related homicide, manslaughter, or 7815
assault offense. The court shall impose a mandatory prison term 7816
on the offender when required by division (E) of this section. 7817

In addition to any other sanctions imposed pursuant to 7818
this division for a violation of division (A) (2) of this 7819
section, the court shall impose upon the offender a class two 7820
suspension of the offender's driver's license, commercial 7821
driver's license, temporary instruction permit, probationary 7822
license, or nonresident operating privilege from the range 7823
specified in division (A) (2) of section 4510.02 of the Revised 7824
Code or, if the offender previously has been convicted of or 7825
pleaded guilty to a traffic-related murder, felonious assault, 7826
or attempted murder offense, a class one suspension of the 7827
offender's driver's license, commercial driver's license, 7828
temporary instruction permit, probationary license, or 7829
nonresident operating privilege as specified in division (A) (1) 7830
of that section. 7831

(C) Whoever violates division (A) (3) of this section is 7832
guilty of vehicular homicide. Except as otherwise provided in 7833
this division, vehicular homicide is a misdemeanor of the first 7834
degree. Vehicular homicide committed in violation of division 7835
(A) (3) of this section is a felony of the fourth degree if, at 7836
the time of the offense, the offender was driving under a 7837
suspension or cancellation imposed under Chapter 4510. or any 7838

other provision of the Revised Code or was operating a motor 7839
vehicle or motorcycle, did not have a valid driver's license, 7840
commercial driver's license, temporary instruction permit, 7841
probationary license, or nonresident operating privilege, and 7842
was not eligible for renewal of the offender's driver's license 7843
or commercial driver's license without examination under section 7844
4507.10 of the Revised Code or if the offender previously has 7845
been convicted of or pleaded guilty to a violation of this 7846
section or any traffic-related homicide, manslaughter, or 7847
assault offense. The court shall impose a mandatory jail term or 7848
a mandatory prison term on the offender when required by 7849
division (E) of this section. 7850

In addition to any other sanctions imposed pursuant to 7851
this division, the court shall impose upon the offender a class 7852
four suspension of the offender's driver's license, commercial 7853
driver's license, temporary instruction permit, probationary 7854
license, or nonresident operating privilege from the range 7855
specified in division (A) (4) of section 4510.02 of the Revised 7856
Code, or, if the offender previously has been convicted of or 7857
pleaded guilty to a violation of this section or any traffic- 7858
related homicide, manslaughter, or assault offense, a class 7859
three suspension of the offender's driver's license, commercial 7860
driver's license, temporary instruction permit, probationary 7861
license, or nonresident operating privilege from the range 7862
specified in division (A) (3) of that section, or, if the 7863
offender previously has been convicted of or pleaded guilty to a 7864
traffic-related murder, felonious assault, or attempted murder 7865
offense, a class two suspension of the offender's driver's 7866
license, commercial driver's license, temporary instruction 7867
permit, probationary license, or nonresident operating privilege 7868
as specified in division (A) (2) of that section. 7869

(D) Whoever violates division (A)(4) of this section is 7870
guilty of vehicular manslaughter. Except as otherwise provided 7871
in this division, vehicular manslaughter is a misdemeanor of the 7872
second degree. Vehicular manslaughter is a misdemeanor of the 7873
first degree if, at the time of the offense, the offender was 7874
driving under a suspension or cancellation imposed under Chapter 7875
4510. or any other provision of the Revised Code or was 7876
operating a motor vehicle or motorcycle, did not have a valid 7877
driver's license, commercial driver's license, temporary 7878
instruction permit, probationary license, or nonresident 7879
operating privilege, and was not eligible for renewal of the 7880
offender's driver's license or commercial driver's license 7881
without examination under section 4507.10 of the Revised Code or 7882
if the offender previously has been convicted of or pleaded 7883
guilty to a violation of this section or any traffic-related 7884
homicide, manslaughter, or assault offense. 7885

In addition to any other sanctions imposed pursuant to 7886
this division, the court shall impose upon the offender a class 7887
six suspension of the offender's driver's license, commercial 7888
driver's license, temporary instruction permit, probationary 7889
license, or nonresident operating privilege from the range 7890
specified in division (A)(6) of section 4510.02 of the Revised 7891
Code or, if the offender previously has been convicted of or 7892
pleaded guilty to a violation of this section, any traffic- 7893
related homicide, manslaughter, or assault offense, or a 7894
traffic-related murder, felonious assault, or attempted murder 7895
offense, a class four suspension of the offender's driver's 7896
license, commercial driver's license, temporary instruction 7897
permit, probationary license, or nonresident operating privilege 7898
from the range specified in division (A)(4) of that section. 7899

(E)(1) The court shall impose a mandatory prison term on 7900

an offender who is convicted of or pleads guilty to a violation 7901
of division (A) (1) of this section. Except as otherwise provided 7902
in this division, the mandatory prison term shall be a definite 7903
term from the range of prison terms provided in division (A) (1) 7904
(b) of section 2929.14 of the Revised Code for a felony of the 7905
first degree or from division (A) (2) (b) of that section for a 7906
felony of the second degree, whichever is applicable, except 7907
that if the violation is committed on or after ~~the effective~~ 7908
~~date of this amendment~~ March 22, 2019, the court shall impose as 7909
the minimum prison term for the offense a mandatory prison term 7910
that is one of the minimum terms prescribed for a felony of the 7911
first degree in division (A) (1) (a) of section 2929.14 of the 7912
Revised Code or one of the terms prescribed for a felony of the 7913
second degree in division (A) (2) (a) of that section, whichever 7914
is applicable. If division (B) (2) (c) (i), (ii), (iii), (iv), (v), 7915
(vi), (vii), or (viii) of this section applies to an offender 7916
who is convicted of or pleads guilty to the violation of 7917
division (A) (1) of this section, the court shall impose the 7918
mandatory prison term pursuant to division (B) of section 7919
2929.142 of the Revised Code. The court shall impose a mandatory 7920
jail term of at least fifteen days on an offender who is 7921
convicted of or pleads guilty to a misdemeanor violation of 7922
division (A) (3) (b) of this section and may impose upon the 7923
offender a longer jail term as authorized pursuant to section 7924
2929.24 of the Revised Code. 7925

(2) The court shall impose a mandatory prison term on an 7926
offender who is convicted of or pleads guilty to a violation of 7927
division (A) (2) or (3) (a) of this section or a felony violation 7928
of division (A) (3) (b) of this section if either division (E) (2) 7929
(a) or (b) of this section applies. The mandatory prison term 7930
shall be a definite term from the range of prison terms provided 7931

in division (A) (3) (a) of section 2929.14 of the Revised Code for 7932
a felony of the third degree or from division (A) (4) of that 7933
section for a felony of the fourth degree, whichever is 7934
applicable. The court shall impose a mandatory prison term on an 7935
offender in a category described in this division if either of 7936
the following applies: 7937

(a) The offender previously has been convicted of or 7938
pleaded guilty to a violation of this section or section 2903.08 7939
of the Revised Code. 7940

(b) At the time of the offense, the offender was driving 7941
under suspension or cancellation under Chapter 4510. or any 7942
other provision of the Revised Code or was operating a motor 7943
vehicle or motorcycle, did not have a valid driver's license, 7944
commercial driver's license, temporary instruction permit, 7945
probationary license, or nonresident operating privilege, and 7946
was not eligible for renewal of the offender's driver's license 7947
or commercial driver's license without examination under section 7948
4507.10 of the Revised Code. 7949

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 7950
apply in a particular construction zone unless signs of the type 7951
described in section 2903.081 of the Revised Code are erected in 7952
that construction zone in accordance with the guidelines and 7953
design specifications established by the director of 7954
transportation under section 5501.27 of the Revised Code. The 7955
failure to erect signs of the type described in section 2903.081 7956
of the Revised Code in a particular construction zone in 7957
accordance with those guidelines and design specifications does 7958
not limit or affect the application of division (A) (1), (A) (2) 7959
(a), (A) (3) (a), or (A) (4) of this section in that construction 7960
zone or the prosecution of any person who violates any of those 7961

divisions in that construction zone.	7962
(G) (1) As used in this section:	7963
(a) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	7964 7965
(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to March 23, 2000.	7966 7967 7968 7969 7970 7971 7972
(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	7973 7974
(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code.	7975 7976 7977
(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed.	7978 7979 7980
(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A) (2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to	7981 7982 7983 7984 7985 7986 7987 7988 7989 7990

commit the aggravated murder or murder. 7991

(g) "Motor vehicle" has the same meaning as in section 7992
4501.01 of the Revised Code. 7993

(2) For the purposes of this section, when a penalty or 7994
suspension is enhanced because of a prior or current violation 7995
of a specified law or a prior or current specified offense, the 7996
reference to the violation of the specified law or the specified 7997
offense includes any violation of any substantially equivalent 7998
municipal ordinance, former law of this state, or current or 7999
former law of another state or the United States. 8000

Sec. 2903.08. (A) No person, while operating or 8001
participating in the operation of a motor vehicle, motorcycle, 8002
snowmobile, locomotive, watercraft, or aircraft, shall cause 8003
serious physical harm to another person or another's unborn in 8004
any of the following ways: 8005

(1) (a) As the proximate result of committing a violation 8006
of division (A) of section 4511.19 of the Revised Code or of a 8007
substantially equivalent municipal ordinance; 8008

(b) As the proximate result of committing a violation of 8009
division (A) of section 1547.11 of the Revised Code or of a 8010
substantially equivalent municipal ordinance; 8011

(c) As the proximate result of committing a violation of 8012
division (A) (3) of section 4561.15 of the Revised Code or of a 8013
substantially equivalent municipal ordinance. 8014

(2) In one of the following ways: 8015

(a) As the proximate result of committing, while operating 8016
or participating in the operation of a motor vehicle or 8017
motorcycle in a construction zone, a reckless operation offense, 8018

provided that this division applies only if the person to whom 8019
the serious physical harm is caused or to whose unborn the 8020
serious physical harm is caused is in the construction zone at 8021
the time of the offender's commission of the reckless operation 8022
offense in the construction zone and does not apply as described 8023
in division (E) of this section; 8024

(b) Recklessly. 8025

(3) As the proximate result of committing, while operating 8026
or participating in the operation of a motor vehicle or 8027
motorcycle in a construction zone, a speeding offense, provided 8028
that this division applies only if the person to whom the 8029
serious physical harm is caused or to whose unborn the serious 8030
physical harm is caused is in the construction zone at the time 8031
of the offender's commission of the speeding offense in the 8032
construction zone and does not apply as described in division 8033
(E) of this section. 8034

(B) (1) Whoever violates division (A) (1) of this section is 8035
guilty of aggravated vehicular assault. Except as otherwise 8036
provided in this division, aggravated vehicular assault is a 8037
felony of the third degree. Aggravated vehicular assault is a 8038
felony of the second degree if any of the following apply: 8039

(a) At the time of the offense, the offender was driving 8040
under a suspension imposed under Chapter 4510. or any other 8041
provision of the Revised Code. 8042

(b) The offender previously has been convicted of or 8043
pleaded guilty to a violation of this section. 8044

(c) The offender previously has been convicted of or 8045
pleaded guilty to any traffic-related homicide, manslaughter, or 8046
assault offense. 8047

(d) The offender previously has been convicted of or 8048
pleaded guilty to three or more prior violations of division (A) 8049
of section 4511.19 of the Revised Code or a substantially 8050
equivalent municipal ordinance within the previous ten years. 8051

(e) The offender previously has been convicted of or 8052
pleaded guilty to three or more prior violations of division (A) 8053
of section 1547.11 of the Revised Code or of a substantially 8054
equivalent municipal ordinance within the previous ten years. 8055

(f) The offender previously has been convicted of or 8056
pleaded guilty to three or more prior violations of division (A) 8057
(3) of section 4561.15 of the Revised Code or of a substantially 8058
equivalent municipal ordinance within the previous ten years. 8059

(g) The offender previously has been convicted of or 8060
pleaded guilty to three or more prior violations of any 8061
combination of the offenses listed in division (B) (1) (d), (e), 8062
or (f) of this section. 8063

(h) The offender previously has been convicted of or 8064
pleaded guilty to a second or subsequent felony violation of 8065
division (A) of section 4511.19 of the Revised Code. 8066

(2) In addition to any other sanctions imposed pursuant to 8067
division (B) (1) of this section, except as otherwise provided in 8068
this division, the court shall impose upon the offender a class 8069
three suspension of the offender's driver's license, commercial 8070
driver's license, temporary instruction permit, probationary 8071
license, or nonresident operating privilege from the range 8072
specified in division (A) (3) of section 4510.02 of the Revised 8073
Code. If the offender previously has been convicted of or 8074
pleaded guilty to a violation of this section, any traffic- 8075
related homicide, manslaughter, or assault offense, or any 8076

traffic-related murder, felonious assault, or attempted murder 8077
offense, the court shall impose either a class two suspension of 8078
the offender's driver's license, commercial driver's license, 8079
temporary instruction permit, probationary license, or 8080
nonresident operating privilege from the range specified in 8081
division (A) (2) of that section or a class one suspension as 8082
specified in division (A) (1) of that section. 8083

(C) (1) Whoever violates division (A) (2) or (3) of this 8084
section is guilty of vehicular assault and shall be punished as 8085
provided in divisions (C) (2) and (3) of this section. 8086

(2) Except as otherwise provided in this division, 8087
vehicular assault committed in violation of division (A) (2) of 8088
this section is a felony of the fourth degree. Vehicular assault 8089
committed in violation of division (A) (2) of this section is a 8090
felony of the third degree if, at the time of the offense, the 8091
offender was driving under a suspension imposed under Chapter 8092
4510. or any other provision of the Revised Code, if the 8093
offender previously has been convicted of or pleaded guilty to a 8094
violation of this section or any traffic-related homicide, 8095
manslaughter, or assault offense, or if, in the same course of 8096
conduct that resulted in the violation of division (A) (2) of 8097
this section, the offender also violated section 4549.02, 8098
4549.021, or 4549.03 of the Revised Code. 8099

In addition to any other sanctions imposed, the court 8100
shall impose upon the offender a class four suspension of the 8101
offender's driver's license, commercial driver's license, 8102
temporary instruction permit, probationary license, or 8103
nonresident operating privilege from the range specified in 8104
division (A) (4) of section 4510.02 of the Revised Code or, if 8105
the offender previously has been convicted of or pleaded guilty 8106

to a violation of this section, any traffic-related homicide, 8107
manslaughter, or assault offense, or any traffic-related murder, 8108
felonious assault, or attempted murder offense, a class three 8109
suspension of the offender's driver's license, commercial 8110
driver's license, temporary instruction permit, probationary 8111
license, or nonresident operating privilege from the range 8112
specified in division (A) (3) of that section. 8113

(3) Except as otherwise provided in this division, 8114
vehicular assault committed in violation of division (A) (3) of 8115
this section is a misdemeanor of the first degree. Vehicular 8116
assault committed in violation of division (A) (3) of this 8117
section is a felony of the fourth degree if, at the time of the 8118
offense, the offender was driving under a suspension imposed 8119
under Chapter 4510. or any other provision of the Revised Code 8120
or if the offender previously has been convicted of or pleaded 8121
guilty to a violation of this section or any traffic-related 8122
homicide, manslaughter, or assault offense. 8123

In addition to any other sanctions imposed, the court 8124
shall impose upon the offender a class four suspension of the 8125
offender's driver's license, commercial driver's license, 8126
temporary instruction permit, probationary license, or 8127
nonresident operating privilege from the range specified in 8128
division (A) (4) of section 4510.02 of the Revised Code or, if 8129
the offender previously has been convicted of or pleaded guilty 8130
to a violation of this section, any traffic-related homicide, 8131
manslaughter, or assault offense, or any traffic-related murder, 8132
felonious assault, or attempted murder offense, a class three 8133
suspension of the offender's driver's license, commercial 8134
driver's license, temporary instruction permit, probationary 8135
license, or nonresident operating privilege from the range 8136
specified in division (A) (3) of section 4510.02 of the Revised 8137

Code. 8138

(D) (1) The court shall impose a mandatory prison term, as 8139
described in division (D) (4) of this section, on an offender who 8140
is convicted of or pleads guilty to a violation of division (A) 8141
(1) of this section. 8142

(2) The court shall impose a mandatory prison term, as 8143
described in division (D) (4) of this section, on an offender who 8144
is convicted of or pleads guilty to a violation of division (A) 8145
(2) of this section or a felony violation of division (A) (3) of 8146
this section if either of the following applies: 8147

(a) The offender previously has been convicted of or 8148
pleaded guilty to a violation of this section or section 2903.06 8149
of the Revised Code. 8150

(b) At the time of the offense, the offender was driving 8151
under suspension under Chapter 4510. or any other provision of 8152
the Revised Code. 8153

(3) The court shall impose a mandatory jail term of at 8154
least seven days on an offender who is convicted of or pleads 8155
guilty to a misdemeanor violation of division (A) (3) of this 8156
section and may impose upon the offender a longer jail term as 8157
authorized pursuant to section 2929.24 of the Revised Code. 8158

(4) A mandatory prison term required under division (D) (1) 8159
or (2) of this section shall be a definite term from the range 8160
of prison terms provided in division (A) (2) (b) of section 8161
2929.14 of the Revised Code for a felony of the second degree, 8162
from division (A) (3) (a) of that section for a felony of the 8163
third degree, or from division (A) (4) of that section for a 8164
felony of the fourth degree, whichever is applicable, except 8165
that if the violation is a felony of the second degree committed 8166

on or after ~~the effective date of this amendment~~ March 22, 2019, 8167
the court shall impose as the minimum prison term for the 8168
offense a mandatory prison term that is one of the minimum terms 8169
prescribed for a felony of the second degree in division (A) (2) 8170
(a) of section 2929.14 of the Revised Code. 8171

(E) Divisions (A) (2) (a) and (3) of this section do not 8172
apply in a particular construction zone unless signs of the type 8173
described in section 2903.081 of the Revised Code are erected in 8174
that construction zone in accordance with the guidelines and 8175
design specifications established by the director of 8176
transportation under section 5501.27 of the Revised Code. The 8177
failure to erect signs of the type described in section 2903.081 8178
of the Revised Code in a particular construction zone in 8179
accordance with those guidelines and design specifications does 8180
not limit or affect the application of division (A) (1) or (2) (b) 8181
of this section in that construction zone or the prosecution of 8182
any person who violates either of those divisions in that 8183
construction zone. 8184

(F) As used in this section: 8185

(1) "Mandatory prison term" and "mandatory jail term" have 8186
the same meanings as in section 2929.01 of the Revised Code. 8187

(2) "Traffic-related homicide, manslaughter, or assault 8188
offense" and "traffic-related murder, felonious assault, or 8189
attempted murder offense" have the same meanings as in section 8190
2903.06 of the Revised Code. 8191

(3) "Construction zone" has the same meaning as in section 8192
5501.27 of the Revised Code. 8193

(4) "Reckless operation offense" and "speeding offense" 8194
have the same meanings as in section 2903.06 of the Revised 8195

Code. 8196

(G) For the purposes of this section, when a penalty or 8197
suspension is enhanced because of a prior or current violation 8198
of a specified law or a prior or current specified offense, the 8199
reference to the violation of the specified law or the specified 8200
offense includes any violation of any substantially equivalent 8201
municipal ordinance, former law of this state, or current or 8202
former law of another state or the United States. 8203

Sec. 2903.13. (A) No person shall knowingly cause or 8204
attempt to cause physical harm to another or to another's 8205
unborn. 8206

(B) No person shall recklessly cause serious physical harm 8207
to another or to another's unborn. 8208

(C) (1) Whoever violates this section is guilty of assault, 8209
and the court shall sentence the offender as provided in this 8210
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 8211
(8), (9), and (10) of this section. Except as otherwise provided 8212
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 8213
section, assault is a misdemeanor of the first degree. 8214

(2) Except as otherwise provided in this division, if the 8215
offense is committed by a caretaker against a functionally 8216
impaired person under the caretaker's care, assault is a felony 8217
of the fourth degree. If the offense is committed by a caretaker 8218
against a functionally impaired person under the caretaker's 8219
care, if the offender previously has been convicted of or 8220
pleaded guilty to a violation of this section or section 2903.11 8221
or 2903.16 of the Revised Code, and if in relation to the 8222
previous conviction the offender was a caretaker and the victim 8223
was a functionally impaired person under the offender's care, 8224

assault is a felony of the third degree. 8225

(3) If the offense occurs in or on the grounds of a state 8226
correctional institution or an institution of the department of 8227
youth services, the victim of the offense is an employee of the 8228
department of rehabilitation and correction or the department of 8229
youth services, and the offense is committed by a person 8230
incarcerated in the state correctional institution or by a 8231
person institutionalized in the department of youth services 8232
institution pursuant to a commitment to the department of youth 8233
services, assault is a felony of the third degree. 8234

(4) If the offense is committed in any of the following 8235
circumstances, assault is a felony of the fifth degree: 8236

(a) The offense occurs in or on the grounds of a local 8237
correctional facility, the victim of the offense is an employee 8238
of the local correctional facility or a probation department or 8239
is on the premises of the facility for business purposes or as a 8240
visitor, and the offense is committed by a person who is under 8241
custody in the facility subsequent to the person's arrest for 8242
any crime or delinquent act, subsequent to the person's being 8243
charged with or convicted of any crime, or subsequent to the 8244
person's being alleged to be or adjudicated a delinquent child. 8245

(b) The offense occurs off the grounds of a state 8246
correctional institution and off the grounds of an institution 8247
of the department of youth services, the victim of the offense 8248
is an employee of the department of rehabilitation and 8249
correction, the department of youth services, or a probation 8250
department, the offense occurs during the employee's official 8251
work hours and while the employee is engaged in official work 8252
responsibilities, and the offense is committed by a person 8253
incarcerated in a state correctional institution or 8254

institutionalized in the department of youth services who 8255
temporarily is outside of the institution for any purpose, by a 8256
parolee, by an offender under transitional control, under a 8257
community control sanction, or on an escorted visit, by a person 8258
under post-release control, or by an offender under any other 8259
type of supervision by a government agency. 8260

(c) The offense occurs off the grounds of a local 8261
correctional facility, the victim of the offense is an employee 8262
of the local correctional facility or a probation department, 8263
the offense occurs during the employee's official work hours and 8264
while the employee is engaged in official work responsibilities, 8265
and the offense is committed by a person who is under custody in 8266
the facility subsequent to the person's arrest for any crime or 8267
delinquent act, subsequent to the person being charged with or 8268
convicted of any crime, or subsequent to the person being 8269
alleged to be or adjudicated a delinquent child and who 8270
temporarily is outside of the facility for any purpose or by a 8271
parolee, by an offender under transitional control, under a 8272
community control sanction, or on an escorted visit, by a person 8273
under post-release control, or by an offender under any other 8274
type of supervision by a government agency. 8275

(d) The victim of the offense is a school teacher or 8276
administrator or a school bus operator, and the offense occurs 8277
in a school, on school premises, in a school building, on a 8278
school bus, or while the victim is outside of school premises or 8279
a school bus and is engaged in duties or official 8280
responsibilities associated with the victim's employment or 8281
position as a school teacher or administrator or a school bus 8282
operator, including, but not limited to, driving, accompanying, 8283
or chaperoning students at or on class or field trips, athletic 8284
events, or other school extracurricular activities or functions 8285

outside of school premises. 8286

(5) If the victim of the offense is a peace officer or an 8287
investigator of the bureau of criminal identification and 8288
investigation, a firefighter, or a person performing emergency 8289
medical service, while in the performance of their official 8290
duties, assault is a felony of the fourth degree. 8291

(6) If the victim of the offense is a peace officer or an 8292
investigator of the bureau of criminal identification and 8293
investigation and if the victim suffered serious physical harm 8294
as a result of the commission of the offense, assault is a 8295
felony of the fourth degree, and the court, pursuant to division 8296
(F) of section 2929.13 of the Revised Code, shall impose as a 8297
mandatory prison term one of the prison terms prescribed for a 8298
felony of the fourth degree that is at least twelve months in 8299
duration. 8300

(7) If the victim of the offense is an officer or employee 8301
of a public children services agency or a private child placing 8302
agency and the offense relates to the officer's or employee's 8303
performance or anticipated performance of official 8304
responsibilities or duties, assault is either a felony of the 8305
fifth degree or, if the offender previously has been convicted 8306
of or pleaded guilty to an offense of violence, the victim of 8307
that prior offense was an officer or employee of a public 8308
children services agency or private child placing agency, and 8309
that prior offense related to the officer's or employee's 8310
performance or anticipated performance of official 8311
responsibilities or duties, a felony of the fourth degree. 8312

(8) If the victim of the offense is a health care 8313
professional of a hospital, a health care worker of a hospital, 8314
or a security officer of a hospital whom the offender knows or 8315

has reasonable cause to know is a health care professional of a 8316
hospital, a health care worker of a hospital, or a security 8317
officer of a hospital, if the victim is engaged in the 8318
performance of the victim's duties, and if the hospital offers 8319
de-escalation or crisis intervention training for such 8320
professionals, workers, or officers, assault is one of the 8321
following: 8322

(a) Except as otherwise provided in division (C) (8) (b) of 8323
this section, assault committed in the specified circumstances 8324
is a misdemeanor of the first degree. Notwithstanding the fine 8325
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 8326
the Revised Code for a misdemeanor of the first degree, in 8327
sentencing the offender under this division and if the court 8328
decides to impose a fine, the court may impose upon the offender 8329
a fine of not more than five thousand dollars. 8330

(b) If the offender previously has been convicted of or 8331
pleaded guilty to one or more assault or homicide offenses 8332
committed against hospital personnel, assault committed in the 8333
specified circumstances is a felony of the fifth degree. 8334

(9) If the victim of the offense is a judge, magistrate, 8335
prosecutor, or court official or employee whom the offender 8336
knows or has reasonable cause to know is a judge, magistrate, 8337
prosecutor, or court official or employee, and if the victim is 8338
engaged in the performance of the victim's duties, assault is 8339
one of the following: 8340

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) 8341
(9) (b) of this section, assault committed in the specified 8342
circumstances is a misdemeanor of the first degree. In 8343
sentencing the offender under this division, if the court 8344
decides to impose a fine, notwithstanding the fine specified in 8345

division ~~(A)(2)(b)~~ (A)(2)(a) of section 2929.28 of the Revised 8346
Code for a misdemeanor of the first degree, the court may impose 8347
upon the offender a fine of not more than five thousand dollars. 8348

(b) If the offender previously has been convicted of or 8349
pleaded guilty to one or more assault or homicide offenses 8350
committed against justice system personnel, assault committed in 8351
the specified circumstances is a felony of the fifth degree. 8352

(10) If an offender who is convicted of or pleads guilty 8353
to assault when it is a misdemeanor also is convicted of or 8354
pleads guilty to a specification as described in section 8355
2941.1423 of the Revised Code that was included in the 8356
indictment, count in the indictment, or information charging the 8357
offense, the court shall sentence the offender to a mandatory 8358
jail term as provided in division ~~(G)~~ (F) of section 2929.24 of 8359
the Revised Code. 8360

If an offender who is convicted of or pleads guilty to 8361
assault when it is a felony also is convicted of or pleads 8362
guilty to a specification as described in section 2941.1423 of 8363
the Revised Code that was included in the indictment, count in 8364
the indictment, or information charging the offense, except as 8365
otherwise provided in division (C)(6) of this section, the court 8366
shall sentence the offender to a mandatory prison term as 8367
provided in division (B)(8) of section 2929.14 of the Revised 8368
Code. 8369

(D) As used in this section: 8370

(1) "Peace officer" has the same meaning as in section 8371
2935.01 of the Revised Code. 8372

(2) "Firefighter" has the same meaning as in section 8373
3937.41 of the Revised Code. 8374

(3) "Emergency medical service" has the same meaning as in 8375
section 4765.01 of the Revised Code. 8376

(4) "Local correctional facility" means a county, 8377
multicounty, municipal, municipal-county, or multicounty- 8378
municipal jail or workhouse, a minimum security jail established 8379
under section 341.23 or 753.21 of the Revised Code, or another 8380
county, multicounty, municipal, municipal-county, or 8381
multicounty-municipal facility used for the custody of persons 8382
arrested for any crime or delinquent act, persons charged with 8383
or convicted of any crime, or persons alleged to be or 8384
adjudicated a delinquent child. 8385

(5) "Employee of a local correctional facility" means a 8386
person who is an employee of the political subdivision or of one 8387
or more of the affiliated political subdivisions that operates 8388
the local correctional facility and who operates or assists in 8389
the operation of the facility. 8390

(6) "School teacher or administrator" means either of the 8391
following: 8392

(a) A person who is employed in the public schools of the 8393
state under a contract described in section 3311.77 or 3319.08 8394
of the Revised Code in a position in which the person is 8395
required to have a certificate issued pursuant to sections 8396
3319.22 to 3319.311 of the Revised Code. 8397

(b) A person who is employed by a nonpublic school for 8398
which the state board of education prescribes minimum standards 8399
under section 3301.07 of the Revised Code and who is 8400
certificated in accordance with section 3301.071 of the Revised 8401
Code. 8402

(7) "Community control sanction" has the same meaning as 8403

in section 2929.01 of the Revised Code. 8404

(8) "Escorted visit" means an escorted visit granted under 8405
section 2967.27 of the Revised Code. 8406

(9) "Post-release control" and "transitional control" have 8407
the same meanings as in section 2967.01 of the Revised Code. 8408

(10) "Investigator of the bureau of criminal 8409
identification and investigation" has the same meaning as in 8410
section 2903.11 of the Revised Code. 8411

(11) "Health care professional" and "health care worker" 8412
have the same meanings as in section 2305.234 of the Revised 8413
Code. 8414

(12) "Assault or homicide offense committed against 8415
hospital personnel" means a violation of this section or of 8416
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 8417
2903.12, or 2903.14 of the Revised Code committed in 8418
circumstances in which all of the following apply: 8419

(a) The victim of the offense was a health care 8420
professional of a hospital, a health care worker of a hospital, 8421
or a security officer of a hospital. 8422

(b) The offender knew or had reasonable cause to know that 8423
the victim was a health care professional of a hospital, a 8424
health care worker of a hospital, or a security officer of a 8425
hospital. 8426

(c) The victim was engaged in the performance of the 8427
victim's duties. 8428

(d) The hospital offered de-escalation or crisis 8429
intervention training for such professionals, workers, or 8430
officers. 8431

(13) "De-escalation or crisis intervention training" means 8432
de-escalation or crisis intervention training for health care 8433
professionals of a hospital, health care workers of a hospital, 8434
and security officers of a hospital to facilitate interaction 8435
with patients, members of a patient's family, and visitors, 8436
including those with mental impairments. 8437

(14) "Assault or homicide offense committed against 8438
justice system personnel" means a violation of this section or 8439
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 8440
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 8441
circumstances in which the victim of the offense was a judge, 8442
magistrate, prosecutor, or court official or employee whom the 8443
offender knew or had reasonable cause to know was a judge, 8444
magistrate, prosecutor, or court official or employee, and the 8445
victim was engaged in the performance of the victim's duties. 8446

(15) "Court official or employee" means any official or 8447
employee of a court created under the constitution or statutes 8448
of this state or of a United States court located in this state. 8449

(16) "Judge" means a judge of a court created under the 8450
constitution or statutes of this state or of a United States 8451
court located in this state. 8452

(17) "Magistrate" means an individual who is appointed by 8453
a court of record of this state and who has the powers and may 8454
perform the functions specified in Civil Rule 53, Criminal Rule 8455
19, or Juvenile Rule 40, or an individual who is appointed by a 8456
United States court located in this state who has similar powers 8457
and functions. 8458

(18) "Prosecutor" has the same meaning as in section 8459
2935.01 of the Revised Code. 8460

(19) (a) "Hospital" means, subject to division (D) (19) (b) 8461
of this section, an institution classified as a hospital under 8462
section 3701.01 of the Revised Code in which are provided to 8463
patients diagnostic, medical, surgical, obstetrical, 8464
psychiatric, or rehabilitation care or a hospital operated by a 8465
health maintenance organization. 8466

(b) "Hospital" does not include any of the following: 8467

(i) A facility licensed under Chapter 3721. of the Revised 8468
Code, a health care facility operated by the department of 8469
mental health or the department of developmental disabilities, a 8470
health maintenance organization that does not operate a 8471
hospital, or the office of any private, licensed health care 8472
professional, whether organized for individual or group 8473
practice; 8474

(ii) An institution for the sick that is operated 8475
exclusively for patients who use spiritual means for healing and 8476
for whom the acceptance of medical care is inconsistent with 8477
their religious beliefs, accredited by a national accrediting 8478
organization, exempt from federal income taxation under section 8479
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 8480
U.S.C. 1, as amended, and providing twenty-four-hour nursing 8481
care pursuant to the exemption in division (E) of section 8482
4723.32 of the Revised Code from the licensing requirements of 8483
Chapter 4723. of the Revised Code. 8484

(20) "Health maintenance organization" has the same 8485
meaning as in section 3727.01 of the Revised Code. 8486

Sec. 2903.18. (A) As used in this section: 8487

(1) "Strangulation or suffocation" means any act that 8488
impedes the normal breathing or circulation of the blood by 8489

applying pressure to the throat or neck, or by covering the nose 8490
and mouth. 8491

(2) "Dating relationship" has the same meaning as in 8492
section 3113.31 of the Revised Code. 8493

(3) "Family or household member" has the same meaning as 8494
in section 2919.25 of the Revised Code. 8495

(4) "Person with whom the offender is or was in a dating 8496
relationship" means a person who at the time of the conduct in 8497
question is in a dating relationship with the defendant or who, 8498
within the twelve months preceding the conduct in question, has 8499
had a dating relationship with the defendant. 8500

(B) No person shall knowingly do any of the following: 8501

(1) Cause serious physical harm to another by means of 8502
strangulation or suffocation; 8503

(2) Create a substantial risk of serious physical harm to 8504
another by means of strangulation or suffocation; 8505

(3) Cause or create a substantial risk of physical harm to 8506
another by means of strangulation or suffocation. 8507

(C) Whoever violates this section is guilty of 8508
strangulation. 8509

(1) A violation of division (B) (1) of this section is a 8510
felony of the second degree. 8511

(2) A violation of division (B) (2) of this section is a 8512
felony of the third degree. 8513

(3) A violation of division (B) (3) of this section is a 8514
felony of the fifth degree. If the victim of the violation of 8515
division (B) (3) of this section is a family or household member, 8516

or is a person with whom the offender is or was in a dating 8517
relationship, a violation of division (B) (3) of this section is 8518
a felony of the fourth degree. If the victim of the offense is a 8519
family or household member, or is a person with whom the 8520
offender is or was in a dating relationship, and the offender 8521
previously has been convicted of or pleaded guilty to a felony 8522
offense of violence, or if the offender knew that the victim of 8523
the violation was pregnant at the time of the violation, a 8524
violation of division (B) (3) of this section is a felony of the 8525
third degree. 8526

(D) It is an affirmative defense to a charge under 8527
division (B) of this section that the act was done as part of a 8528
medical or other procedure undertaken to aid or benefit the 8529
victim. 8530

Sec. 2903.214. (A) As used in this section: 8531

(1) "Court" means the court of common pleas of the county 8532
in which the person to be protected by the protection order 8533
resides. 8534

(2) "Victim advocate" means a person who provides support 8535
and assistance for a person who files a petition under this 8536
section. 8537

(3) "Family or household member" ~~has the same meaning as~~ 8538
~~in section 3113.31 of the Revised Code~~means any of the 8539
following: 8540

(a) Any of the following who is residing with or has 8541
resided with the petitioner: 8542

(i) A spouse, a person living as a spouse, or a former 8543
spouse of the petitioner; 8544

(ii) A parent, a foster parent, or a child of the 8545
petitioner, or another person related by consanguinity or 8546
affinity to the petitioner; 8547

(iii) A parent or a child of a spouse, person living as a 8548
spouse, or former spouse of the petitioner, or another person 8549
related by consanguinity or affinity to a spouse, person living 8550
as a spouse, or former spouse of the petitioner. 8551

(b) The natural parent of any child of whom the petitioner 8552
is the other natural parent or is the putative other natural 8553
parent. 8554

(4) "Person living as a spouse" means a person who is 8555
living or has lived with the petitioner in a common law marital 8556
relationship, who otherwise is cohabiting with the petitioner, 8557
or who otherwise has cohabited with the petitioner within five 8558
years prior to the date of the alleged occurrence of the act in 8559
question. 8560

(5) "Protection order issued by a court of another state" 8561
has the same meaning as in section 2919.27 of the Revised Code. 8562

~~(5)~~(6) "Sexually oriented offense" has the same meaning 8563
as in section 2950.01 of the Revised Code. 8564

~~(6)~~(7) "Electronic monitoring" has the same meaning as in 8565
section 2929.01 of the Revised Code. 8566

~~(7)~~(8) "Companion animal" has the same meaning as in 8567
section 959.131 of the Revised Code. 8568

(B) The court has jurisdiction over all proceedings under 8569
this section. 8570

(C) A person may seek relief under this section for the 8571
person, or any parent or adult household member may seek relief 8572

under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:

(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;

(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(3) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or 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 8603
the person to be protected by the protection order with bodily 8604
harm or in which the respondent previously has been convicted of 8605
or pleaded guilty to a violation of section 2903.211 of the 8606
Revised Code or a sexually oriented offense against the person 8607
to be protected by the protection order. 8608

(2) (a) If the court, after an ex parte hearing, issues a 8609
protection order described in division (E) of this section, the 8610
court shall schedule a full hearing for a date that is within 8611
ten court days after the ex parte hearing. The court shall give 8612
the respondent notice of, and an opportunity to be heard at, the 8613
full hearing. The court shall hold the full hearing on the date 8614
scheduled under this division unless the court grants a 8615
continuance of the hearing in accordance with this division. 8616
Under any of the following circumstances or for any of the 8617
following reasons, the court may grant a continuance of the full 8618
hearing to a reasonable time determined by the court: 8619

(i) Prior to the date scheduled for the full hearing under 8620
this division, the respondent has not been served with the 8621
petition filed pursuant to this section and notice of the full 8622
hearing. 8623

(ii) The parties consent to the continuance. 8624

(iii) The continuance is needed to allow a party to obtain 8625
counsel. 8626

(iv) The continuance is needed for other good cause. 8627

(b) An ex parte order issued under this section does not 8628
expire because of a failure to serve notice of the full hearing 8629
upon the respondent before the date set for the full hearing 8630
under division (D) (2) (a) of this section or because the court 8631

grants a continuance under that division. 8632

(3) If a person who files a petition pursuant to this 8633
section does not request an ex parte order, or if a person 8634
requests an ex parte order but the court does not issue an ex 8635
parte order after an ex parte hearing, the court shall proceed 8636
as in a normal civil action and grant a full hearing on the 8637
matter. 8638

(E) (1) (a) After an ex parte or full hearing, the court may 8639
issue any protection order, with or without bond, that contains 8640
terms designed to ensure the safety and protection of the person 8641
to be protected by the protection order, including, but not 8642
limited to, a requirement that the respondent refrain from 8643
entering the residence, school, business, or place of employment 8644
of the petitioner or family or household member. If the court 8645
includes a requirement that the respondent refrain from entering 8646
the residence, school, business, or place of employment of the 8647
petitioner or family or household member in the order, it also 8648
shall include in the order provisions of the type described in 8649
division (E) (5) of this section. The court may include within a 8650
protection order issued under this section a term requiring that 8651
the respondent not remove, damage, hide, harm, or dispose of any 8652
companion animal owned or possessed by the person to be 8653
protected by the order, and may include within the order a term 8654
authorizing the person to be protected by the order to remove a 8655
companion animal owned by the person to be protected by the 8656
order from the possession of the respondent. 8657

(b) After a full hearing, if the court considering a 8658
petition that includes an allegation of the type described in 8659
division (C) (2) of this section, or the court upon its own 8660
motion, finds upon clear and convincing evidence that the 8661

petitioner reasonably believed that the respondent's conduct at 8662
any time preceding the filing of the petition endangered the 8663
health, welfare, or safety of the person to be protected and 8664
that the respondent presents a continuing danger to the person 8665
to be protected, the court may order that the respondent be 8666
electronically monitored for a period of time and under the 8667
terms and conditions that the court determines are appropriate. 8668
Electronic monitoring shall be in addition to any other relief 8669
granted to the petitioner. 8670

(2) (a) Any protection order issued pursuant to this 8671
section shall be valid until a date certain but not later than 8672
five years from the date of its issuance. 8673

(b) Any protection order issued pursuant to this section 8674
may be renewed in the same manner as the original order was 8675
issued. 8676

(3) A court may not issue a protection order that requires 8677
a petitioner to do or to refrain from doing an act that the 8678
court may require a respondent to do or to refrain from doing 8679
under division (E) (1) of this section unless all of the 8680
following apply: 8681

(a) The respondent files a separate petition for a 8682
protection order in accordance with this section. 8683

(b) The petitioner is served with notice of the 8684
respondent's petition at least forty-eight hours before the 8685
court holds a hearing with respect to the respondent's petition, 8686
or the petitioner waives the right to receive this notice. 8687

(c) If the petitioner has requested an ex parte order 8688
pursuant to division (D) of this section, the court does not 8689
delay any hearing required by that division beyond the time 8690

specified in that division in order to consolidate the hearing 8691
with a hearing on the petition filed by the respondent. 8692

(d) After a full hearing at which the respondent presents 8693
evidence in support of the request for a protection order and 8694
the petitioner is afforded an opportunity to defend against that 8695
evidence, the court determines that the petitioner has committed 8696
a violation of section 2903.211 of the Revised Code against the 8697
person to be protected by the protection order issued pursuant 8698
to division (E) (3) of this section, has committed a sexually 8699
oriented offense against the person to be protected by the 8700
protection order issued pursuant to division (E) (3) of this 8701
section, or has violated a protection order issued pursuant to 8702
section 2903.213 of the Revised Code relative to the person to 8703
be protected by the protection order issued pursuant to division 8704
(E) (3) of this section. 8705

(4) No protection order issued pursuant to this section 8706
shall in any manner affect title to any real property. 8707

(5) (a) If the court issues a protection order under this 8708
section that includes a requirement that the alleged offender 8709
refrain from entering the residence, school, business, or place 8710
of employment of the petitioner or a family or household member, 8711
the order shall clearly state that the order cannot be waived or 8712
nullified by an invitation to the alleged offender from the 8713
complainant to enter the residence, school, business, or place 8714
of employment or by the alleged offender's entry into one of 8715
those places otherwise upon the consent of the petitioner or 8716
family or household member. 8717

(b) Division (E) (5) (a) of this section does not limit any 8718
discretion of a court to determine that an alleged offender 8719
charged with a violation of section 2919.27 of the Revised Code, 8720

with a violation of a municipal ordinance substantially 8721
equivalent to that section, or with contempt of court, which 8722
charge is based on an alleged violation of a protection order 8723
issued under this section, did not commit the violation or was 8724
not in contempt of court. 8725

(F) (1) The court shall cause the delivery of a copy of any 8726
protection order that is issued under this section to the 8727
petitioner, to the respondent, and to all law enforcement 8728
agencies that have jurisdiction to enforce the order. The court 8729
shall direct that a copy of the order be delivered to the 8730
respondent on the same day that the order is entered. 8731

(2) Upon the issuance of a protection order under this 8732
section, the court shall provide the parties to the order with 8733
the following notice orally or by form: 8734

"NOTICE 8735

As a result of this order, it may be unlawful for you to 8736
possess or purchase a firearm, including a rifle, pistol, or 8737
revolver, or ammunition pursuant to federal law under 18 U.S.C. 8738
922(g) (8) for the duration of this order. If you have any 8739
questions whether this law makes it illegal for you to possess 8740
or purchase a firearm or ammunition, you should consult an 8741
attorney." 8742

(3) All law enforcement agencies shall establish and 8743
maintain an index for the protection orders delivered to the 8744
agencies pursuant to division (F) (1) of this section. With 8745
respect to each order delivered, each agency shall note on the 8746
index the date and time that it received the order. 8747

(4) Regardless of whether the petitioner has registered 8748
the protection order in the county in which the officer's agency 8749

has jurisdiction pursuant to division (M) of this section, any 8750
officer of a law enforcement agency shall enforce a protection 8751
order issued pursuant to this section by any court in this state 8752
in accordance with the provisions of the order, including 8753
removing the respondent from the premises, if appropriate. 8754

(G) (1) Any proceeding under this section shall be 8755
conducted in accordance with the Rules of Civil Procedure, 8756
except that a protection order may be obtained under this 8757
section with or without bond. An order issued under this 8758
section, other than an ex parte order, that grants a protection 8759
order, or that refuses to grant a protection order, is a final, 8760
appealable order. The remedies and procedures provided in this 8761
section are in addition to, and not in lieu of, any other 8762
available civil or criminal remedies. 8763

(2) If as provided in division (G) (1) of this section an 8764
order issued under this section, other than an ex parte order, 8765
refuses to grant a protection order, the court, on its own 8766
motion, shall order that the ex parte order issued under this 8767
section and all of the records pertaining to that ex parte order 8768
be sealed after either of the following occurs: 8769

(a) No party has exercised the right to appeal pursuant to 8770
Rule 4 of the Rules of Appellate Procedure. 8771

(b) All appellate rights have been exhausted. 8772

(H) The filing of proceedings under this section does not 8773
excuse a person from filing any report or giving any notice 8774
required by section 2151.421 of the Revised Code or by any other 8775
law. 8776

(I) Any law enforcement agency that investigates an 8777
alleged violation of section 2903.211 of the Revised Code or an 8778

alleged commission of a sexually oriented offense shall provide 8779
information to the victim and the family or household members of 8780
the victim regarding the relief available under this section and 8781
section 2903.213 of the Revised Code. 8782

(J) (1) Subject to division (J) (2) of this section and 8783
regardless of whether a protection order is issued or a consent 8784
agreement is approved by a court of another county or by a court 8785
of another state, no court or unit of state or local government 8786
shall charge the petitioner any fee, cost, deposit, or money in 8787
connection with the filing of a petition pursuant to this 8788
section, in connection with the filing, issuance, registration, 8789
modification, enforcement, dismissal, withdrawal, or service of 8790
a protection order, consent agreement, or witness subpoena or 8791
for obtaining a certified copy of a protection order or consent 8792
agreement. 8793

(2) Regardless of whether a protection order is issued or 8794
a consent agreement is approved pursuant to this section, the 8795
court may assess costs against the respondent in connection with 8796
the filing, issuance, registration, modification, enforcement, 8797
dismissal, withdrawal, or service of a protection order, consent 8798
agreement, or witness subpoena or for obtaining a certified copy 8799
of a protection order or consent agreement. 8800

(K) (1) A person who violates a protection order issued 8801
under this section is subject to the following sanctions: 8802

(a) Criminal prosecution for a violation of section 8803
2919.27 of the Revised Code, if the violation of the protection 8804
order constitutes a violation of that section; 8805

(b) Punishment for contempt of court. 8806

(2) The punishment of a person for contempt of court for 8807

violation of a protection order issued under this section does 8808
not bar criminal prosecution of the person for a violation of 8809
section 2919.27 of the Revised Code. However, a person punished 8810
for contempt of court is entitled to credit for the punishment 8811
imposed upon conviction of a violation of that section, and a 8812
person convicted of a violation of that section shall not 8813
subsequently be punished for contempt of court arising out of 8814
the same activity. 8815

(L) In all stages of a proceeding under this section, a 8816
petitioner may be accompanied by a victim advocate. 8817

(M) (1) A petitioner who obtains a protection order under 8818
this section or a protection order under section 2903.213 of the 8819
Revised Code may provide notice of the issuance or approval of 8820
the order to the judicial and law enforcement officials in any 8821
county other than the county in which the order is issued by 8822
registering that order in the other county pursuant to division 8823
(M) (2) of this section and filing a copy of the registered order 8824
with a law enforcement agency in the other county in accordance 8825
with that division. A person who obtains a protection order 8826
issued by a court of another state may provide notice of the 8827
issuance of the order to the judicial and law enforcement 8828
officials in any county of this state by registering the order 8829
in that county pursuant to section 2919.272 of the Revised Code 8830
and filing a copy of the registered order with a law enforcement 8831
agency in that county. 8832

(2) A petitioner may register a protection order issued 8833
pursuant to this section or section 2903.213 of the Revised Code 8834
in a county other than the county in which the court that issued 8835
the order is located in the following manner: 8836

(a) The petitioner shall obtain a certified copy of the 8837

order from the clerk of the court that issued the order and 8838
present that certified copy to the clerk of the court of common 8839
pleas or the clerk of a municipal court or county court in the 8840
county in which the order is to be registered. 8841

(b) Upon accepting the certified copy of the order for 8842
registration, the clerk of the court of common pleas, municipal 8843
court, or county court shall place an endorsement of 8844
registration on the order and give the petitioner a copy of the 8845
order that bears that proof of registration. 8846

(3) The clerk of each court of common pleas, municipal 8847
court, or county court shall maintain a registry of certified 8848
copies of protection orders that have been issued by courts in 8849
other counties pursuant to this section or section 2903.213 of 8850
the Revised Code and that have been registered with the clerk. 8851

~~(N)(1)-(N)~~ If the court orders electronic monitoring of 8852
the respondent under this section, the court shall direct the 8853
sheriff's office or any other appropriate law enforcement agency 8854
to install the electronic monitoring device and to monitor the 8855
respondent. Unless the court determines that the respondent is 8856
indigent, the court shall order the respondent to pay the cost 8857
of the installation and monitoring of the electronic monitoring 8858
device. ~~If the court determines that the respondent is indigent~~ 8859
~~and subject to the maximum amount allowable to be paid in any~~ 8860
~~year from the fund and the rules promulgated by the attorney~~ 8861
~~general under division (N)(2) of this section, the cost of the~~ 8862
~~installation and monitoring of the electronic monitoring device~~ 8863
~~may be paid out of funds from the reparations fund created~~ 8864
~~pursuant to section 2743.191 of the Revised Code. The total~~ 8865
~~amount of costs for the installation and monitoring of~~ 8866
~~electronic monitoring devices paid pursuant to this division and~~ 8867

~~sections 2151.34 and 2919.27 of the Revised Code from the~~ 8868
~~reparations fund shall not exceed three hundred thousand dollars~~ 8869
~~per year.~~ 8870

~~(2) The attorney general may promulgate rules pursuant to~~ 8871
~~section 111.15 of the Revised Code to govern payments made from~~ 8872
~~the reparations fund pursuant to this division and sections~~ 8873
~~2151.34 and 2919.27 of the Revised Code. The rules may include~~ 8874
~~reasonable limits on the total cost paid pursuant to this~~ 8875
~~division and sections 2151.34 and 2919.27 of the Revised Code~~ 8876
~~per respondent, the amount of the three hundred thousand dollars~~ 8877
~~allocated to each county, and how invoices may be submitted by a~~ 8878
~~county, court, or other entity.~~ 8879

Sec. 2907.05. (A) No person shall have sexual contact with 8880
another, not the spouse of the offender; cause another, not the 8881
spouse of the offender, to have sexual contact with the 8882
offender; or cause two or more other persons to have sexual 8883
contact when any of the following applies: 8884

(1) The offender purposely compels the other person, or 8885
one of the other persons, to submit by force or threat of force. 8886

(2) For the purpose of preventing resistance, the offender 8887
substantially impairs the judgment or control of the other 8888
person or of one of the other persons by administering any drug, 8889
intoxicant, or controlled substance to the other person 8890
surreptitiously or by force, threat of force, or deception. 8891

(3) The offender knows that the judgment or control of the 8892
other person or of one of the other persons is substantially 8893
impaired as a result of the influence of any drug or intoxicant 8894
administered to the other person with the other person's consent 8895
for the purpose of any kind of medical or dental examination, 8896

treatment, or surgery. 8897

(4) The other person, or one of the other persons, is less 8898
than thirteen years of age, whether or not the offender knows 8899
the age of that person. 8900

(5) The ability of the other person to resist or consent 8901
or the ability of one of the other persons to resist or consent 8902
is substantially impaired because of a mental or physical 8903
condition or because of advanced age, and the offender knows or 8904
has reasonable cause to believe that the ability to resist or 8905
consent of the other person or of one of the other persons is 8906
substantially impaired because of a mental or physical condition 8907
or because of advanced age. 8908

(B) No person shall knowingly touch the genitalia of 8909
another, when the touching is not through clothing, the other 8910
person is less than twelve years of age, whether or not the 8911
offender knows the age of that person, and the touching is done 8912
with an intent to abuse, humiliate, harass, degrade, or arouse 8913
or gratify the sexual desire of any person. 8914

(C) Whoever violates this section is guilty of gross 8915
sexual imposition. 8916

(1) Except as otherwise provided in this section, gross 8917
sexual imposition committed in violation of division (A) (1), 8918
(2), (3), or (5) of this section is a felony of the fourth 8919
degree. If the offender under division (A) (2) of this section 8920
substantially impairs the judgment or control of the other 8921
person or one of the other persons by administering any 8922
controlled substance, as defined in section 3719.01 of the 8923
Revised Code, to the person surreptitiously or by force, threat 8924
of force, or deception, gross sexual imposition committed in 8925

violation of division (A) (2) of this section is a felony of the 8926
third degree. 8927

(2) Gross sexual imposition committed in violation of 8928
division (A) (4) or (B) of this section is a felony of the third 8929
degree. Except as otherwise provided in this division, for gross 8930
sexual imposition committed in violation of division (A) (4) or 8931
(B) of this section there is a presumption that a prison term 8932
shall be imposed for the offense. The court shall impose on an 8933
offender convicted of gross sexual imposition in violation of 8934
division (A) (4) or (B) of this section a mandatory prison term, 8935
as described in division (C) (3) of this section, for a felony of 8936
the third degree if ~~either of the following applies:~~ 8937

~~(a) Evidence other than the testimony of the victim was 8938
admitted in the case corroborating the violation;~~ 8939

~~(b) The the offender previously was convicted of or 8940
pleaded guilty to a violation of this section, rape, the former 8941
offense of felonious sexual penetration, or sexual battery, and 8942
the victim of the previous offense was less than thirteen years 8943
of age. 8944~~

(3) A mandatory prison term required under division (C) (2) 8945
of this section shall be a definite term from the range of 8946
prison terms provided in division (A) (3) (a) of section 2929.14 8947
of the Revised Code for a felony of the third degree. 8948

(D) A victim need not prove physical resistance to the 8949
offender in prosecutions under this section. 8950

(E) Evidence of specific instances of the victim's sexual 8951
activity, opinion evidence of the victim's sexual activity, and 8952
reputation evidence of the victim's sexual activity shall not be 8953
admitted under this section unless it involves evidence of the 8954

origin of semen, pregnancy, or disease, or the victim's past 8955
sexual activity with the offender, and only to the extent that 8956
the court finds that the evidence is material to a fact at issue 8957
in the case and that its inflammatory or prejudicial nature does 8958
not outweigh its probative value. 8959

Evidence of specific instances of the defendant's sexual 8960
activity, opinion evidence of the defendant's sexual activity, 8961
and reputation evidence of the defendant's sexual activity shall 8962
not be admitted under this section unless it involves evidence 8963
of the origin of semen, pregnancy, or disease, the defendant's 8964
past sexual activity with the victim, or is admissible against 8965
the defendant under section 2945.59 of the Revised Code, and 8966
only to the extent that the court finds that the evidence is 8967
material to a fact at issue in the case and that its 8968
inflammatory or prejudicial nature does not outweigh its 8969
probative value. 8970

(F) Prior to taking testimony or receiving evidence of any 8971
sexual activity of the victim or the defendant in a proceeding 8972
under this section, the court shall resolve the admissibility of 8973
the proposed evidence in a hearing in chambers, which shall be 8974
held at or before preliminary hearing and not less than three 8975
days before trial, or for good cause shown during the trial. 8976

(G) Upon approval by the court, the victim may be 8977
represented by counsel in any hearing in chambers or other 8978
proceeding to resolve the admissibility of evidence. If the 8979
victim is indigent or otherwise is unable to obtain the services 8980
of counsel, the court, upon request, may appoint counsel to 8981
represent the victim without cost to the victim. 8982

Sec. 2907.13. (A) As used in this section: 8983

<u>(1) "Human reproductive material" means:</u>	8984
<u>(a) Human spermatozoa or ova;</u>	8985
<u>(b) A human organism at any stage of development from fertilized ovum to embryo.</u>	8986 8987
<u>(2) "Assisted reproduction" means a method of causing pregnancy other than through sexual intercourse including all of the following:</u>	8988 8989 8990
<u>(a) Intrauterine insemination;</u>	8991
<u>(b) Human reproductive material donation;</u>	8992
<u>(c) In vitro fertilization and transfer of embryos;</u>	8993
<u>(d) Intracytoplasmic sperm injection.</u>	8994
<u>(3) "Donor" means an individual who provides human reproductive material to a health care professional to be used for assisted reproduction, regardless of whether the human reproductive material is provided for consideration. The term does not include any of the following:</u>	8995 8996 8997 8998 8999
<u>(a) A husband or a wife who provides human reproductive material to be used for assisted reproduction by the wife;</u>	9000 9001
<u>(b) A woman who gives birth to a child by means of assisted reproduction;</u>	9002 9003
<u>(c) An unmarried man who, with the intent to be the father of the resulting child, provides human reproductive material to be used for assisted reproduction by an unmarried woman.</u>	9004 9005 9006
<u>(4) "Health care professional" means any of the following:</u>	9007
<u>(a) A physician;</u>	9008
<u>(b) An advanced practice registered nurse;</u>	9009

<u>(c) A certified nurse practitioner;</u>	9010
<u>(d) A clinical nurse specialist;</u>	9011
<u>(e) A physician's assistant;</u>	9012
<u>(f) A certified nurse-midwife.</u>	9013
<u>(B) No health care professional shall, in connection with</u>	9014
<u>an assisted reproduction procedure, knowingly do any of the</u>	9015
<u>following:</u>	9016
<u>(1) Use human reproductive material from the health care</u>	9017
<u>provider, donor, or any other person while performing the</u>	9018
<u>procedure if the patient receiving the procedure has not</u>	9019
<u>expressly consented to the use of that material.</u>	9020
<u>(2) Fail to comply with the standards or requirements of</u>	9021
<u>sections 3111.88 to 3111.96 of the Revised Code, including the</u>	9022
<u>terms of the required written consent form;</u>	9023
<u>(3) Misrepresent to the patient receiving the procedure</u>	9024
<u>any material information about the donor's profile, including</u>	9025
<u>the types of information listed in division (A) (2) of section</u>	9026
<u>3111.93 of the Revised Code, or the manner or extent to which</u>	9027
<u>the material will be used.</u>	9028
<u>(C) Whoever violates this section is guilty of fraudulent</u>	9029
<u>assisted reproduction, a felony of the third degree. If an</u>	9030
<u>offender commits a violation of division (B) of this section and</u>	9031
<u>the violation occurs as part of a course of conduct involving</u>	9032
<u>other violations of division (B) of this section, a violation of</u>	9033
<u>this section is a felony of the second degree. The course of</u>	9034
<u>conduct may involve one victim or more than one victim.</u>	9035
<u>(D) Patient consent to the use of human reproductive</u>	9036
<u>material from an anonymous donor is not effective to provide</u>	9037

consent for use of human reproductive material of the health 9038
care professional performing the procedure. 9039

(E) It is not a defense to a violation of this section 9040
that a patient expressly consented in writing, or by any other 9041
means, to the use of human reproductive material from an 9042
anonymous donor. 9043

Sec. 2907.14. If a health care professional is convicted 9044
of, or pleads guilty to, fraudulent assisted reproduction under 9045
section 2907.13 of the Revised Code, the court in which the 9046
conviction or plea of guilty occurs shall notify the appropriate 9047
professional licensing board of the health care professional's 9048
conviction or guilty plea. 9049

Sec. 2907.231. (A) As used in this section, ~~"sexual":~~ 9050

(1) "Person with a developmental disability" has the same 9051
meaning as in section 2905.32 of the Revised Code. 9052

(2) "Sexual activity for hire" means an implicit or 9053
explicit agreement to provide sexual activity in exchange for 9054
anything of value paid to the person engaging in such sexual 9055
activity, to any person trafficking that person, or to any 9056
person associated with either such person. 9057

(B) No person shall recklessly induce, entice, or procure 9058
another to engage in sexual activity for hire in exchange for 9059
the person giving anything of value to the other person. 9060

(C) No person shall recklessly induce, entice, or procure 9061
another to engage in sexual activity for hire in exchange for 9062
the person giving anything of value to the other person if the 9063
other person is a person with a developmental disability and the 9064
offender knows or has reasonable cause to believe that the other 9065
person is a person with a developmental disability. 9066

(D) Whoever violates division (B) of this section is 9067
guilty of engaging in prostitution, a misdemeanor of the first 9068
degree. Whoever violates division (C) of this section is guilty 9069
of engaging in prostitution with a person with a developmental 9070
disability, a felony of the third degree. In sentencing the 9071
offender under this division, the court shall require the 9072
offender to attend an education or treatment program aimed at 9073
preventing persons from inducing, enticing, or procuring another 9074
to engage in sexual activity for hire in exchange for the person 9075
giving anything of value to the other person and, 9076
notwithstanding the fine specified in division (A) (2) (a) of 9077
section 2929.28 of the Revised Code for a misdemeanor of the 9078
first degree, the court may impose upon the offender a fine of 9079
not more than one thousand five hundred dollars. 9080

Sec. 2913.02. (A) No person, with purpose to deprive the 9081
owner of property or services, shall knowingly obtain or exert 9082
control over either the property or services in any of the 9083
following ways: 9084

(1) Without the consent of the owner or person authorized 9085
to give consent; 9086

(2) Beyond the scope of the express or implied consent of 9087
the owner or person authorized to give consent; 9088

(3) By deception; 9089

(4) By threat; 9090

(5) By intimidation. 9091

(B) (1) Whoever violates this section is guilty of theft. 9092

(2) Except as otherwise provided in this division or 9093
division (B) (3), (4), (5), (6), (7), (8), or (9) of this 9094

section, a violation of this section is ~~petty misdemeanor~~ theft, 9095
a misdemeanor of the first degree. If the value of the property 9096
or services stolen is one thousand dollars or more and is less 9097
than seven thousand five hundred dollars or if the property 9098
stolen is any of the property listed in section 2913.71 of the 9099
Revised Code, a violation of this section is theft, a felony of 9100
the fifth degree. If the value of the property or services 9101
stolen is seven thousand five hundred dollars or more and is 9102
less than one hundred fifty thousand dollars, a violation of 9103
this section is grand theft, a felony of the fourth degree. If 9104
the value of the property or services stolen is one hundred 9105
fifty thousand dollars or more and is less than seven hundred 9106
fifty thousand dollars, a violation of this section is 9107
aggravated theft, a felony of the third degree. If the value of 9108
the property or services is seven hundred fifty thousand dollars 9109
or more and is less than one million five hundred thousand 9110
dollars, a violation of this section is aggravated theft, a 9111
felony of the second degree. If the value of the property or 9112
services stolen is one million five hundred thousand dollars or 9113
more, a violation of this section is aggravated theft of one 9114
million five hundred thousand dollars or more, a felony of the 9115
first degree. 9116

(3) Except as otherwise provided in division (B) (4), (5), 9117
(6), (7), (8), or (9) of this section, if the victim of the 9118
offense is an elderly person, disabled adult, active duty 9119
service member, or spouse of an active duty service member, a 9120
violation of this section is theft from a person in a protected 9121
class, and division (B) (3) of this section applies. Except as 9122
otherwise provided in this division, theft from a person in a 9123
protected class is a felony of the fifth degree. If the value of 9124
the property or services stolen is one thousand dollars or more 9125

and is less than seven thousand five hundred dollars, theft from 9126
a person in a protected class is a felony of the fourth degree. 9127
If the value of the property or services stolen is seven 9128
thousand five hundred dollars or more and is less than thirty- 9129
seven thousand five hundred dollars, theft from a person in a 9130
protected class is a felony of the third degree. If the value of 9131
the property or services stolen is thirty-seven thousand five 9132
hundred dollars or more and is less than one hundred fifty 9133
thousand dollars, theft from a person in a protected class is a 9134
felony of the second degree. If the value of the property or 9135
services stolen is one hundred fifty thousand dollars or more, 9136
theft from a person in a protected class is a felony of the 9137
first degree. If the victim of the offense is an elderly person, 9138
in addition to any other penalty imposed for the offense, the 9139
offender shall be required to pay full restitution to the victim 9140
and to pay a fine of up to fifty thousand dollars. The clerk of 9141
court shall forward all fines collected under division (B) (3) of 9142
this section to the county department of job and family services 9143
to be used for the reporting and investigation of elder abuse, 9144
neglect, and exploitation or for the provision or arrangement of 9145
protective services under sections 5101.61 to 5101.71 of the 9146
Revised Code. 9147

(4) If the property stolen is a firearm or dangerous 9148
ordnance, a violation of this section is grand theft. Except as 9149
otherwise provided in this division, grand theft when the 9150
property stolen is a firearm or dangerous ordnance is a felony 9151
of the third degree, and there is a presumption in favor of the 9152
court imposing a prison term for the offense. If the firearm or 9153
dangerous ordnance was stolen from a federally licensed firearms 9154
dealer, grand theft when the property stolen is a firearm or 9155
dangerous ordnance is a felony of the first degree. The offender 9156

shall serve a prison term imposed for grand theft when the 9157
property stolen is a firearm or dangerous ordnance consecutively 9158
to any other prison term or mandatory prison term previously or 9159
subsequently imposed upon the offender. 9160

(5) If the property stolen is a motor vehicle, a violation 9161
of this section is grand theft of a motor vehicle, a felony of 9162
the fourth degree. 9163

(6) If the property stolen is any dangerous drug, a 9164
violation of this section is theft of drugs, a felony of the 9165
fourth degree, or, if the offender previously has been convicted 9166
of a felony drug abuse offense, a felony of the third degree. 9167

(7) If the property stolen is a police dog or horse or an 9168
assistance dog and the offender knows or should know that the 9169
property stolen is a police dog or horse or an assistance dog, a 9170
violation of this section is theft of a police dog or horse or 9171
an assistance dog, a felony of the third degree. 9172

(8) If the property stolen is anhydrous ammonia, a 9173
violation of this section is theft of anhydrous ammonia, a 9174
felony of the third degree. 9175

(9) Except as provided in division (B) (2) of this section 9176
with respect to property with a value of seven thousand five 9177
hundred dollars or more and division (B) (3) of this section with 9178
respect to property with a value of one thousand dollars or 9179
more, if the property stolen is a special purpose article as 9180
defined in section 4737.04 of the Revised Code or is a bulk 9181
merchandise container as defined in section 4737.012 of the 9182
Revised Code, a violation of this section is theft of a special 9183
purpose article or articles or theft of a bulk merchandise 9184
container or containers, a felony of the fifth degree. 9185

(10) In addition to the penalties described in division 9186
(B) (2) of this section, if the offender committed the violation 9187
by causing a motor vehicle to leave the premises of an 9188
establishment at which gasoline is offered for retail sale 9189
without the offender making full payment for gasoline that was 9190
dispensed into the fuel tank of the motor vehicle or into 9191
another container, the court may do one of the following: 9192

(a) Unless division (B) (10) (b) of this section applies, 9193
suspend for not more than six months the offender's driver's 9194
license, probationary driver's license, commercial driver's 9195
license, temporary instruction permit, or nonresident operating 9196
privilege; 9197

(b) If the offender's driver's license, probationary 9198
driver's license, commercial driver's license, temporary 9199
instruction permit, or nonresident operating privilege has 9200
previously been suspended pursuant to division (B) (10) (a) of 9201
this section, impose a class seven suspension of the offender's 9202
license, permit, or privilege from the range specified in 9203
division (A) (7) of section 4510.02 of the Revised Code, provided 9204
that the suspension shall be for at least six months. 9205

(c) The court, in lieu of suspending the offender's 9206
driver's or commercial driver's license, probationary driver's 9207
license, temporary instruction permit, or nonresident operating 9208
privilege pursuant to division (B) (10) (a) or (b) of this 9209
section, instead may require the offender to perform community 9210
service for a number of hours determined by the court. 9211

(11) In addition to the penalties described in division 9212
(B) (2) of this section, if the offender committed the violation 9213
by stealing rented property or rental services, the court may 9214
order that the offender make restitution pursuant to section 9215

2929.18 or 2929.28 of the Revised Code. Restitution may include, 9216
but is not limited to, the cost of repairing or replacing the 9217
stolen property, or the cost of repairing the stolen property 9218
and any loss of revenue resulting from deprivation of the 9219
property due to theft of rental services that is less than or 9220
equal to the actual value of the property at the time it was 9221
rented. Evidence of intent to commit theft of rented property or 9222
rental services shall be determined pursuant to the provisions 9223
of section 2913.72 of the Revised Code. 9224

(C) The sentencing court that suspends an offender's 9225
license, permit, or nonresident operating privilege under 9226
division (B)(10) of this section may grant the offender limited 9227
driving privileges during the period of the suspension in 9228
accordance with Chapter 4510. of the Revised Code. 9229

Sec. 2917.12. (A) No person, with purpose to prevent or 9230
disrupt a lawful meeting, procession, or gathering, shall do 9231
either of the following: 9232

(1) Do any act which obstructs or interferes with the due 9233
conduct of such meeting, procession, or gathering; 9234

(2) Make any utterance, gesture, or display which outrages 9235
the sensibilities of the group. 9236

(B) Whoever violates this section is guilty of disturbing 9237
a lawful meeting~~7~~. Except as otherwise provided in this 9238
division, disturbing a lawful meeting is a misdemeanor of the 9239
fourth degree. Disturbing a lawful meeting is a misdemeanor of 9240
the first degree if either of the following applies: 9241

(1) The violation is committed with the intent to disturb 9242
or disquiet any assemblage of people met for religious worship 9243
at a tax-exempt place of worship, regardless of whether the 9244

conduct is within the place at which the assemblage is held or 9245
is on the property on which that place is located and disturbs 9246
the order and solemnity of the assemblage. 9247

(2) The violation is committed with the intent to prevent, 9248
disrupt, or interfere with a virtual meeting or gathering of 9249
people for religious worship, through use of a computer, 9250
computer system, telecommunications device, or other electronic 9251
device or system, or in any other manner. 9252

(C) As used in this section: 9253

(1) "Computer," "computer system," and "telecommunications 9254
device" have the same meanings as in section 2913.01 of the 9255
Revised Code. 9256

(2) "Virtual meeting or gathering" means a meeting or 9257
gathering by interactive video conference or teleconference, or 9258
by a combination thereof. 9259

Sec. 2919.27. (A) No person shall recklessly violate the 9260
terms of any of the following: 9261

(1) A protection order issued or consent agreement 9262
approved pursuant to section 2919.26 or 3113.31 of the Revised 9263
Code; 9264

(2) A protection order issued pursuant to section 2151.34, 9265
2903.213, or 2903.214 of the Revised Code; 9266

(3) A protection order issued by a court of another state. 9267

(B) (1) Whoever violates this section is guilty of 9268
violating a protection order. 9269

(2) Except as otherwise provided in division (B) (3) or (4) 9270
of this section, violating a protection order is a misdemeanor 9271

of the first degree. 9272

(3) Violating a protection order is a felony of the fifth 9273
degree if the offender previously has been convicted of, pleaded 9274
guilty to, or been adjudicated a delinquent child for any of the 9275
following: 9276

(a) A violation of a protection order issued or consent 9277
agreement approved pursuant to section 2151.34, 2903.213, 9278
2903.214, 2919.26, or 3113.31 of the Revised Code; 9279

(b) Two or more violations of section 2903.21, 2903.211, 9280
2903.22, or 2911.211 of the Revised Code, or any combination of 9281
those offenses, that involved the same person who is the subject 9282
of the protection order or consent agreement; 9283

(c) One or more violations of this section. 9284

(4) If the offender violates a protection order or consent 9285
agreement while committing a felony offense, violating a 9286
protection order is a felony of the third degree. 9287

(5) If the protection order violated by the offender was 9288
an order issued pursuant to section 2151.34 or 2903.214 of the 9289
Revised Code that required electronic monitoring of the offender 9290
pursuant to that section, the court may require in addition to 9291
any other sentence imposed upon the offender that the offender 9292
be electronically monitored for a period not exceeding five 9293
years by a law enforcement agency designated by the court. If 9294
the court requires under this division that the offender be 9295
electronically monitored, unless the court determines that the 9296
offender is indigent, the court shall order that the offender 9297
pay the costs of the installation of the electronic monitoring 9298
device and the cost of monitoring the electronic monitoring 9299
device. ~~If the court determines that the offender is indigent~~ 9300

~~and subject to the maximum amount allowable and the rules~~ 9301
~~promulgated by the attorney general under section 2903.214 of~~ 9302
~~the Revised Code, the costs of the installation of the~~ 9303
~~electronic monitoring device and the cost of monitoring the~~ 9304
~~electronic monitoring device may be paid out of funds from the~~ 9305
~~reparations fund created pursuant to section 2743.191 of the~~ 9306
~~Revised Code. The total amount paid from the reparations fund~~ 9307
~~created pursuant to section 2743.191 of the Revised Code for~~ 9308
~~electronic monitoring under this section and sections 2151.34~~ 9309
~~and 2903.214 of the Revised Code shall not exceed three hundred~~ 9310
~~thousand dollars per year.~~ 9311

(C) It is an affirmative defense to a charge under 9312
division (A) (3) of this section that the protection order issued 9313
by a court of another state does not comply with the 9314
requirements specified in 18 U.S.C. 2265(b) for a protection 9315
order that must be accorded full faith and credit by a court of 9316
this state or that it is not entitled to full faith and credit 9317
under 18 U.S.C. 2265(c). 9318

(D) In a prosecution for a violation of this section, it 9319
is not necessary for the prosecution to prove that the 9320
protection order or consent agreement was served on the 9321
defendant if the prosecution proves that the defendant was shown 9322
the protection order or consent agreement or a copy of either or 9323
a judge, magistrate, or law enforcement officer informed the 9324
defendant that a protection order or consent agreement had been 9325
issued, and proves that the defendant recklessly violated the 9326
terms of the order or agreement. 9327

(E) As used in this section, "protection order issued by a 9328
court of another state" means an injunction or another order 9329
issued by a criminal court of another state for the purpose of 9330

preventing violent or threatening acts or harassment against, 9331
contact or communication with, or physical proximity to another 9332
person, including a temporary order, and means an injunction or 9333
order of that nature issued by a civil court of another state, 9334
including a temporary order and a final order issued in an 9335
independent action or as a pendente lite order in a proceeding 9336
for other relief, if the court issued it in response to a 9337
complaint, petition, or motion filed by or on behalf of a person 9338
seeking protection. "Protection order issued by a court of 9339
another state" does not include an order for support or for 9340
custody of a child issued pursuant to the divorce and child 9341
custody laws of another state, except to the extent that the 9342
order for support or for custody of a child is entitled to full 9343
faith and credit under the laws of the United States. 9344

Sec. 2923.12. (A) No person shall knowingly carry or have, 9345
concealed on the person's person or concealed ready at hand, any 9346
of the following: 9347

(1) A deadly weapon other than a handgun; 9348

(2) A handgun other than a dangerous ordnance; 9349

(3) A dangerous ordnance. 9350

(B) No person who has been issued a concealed handgun 9351
license shall do any of the following: 9352

(1) If the person is stopped for a law enforcement purpose 9353
and is carrying a concealed handgun, before or at the time a law 9354
enforcement officer asks if the person is carrying a concealed 9355
handgun, knowingly fail to disclose that the person then is 9356
carrying a concealed handgun, provided that it is not a 9357
violation of this division if the person fails to disclose that 9358
fact to an officer during the stop and the person already has 9359

notified another officer of that fact during the same stop; 9360

(2) If the person is stopped for a law enforcement purpose 9361
and is carrying a concealed handgun, knowingly fail to keep the 9362
person's hands in plain sight at any time after any law 9363
enforcement officer begins approaching the person while stopped 9364
and before the law enforcement officer leaves, unless the 9365
failure is pursuant to and in accordance with directions given 9366
by a law enforcement officer; 9367

(3) If the person is stopped for a law enforcement 9368
purpose, if the person is carrying a concealed handgun, and if 9369
the person is approached by any law enforcement officer while 9370
stopped, knowingly remove or attempt to remove the loaded 9371
handgun from the holster, pocket, or other place in which the 9372
person is carrying it, knowingly grasp or hold the loaded 9373
handgun, or knowingly have contact with the loaded handgun by 9374
touching it with the person's hands or fingers at any time after 9375
the law enforcement officer begins approaching and before the 9376
law enforcement officer leaves, unless the person removes, 9377
attempts to remove, grasps, holds, or has contact with the 9378
loaded handgun pursuant to and in accordance with directions 9379
given by the law enforcement officer; 9380

(4) If the person is stopped for a law enforcement purpose 9381
and is carrying a concealed handgun, knowingly disregard or fail 9382
to comply with any lawful order of any law enforcement officer 9383
given while the person is stopped, including, but not limited 9384
to, a specific order to the person to keep the person's hands in 9385
plain sight. 9386

(C) (1) This section does not apply to any of the 9387
following: 9388

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (C) (1) (b) of this section does not apply to the person;

(c) A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

(d) A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in the actor's own home for any lawful purpose.

(2) Division (A) (2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, 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 of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, unless the person knowingly is in a place

described in division (B) of section 2923.126 of the Revised Code. 9419
9420

(D) It is an affirmative defense to a charge under 9421
division (A) (1) of this section of carrying or having control of 9422
a weapon other than a handgun and other than a dangerous 9423
ordnance that the actor was not otherwise prohibited by law from 9424
having the weapon and that any of the following applies: 9425

(1) The weapon was carried or kept ready at hand by the 9426
actor for defensive purposes while the actor was engaged in or 9427
was going to or from the actor's lawful business or occupation, 9428
which business or occupation was of a character or was 9429
necessarily carried on in a manner or at a time or place as to 9430
render the actor particularly susceptible to criminal attack, 9431
such as would justify a prudent person in going armed. 9432

(2) The weapon was carried or kept ready at hand by the 9433
actor for defensive purposes while the actor was engaged in a 9434
lawful activity and had reasonable cause to fear a criminal 9435
attack upon the actor, a member of the actor's family, or the 9436
actor's home, such as would justify a prudent person in going 9437
armed. 9438

(3) The weapon was carried or kept ready at hand by the 9439
actor for any lawful purpose and while in the actor's own home. 9440

(E) (1) No person who is charged with a violation of this 9441
section shall be required to obtain a concealed handgun license 9442
as a condition for the dismissal of the charge. 9443

(2) If a person is convicted of, was convicted of, pleads 9444
guilty to, or has pleaded guilty to a violation of division (B) 9445
(1) of this section as it existed prior to ~~the effective date of~~ 9446
~~this amendment~~ June 13, 2022, the person may file an application 9447

under section ~~2953.37~~2953.35 of the Revised Code requesting the 9448
expungement of the record of conviction. 9449

(F) (1) Whoever violates this section is guilty of carrying 9450
concealed weapons. Except as otherwise provided in this division 9451
or divisions (F) (2), (6), and (7) of this section, carrying 9452
concealed weapons in violation of division (A) of this section 9453
is a misdemeanor of the first degree. Except as otherwise 9454
provided in this division or divisions (F) (2), (6), and (7) of 9455
this section, if the offender previously has been convicted of a 9456
violation of this section or of any offense of violence, if the 9457
weapon involved is a firearm that is either loaded or for which 9458
the offender has ammunition ready at hand, or if the weapon 9459
involved is dangerous ordnance, carrying concealed weapons in 9460
violation of division (A) of this section is a felony of the 9461
fourth degree. Except as otherwise provided in divisions (F) (2) 9462
and (6) of this section, if the offense is committed aboard an 9463
aircraft, or with purpose to carry a concealed weapon aboard an 9464
aircraft, regardless of the weapon involved, carrying concealed 9465
weapons in violation of division (A) of this section is a felony 9466
of the third degree. 9467

(2) A person shall not be arrested for a violation of 9468
division (A) (2) of this section solely because the person does 9469
not promptly produce a valid concealed handgun license. If a 9470
person is arrested for a violation of division (A) (2) of this 9471
section and is convicted of or pleads guilty to the violation, 9472
the offender shall be punished as follows: 9473

(a) The offender shall be guilty of a minor misdemeanor if 9474
both of the following apply: 9475

(i) Within ten days after the arrest, the offender 9476
presents a concealed handgun license, which license was valid at 9477

the time of the arrest, to the law enforcement agency that 9478
employs the arresting officer. 9479

(ii) At the time of the arrest, the offender was not 9480
knowingly in a place described in division (B) of section 9481
2923.126 of the Revised Code. 9482

(b) The offender shall be guilty of a misdemeanor and 9483
shall be fined five hundred dollars if all of the following 9484
apply: 9485

(i) The offender previously had been issued a concealed 9486
handgun license, and that license expired within the two years 9487
immediately preceding the arrest. 9488

(ii) Within forty-five days after the arrest, the offender 9489
presents a concealed handgun license to the law enforcement 9490
agency that employed the arresting officer, and the offender 9491
waives in writing the offender's right to a speedy trial on the 9492
charge of the violation that is provided in section 2945.71 of 9493
the Revised Code. 9494

(iii) At the time of the commission of the offense, the 9495
offender was not knowingly in a place described in division (B) 9496
of section 2923.126 of the Revised Code. 9497

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 9498
section do not apply, the offender shall be punished under 9499
division (F) (1) or (7) of this section. 9500

(3) Carrying concealed weapons in violation of division 9501
(B) (1) of this section is a misdemeanor of the second degree. 9502

(4) Carrying concealed weapons in violation of division 9503
(B) (2) or (4) of this section is a misdemeanor of the first 9504
degree or, if the offender previously has been convicted of or 9505

pleaded guilty to a violation of division (B) (2) or (4) of this 9506
section, a felony of the fifth degree. In addition to any other 9507
penalty or sanction imposed for a misdemeanor violation of 9508
division (B) (2) or (4) of this section, the offender's concealed 9509
handgun license shall be suspended pursuant to division (A) (2) 9510
of section 2923.128 of the Revised Code. 9511

(5) Carrying concealed weapons in violation of division 9512
(B) (3) of this section is a felony of the fifth degree. 9513

(6) If a person being arrested for a violation of division 9514
(A) (2) of this section is an active duty member of the armed 9515
forces of the United States and is carrying a valid military 9516
identification card and documentation of successful completion 9517
of firearms training that meets or exceeds the training 9518
requirements described in division (G) (1) of section 2923.125 of 9519
the Revised Code, and if at the time of the violation the person 9520
was not knowingly in a place described in division (B) of 9521
section 2923.126 of the Revised Code, the officer shall not 9522
arrest the person for a violation of that division. If the 9523
person is not able to promptly produce a valid military 9524
identification card and documentation of successful completion 9525
of firearms training that meets or exceeds the training 9526
requirements described in division (G) (1) of section 2923.125 of 9527
the Revised Code and if the person is not in a place described 9528
in division (B) of section 2923.126 of the Revised Code, the 9529
officer shall issue a citation and the offender shall be 9530
assessed a civil penalty of not more than five hundred dollars. 9531
The citation shall be automatically dismissed and the civil 9532
penalty shall not be assessed if both of the following apply: 9533

(a) Within ten days after the issuance of the citation, 9534
the offender presents a valid military identification card and 9535

documentation of successful completion of firearms training that 9536
meets or exceeds the training requirements described in division 9537
(G) (1) of section 2923.125 of the Revised Code, which were both 9538
valid at the time of the issuance of the citation to the law 9539
enforcement agency that employs the citing officer. 9540

(b) At the time of the citation, the offender was not 9541
knowingly in a place described in division (B) of section 9542
2923.126 of the Revised Code. 9543

(7) If a person being arrested for a violation of division 9544
(A) (2) of this section is knowingly in a place described in 9545
division (B) (5) of section 2923.126 of the Revised Code and is 9546
not authorized to carry a handgun or have a handgun concealed on 9547
the person's person or concealed ready at hand under that 9548
division, the penalty shall be as follows: 9549

(a) Except as otherwise provided in this division, if the 9550
person produces a valid concealed handgun license within ten 9551
days after the arrest and has not previously been convicted or 9552
pleaded guilty to a violation of division (A) (2) of this 9553
section, the person is guilty of a minor misdemeanor; 9554

(b) Except as otherwise provided in this division, if the 9555
person has previously been convicted of or pleaded guilty to a 9556
violation of division (A) (2) of this section, the person is 9557
guilty of a misdemeanor of the fourth degree; 9558

(c) Except as otherwise provided in this division, if the 9559
person has previously been convicted of or pleaded guilty to two 9560
violations of division (A) (2) of this section, the person is 9561
guilty of a misdemeanor of the third degree; 9562

(d) Except as otherwise provided in this division, if the 9563
person has previously been convicted of or pleaded guilty to 9564

three or more violations of division (A) (2) of this section, or 9565
convicted of or pleaded guilty to any offense of violence, if 9566
the weapon involved is a firearm that is either loaded or for 9567
which the offender has ammunition ready at hand, or if the 9568
weapon involved is a dangerous ordnance, the person is guilty of 9569
a misdemeanor of the second degree. 9570

(G) If a law enforcement officer stops a person to 9571
question the person regarding a possible violation of this 9572
section, for a traffic stop, or for any other law enforcement 9573
purpose, if the person surrenders a firearm to the officer, 9574
either voluntarily or pursuant to a request or demand of the 9575
officer, and if the officer does not charge the person with a 9576
violation of this section or arrest the person for any offense, 9577
the person is not otherwise prohibited by law from possessing 9578
the firearm, and the firearm is not contraband, the officer 9579
shall return the firearm to the person at the termination of the 9580
stop. If a court orders a law enforcement officer to return a 9581
firearm to a person pursuant to the requirement set forth in 9582
this division, division (B) of section 2923.163 of the Revised 9583
Code applies. 9584

(H) For purposes of this section, "deadly weapon" or 9585
"weapon" does not include any knife, razor, or cutting 9586
instrument if the instrument was not used as a weapon. 9587

Sec. 2923.125. It is the intent of the general assembly 9588
that Ohio concealed handgun license law be compliant with the 9589
national instant criminal background check system, that the 9590
bureau of alcohol, tobacco, firearms, and explosives is able to 9591
determine that Ohio law is compliant with the national instant 9592
criminal background check system, and that no person shall be 9593
eligible to receive a concealed handgun license permit under 9594

section 2923.125 or 2923.1213 of the Revised Code unless the 9595
person is eligible lawfully to receive or possess a firearm in 9596
the United States. 9597

(A) This section applies with respect to the application 9598
for and issuance by this state of concealed handgun licenses 9599
other than concealed handgun licenses on a temporary emergency 9600
basis that are issued under section 2923.1213 of the Revised 9601
Code. Upon the request of a person who wishes to obtain a 9602
concealed handgun license with respect to which this section 9603
applies or to renew a concealed handgun license with respect to 9604
which this section applies, a sheriff, as provided in division 9605
(I) of this section, shall provide to the person free of charge 9606
an application form and the web site address at which a 9607
printable version of the application form that can be downloaded 9608
and the pamphlet described in division (B) of section 109.731 of 9609
the Revised Code may be found. A sheriff shall accept a 9610
completed application form and the fee, items, materials, and 9611
information specified in divisions (B) (1) to (5) of this section 9612
at the times and in the manners described in division (I) of 9613
this section. 9614

(B) An applicant for a concealed handgun license who is a 9615
resident of this state shall submit a completed application form 9616
and all of the material and information described in divisions 9617
(B) (1) to (6) of this section to the sheriff of the county in 9618
which the applicant resides or to the sheriff of any county 9619
adjacent to the county in which the applicant resides. An 9620
applicant for a license who resides in another state shall 9621
submit a completed application form and all of the material and 9622
information described in divisions (B) (1) to (7) of this section 9623
to the sheriff of the county in which the applicant is employed 9624
or to the sheriff of any county adjacent to the county in which 9625

the applicant is employed: 9626

(1) (a) A nonrefundable license fee as described in either 9627
of the following: 9628

(i) For an applicant who has been a resident of this state 9629
for five or more years, a fee of sixty-seven dollars; 9630

(ii) For an applicant who has been a resident of this 9631
state for less than five years or who is not a resident of this 9632
state, but who is employed in this state, a fee of sixty-seven 9633
dollars plus the actual cost of having a background check 9634
performed by the federal bureau of investigation. 9635

(b) No sheriff shall require an applicant to pay for the 9636
cost of a background check performed by the bureau of criminal 9637
identification and investigation. 9638

(c) A sheriff shall waive the payment of the license fee 9639
described in division (B) (1) (a) of this section in connection 9640
with an initial or renewal application for a license that is 9641
submitted by an applicant who is an active or reserve member of 9642
the armed forces of the United States or has retired from or was 9643
honorably discharged from military service in the active or 9644
reserve armed forces of the United States, a retired peace 9645
officer, a retired person described in division (B) (1) (b) of 9646
section 109.77 of the Revised Code, or a retired federal law 9647
enforcement officer who, prior to retirement, was authorized 9648
under federal law to carry a firearm in the course of duty, 9649
unless the retired peace officer, person, or federal law 9650
enforcement officer retired as the result of a mental 9651
disability. 9652

(d) The sheriff shall deposit all fees paid by an 9653
applicant under division (B) (1) (a) of this section into the 9654

sheriff's concealed handgun license issuance fund established 9655
pursuant to section 311.42 of the Revised Code. The county shall 9656
distribute the fees in accordance with section 311.42 of the 9657
Revised Code. 9658

(2) A color photograph of the applicant that was taken 9659
within thirty days prior to the date of the application; 9660

(3) One or more of the following competency 9661
certifications, each of which shall reflect that, regarding a 9662
certification described in division (B)(3)(a), (b), (c), (e), or 9663
(f) of this section, within the three years immediately 9664
preceding the application the applicant has performed that to 9665
which the competency certification relates and that, regarding a 9666
certification described in division (B)(3)(d) of this section, 9667
the applicant currently is an active or reserve member of the 9668
armed forces of the United States, the applicant has retired 9669
from or was honorably discharged from military service in the 9670
active or reserve armed forces of the United States, or within 9671
the ten years immediately preceding the application the 9672
retirement of the peace officer, person described in division 9673
(B)(1)(b) of section 109.77 of the Revised Code, or federal law 9674
enforcement officer to which the competency certification 9675
relates occurred: 9676

(a) An original or photocopy of a certificate of 9677
completion of a firearms safety, training, or requalification or 9678
firearms safety instructor course, class, or program that was 9679
offered by or under the auspices of a national gun advocacy 9680
organization and that complies with the requirements set forth 9681
in division (G) of this section; 9682

(b) An original or photocopy of a certificate of 9683
completion of a firearms safety, training, or requalification or 9684

firearms safety instructor course, class, or program that 9685
satisfies all of the following criteria: 9686

(i) It was open to members of the general public. 9687

(ii) It utilized qualified instructors who were certified 9688
by a national gun advocacy organization, the executive director 9689
of the Ohio peace officer training commission pursuant to 9690
section 109.75 or 109.78 of the Revised Code, or a governmental 9691
official or entity of another state. 9692

(iii) It was offered by or under the auspices of a law 9693
enforcement agency of this or another state or the United 9694
States, a public or private college, university, or other 9695
similar postsecondary educational institution located in this or 9696
another state, a firearms training school located in this or 9697
another state, or another type of public or private entity or 9698
organization located in this or another state. 9699

(iv) It complies with the requirements set forth in 9700
division (G) of this section. 9701

(c) An original or photocopy of a certificate of 9702
completion of a state, county, municipal, or department of 9703
natural resources peace officer training school that is approved 9704
by the executive director of the Ohio peace officer training 9705
commission pursuant to section 109.75 of the Revised Code and 9706
that complies with the requirements set forth in division (G) of 9707
this section, or the applicant has satisfactorily completed and 9708
been issued a certificate of completion of a basic firearms 9709
training program, a firearms requalification training program, 9710
or another basic training program described in section 109.78 or 9711
109.801 of the Revised Code that complies with the requirements 9712
set forth in division (G) of this section; 9713

- (d) A document that evidences both of the following: 9714
- (i) That the applicant is an active or reserve member of 9715
the armed forces of the United States, has retired from or was 9716
honorably discharged from military service in the active or 9717
reserve armed forces of the United States, is a retired trooper 9718
of the state highway patrol, or is a retired peace officer or 9719
federal law enforcement officer described in division (B) (1) of 9720
this section or a retired person described in division (B) (1) (b) 9721
of section 109.77 of the Revised Code and division (B) (1) of 9722
this section; 9723
- (ii) That, through participation in the military service 9724
or through the former employment described in division (B) (3) (d) 9725
(i) of this section, the applicant acquired experience with 9726
handling handguns or other firearms, and the experience so 9727
acquired was equivalent to training that the applicant could 9728
have acquired in a course, class, or program described in 9729
division (B) (3) (a), (b), or (c) of this section. 9730
- (e) A certificate or another similar document that 9731
evidences satisfactory completion of a firearms training, 9732
safety, or requalification or firearms safety instructor course, 9733
class, or program that is not otherwise described in division 9734
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 9735
by an instructor who was certified by an official or entity of 9736
the government of this or another state or the United States or 9737
by a national gun advocacy organization, and that complies with 9738
the requirements set forth in division (G) of this section; 9739
- (f) An affidavit that attests to the applicant's 9740
satisfactory completion of a course, class, or program described 9741
in division (B) (3) (a), (b), (c), or (e) of this section and that 9742
is subscribed by the applicant's instructor or an authorized 9743

representative of the entity that offered the course, class, or 9744
program or under whose auspices the course, class, or program 9745
was offered; 9746

(g) A document that evidences that the applicant has 9747
successfully completed the Ohio peace officer training program 9748
described in section 109.79 of the Revised Code. 9749

(4) A certification by the applicant that the applicant 9750
has read the pamphlet prepared by the Ohio peace officer 9751
training commission pursuant to section 109.731 of the Revised 9752
Code that reviews firearms, dispute resolution, and use of 9753
deadly force matters. 9754

(5) A set of fingerprints of the applicant provided as 9755
described in section 311.41 of the Revised Code through use of 9756
an electronic fingerprint reading device or, if the sheriff to 9757
whom the application is submitted does not possess and does not 9758
have ready access to the use of such a reading device, on a 9759
standard impression sheet prescribed pursuant to division (C) (2) 9760
of section 109.572 of the Revised Code. 9761

(6) If the applicant is not a citizen or national of the 9762
United States, the name of the applicant's country of 9763
citizenship and the applicant's alien registration number issued 9764
by the United States citizenship and immigration services 9765
agency. 9766

(7) If the applicant resides in another state, adequate 9767
proof of employment in Ohio. 9768

(C) Upon receipt of the completed application form, 9769
supporting documentation, and, if not waived, license fee of an 9770
applicant under this section, a sheriff, in the manner specified 9771
in section 311.41 of the Revised Code, shall conduct or cause to 9772

be conducted the criminal records check and the incompetency 9773
records check described in section 311.41 of the Revised Code. 9774

(D) (1) Except as provided in division (D) (3) of this 9775
section, within forty-five days after a sheriff's receipt of an 9776
applicant's completed application form for a concealed handgun 9777
license under this section, the supporting documentation, and, 9778
if not waived, the license fee, the sheriff shall make available 9779
through the law enforcement automated data system in accordance 9780
with division (H) of this section the information described in 9781
that division and, upon making the information available through 9782
the system, shall issue to the applicant a concealed handgun 9783
license that shall expire as described in division (D) (2) (a) of 9784
this section if all of the following apply: 9785

(a) The applicant is legally living in the United States. 9786
For purposes of division (D) (1) (a) of this section, if a person 9787
is absent from the United States in compliance with military or 9788
naval orders as an active or reserve member of the armed forces 9789
of the United States and if prior to leaving the United States 9790
the person was legally living in the United States, the person, 9791
solely by reason of that absence, shall not be considered to 9792
have lost the person's status as living in the United States. 9793

(b) The applicant is at least twenty-one years of age. 9794

(c) The applicant is not a fugitive from justice. 9795

(d) The applicant is not under indictment for or otherwise 9796
charged with a felony; an offense under Chapter 2925., 3719., or 9797
4729. of the Revised Code that involves the illegal possession, 9798
use, sale, administration, or distribution of or trafficking in 9799
a drug of abuse; a misdemeanor offense of violence; or a 9800
violation of section 2903.14 or 2923.1211 of the Revised Code. 9801

(e) Except as otherwise provided in division (D) (4) or (5) 9802
of this section, the applicant has not been convicted of or 9803
pleaded guilty to a felony or an offense under Chapter 2925., 9804
3719., or 4729. of the Revised Code that involves the illegal 9805
possession, use, sale, administration, or distribution of or 9806
trafficking in a drug of abuse; has not been adjudicated a 9807
delinquent child for committing an act that if committed by an 9808
adult would be a felony or would be an offense under Chapter 9809
2925., 3719., or 4729. of the Revised Code that involves the 9810
illegal possession, use, sale, administration, or distribution 9811
of or trafficking in a drug of abuse; has not been convicted of, 9812
pleaded guilty to, or adjudicated a delinquent child for 9813
committing a violation of section 2903.13 of the Revised Code 9814
when the victim of the violation is a peace officer, regardless 9815
of whether the applicant was sentenced under division (C) (4) of 9816
that section; and has not been convicted of, pleaded guilty to, 9817
or adjudicated a delinquent child for committing any other 9818
offense that is not previously described in this division that 9819
is a misdemeanor punishable by imprisonment for a term exceeding 9820
one year. 9821

(f) Except as otherwise provided in division (D) (4) or (5) 9822
of this section, the applicant, within three years of the date 9823
of the application, has not been convicted of or pleaded guilty 9824
to a misdemeanor offense of violence other than a misdemeanor 9825
violation of section 2921.33 of the Revised Code or a violation 9826
of section 2903.13 of the Revised Code when the victim of the 9827
violation is a peace officer, or a misdemeanor violation of 9828
section 2923.1211 of the Revised Code; and has not been 9829
adjudicated a delinquent child for committing an act that if 9830
committed by an adult would be a misdemeanor offense of violence 9831
other than a misdemeanor violation of section 2921.33 of the 9832

Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

(g) Except as otherwise provided in division (D) (1) (e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

(h) Except as otherwise provided in division (D) (4) or (5) of this section, the applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state.

(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. 9862

(l) The applicant submits a competency certification of 9863
the type described in division (B) (3) of this section and 9864
submits a certification of the type described in division (B) (4) 9865
of this section regarding the applicant's reading of the 9866
pamphlet prepared by the Ohio peace officer training commission 9867
pursuant to section 109.731 of the Revised Code. 9868

(m) The applicant currently is not subject to a suspension 9869
imposed under division (A) (2) of section 2923.128 of the Revised 9870
Code of a concealed handgun license that previously was issued 9871
to the applicant under this section or section 2923.1213 of the 9872
Revised Code or a similar suspension imposed by another state 9873
regarding a concealed handgun license issued by that state. 9874

(n) If the applicant resides in another state, the 9875
applicant is employed in this state. 9876

(o) The applicant certifies that the applicant is not an 9877
unlawful user of or addicted to any controlled substance as 9878
defined in 21 U.S.C. 802. 9879

(p) If the applicant is not a United States citizen, the 9880
applicant is an alien and has not been admitted to the United 9881
States under a nonimmigrant visa, as defined in the "Immigration 9882
and Nationality Act," 8 U.S.C. 1101(a) (26) . 9883

(q) The applicant has not been discharged from the armed 9884
forces of the United States under dishonorable conditions. 9885

(r) The applicant certifies that the applicant has not 9886
renounced the applicant's United States citizenship, if 9887
applicable. 9888

(s) The applicant has not been convicted of, pleaded 9889

guilty to, or adjudicated a delinquent child for committing a 9890
violation of section 2919.25 of the Revised Code or a similar 9891
violation in another state. 9892

(2) (a) A concealed handgun license that a sheriff issues 9893
under division (D) (1) of this section shall expire five years 9894
after the date of issuance. 9895

If a sheriff issues a license under this section, the 9896
sheriff shall place on the license a unique combination of 9897
letters and numbers identifying the license in accordance with 9898
the procedure prescribed by the Ohio peace officer training 9899
commission pursuant to section 109.731 of the Revised Code. 9900

(b) If a sheriff denies an application under this section 9901
because the applicant does not satisfy the criteria described in 9902
division (D) (1) of this section, the sheriff shall specify the 9903
grounds for the denial in a written notice to the applicant. The 9904
applicant may appeal the denial pursuant to section 119.12 of 9905
the Revised Code in the county served by the sheriff who denied 9906
the application. If the denial was as a result of the criminal 9907
records check conducted pursuant to section 311.41 of the 9908
Revised Code and if, pursuant to section 2923.127 of the Revised 9909
Code, the applicant challenges the criminal records check 9910
results using the appropriate challenge and review procedure 9911
specified in that section, the time for filing the appeal 9912
pursuant to section 119.12 of the Revised Code and this division 9913
is tolled during the pendency of the request or the challenge 9914
and review. 9915

(c) If the court in an appeal under section 119.12 of the 9916
Revised Code and division (D) (2) (b) of this section enters a 9917
judgment sustaining the sheriff's refusal to grant to the 9918
applicant a concealed handgun license, the applicant may file a 9919

new application beginning one year after the judgment is 9920
entered. If the court enters a judgment in favor of the 9921
applicant, that judgment shall not restrict the authority of a 9922
sheriff to suspend or revoke the license pursuant to section 9923
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 9924
the license for any proper cause that may occur after the date 9925
the judgment is entered. In the appeal, the court shall have 9926
full power to dispose of all costs. 9927

(3) If the sheriff with whom an application for a 9928
concealed handgun license was filed under this section becomes 9929
aware that the applicant has been arrested for or otherwise 9930
charged with an offense that would disqualify the applicant from 9931
holding the license, the sheriff shall suspend the processing of 9932
the application until the disposition of the case arising from 9933
the arrest or charge. 9934

(4) If an applicant has been convicted of or pleaded 9935
guilty to an offense identified in division (D)(1)(e), (f), or 9936
(h) of this section or has been adjudicated a delinquent child 9937
for committing an act or violation identified in any of those 9938
divisions, and if a court has ordered the sealing or expungement 9939
of the records of that conviction, guilty plea, or adjudication 9940
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 9941
~~2953.36, or section 2953.37~~ 2953.35, or section 2953.39 of the 9942
Revised Code or the applicant has been relieved under operation 9943
of law or legal process from the disability imposed pursuant to 9944
section 2923.13 of the Revised Code relative to that conviction, 9945
guilty plea, or adjudication, the sheriff with whom the 9946
application was submitted shall not consider the conviction, 9947
guilty plea, or adjudication in making a determination under 9948
division (D)(1) or (F) of this section or, in relation to an 9949
application for a concealed handgun license on a temporary 9950

emergency basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B) (2) of that section. 9951
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(5) If an applicant has been convicted of or pleaded guilty to a minor misdemeanor offense or has been adjudicated a delinquent child for committing an act or violation that is a minor misdemeanor offense, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or adjudication in making a determination under division (D) (1) or (F) of this section or, in relation to an application for a concealed handgun license on a temporary basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B) (2) of that section. 9954
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(E) If a concealed handgun license issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced. 9964
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(F) (1) (a) Except as provided in division (F) (1) (b) of this section, a licensee who wishes to renew a concealed handgun license issued under this section may do so at any time before the expiration date of the license or at any time after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county, or in the case of an applicant who resides in 9974
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another state with the sheriff of the county that issued the 9981
applicant's previous concealed handgun license an application 9982
for renewal of the license obtained pursuant to division (D) of 9983
this section, a certification by the applicant that, subsequent 9984
to the issuance of the license, the applicant has reread the 9985
pamphlet prepared by the Ohio peace officer training commission 9986
pursuant to section 109.731 of the Revised Code that reviews 9987
firearms, dispute resolution, and use of deadly force matters, 9988
and a nonrefundable license renewal fee in an amount determined 9989
pursuant to division (F)(4) of this section unless the fee is 9990
waived. 9991

(b) A person on active duty in the armed forces of the 9992
United States or in service with the peace corps, volunteers in 9993
service to America, or the foreign service of the United States 9994
is exempt from the license requirements of this section for the 9995
period of the person's active duty or service and for six months 9996
thereafter, provided the person was a licensee under this 9997
section at the time the person commenced the person's active 9998
duty or service or had obtained a license while on active duty 9999
or service. The spouse or a dependent of any such person on 10000
active duty or in service also is exempt from the license 10001
requirements of this section for the period of the person's 10002
active duty or service and for six months thereafter, provided 10003
the spouse or dependent was a licensee under this section at the 10004
time the person commenced the active duty or service or had 10005
obtained a license while the person was on active duty or 10006
service, and provided further that the person's active duty or 10007
service resulted in the spouse or dependent relocating outside 10008
of this state during the period of the active duty or service. 10009
This division does not prevent such a person or the person's 10010
spouse or dependent from making an application for the renewal 10011

of a concealed handgun license during the period of the person's 10012
active duty or service. 10013

(2) A sheriff shall accept a completed renewal 10014
application, the license renewal fee, and the information 10015
specified in division (F)(1) of this section at the times and in 10016
the manners described in division (I) of this section. Upon 10017
receipt of a completed renewal application, of certification 10018
that the applicant has reread the specified pamphlet prepared by 10019
the Ohio peace officer training commission, and of a license 10020
renewal fee unless the fee is waived, a sheriff, in the manner 10021
specified in section 311.41 of the Revised Code shall conduct or 10022
cause to be conducted the criminal records check and the 10023
incompetency records check described in section 311.41 of the 10024
Revised Code. The sheriff shall renew the license if the sheriff 10025
determines that the applicant continues to satisfy the 10026
requirements described in division (D)(1) of this section, 10027
except that the applicant is not required to meet the 10028
requirements of division (D)(1)(1) of this section. A renewed 10029
license shall expire five years after the date of issuance. A 10030
renewed license is subject to division (E) of this section and 10031
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 10032
shall comply with divisions (D)(2) and (3) of this section when 10033
the circumstances described in those divisions apply to a 10034
requested license renewal. If a sheriff denies the renewal of a 10035
concealed handgun license, the applicant may appeal the denial, 10036
or challenge the criminal record check results that were the 10037
basis of the denial if applicable, in the same manner as 10038
specified in division (D)(2)(b) of this section and in section 10039
2923.127 of the Revised Code, regarding the denial of a license 10040
under this section. 10041

(3) A renewal application submitted pursuant to division 10042

(F) of this section shall only require the licensee to list on 10043
the application form information and matters occurring since the 10044
date of the licensee's last application for a license pursuant 10045
to division (B) or (F) of this section. A sheriff conducting the 10046
criminal records check and the incompetency records check 10047
described in section 311.41 of the Revised Code shall conduct 10048
the check only from the date of the licensee's last application 10049
for a license pursuant to division (B) or (F) of this section 10050
through the date of the renewal application submitted pursuant 10051
to division (F) of this section. 10052

(4) An applicant for a renewal concealed handgun license 10053
under this section shall submit to the sheriff of the county in 10054
which the applicant resides or to the sheriff of any county 10055
adjacent to the county in which the applicant resides, or in the 10056
case of an applicant who resides in another state to the sheriff 10057
of the county that issued the applicant's previous concealed 10058
handgun license, a nonrefundable license fee as described in 10059
either of the following: 10060

(a) For an applicant who has been a resident of this state 10061
for five or more years, a fee of fifty dollars; 10062

(b) For an applicant who has been a resident of this state 10063
for less than five years or who is not a resident of this state 10064
but who is employed in this state, a fee of fifty dollars plus 10065
the actual cost of having a background check performed by the 10066
federal bureau of investigation. 10067

(5) The concealed handgun license of a licensee who is no 10068
longer a resident of this state or no longer employed in this 10069
state, as applicable, is valid until the date of expiration on 10070
the license, and the licensee is prohibited from renewing the 10071
concealed handgun license. 10072

(G) (1) Each course, class, or program described in 10073
division (B) (3) (a), (b), (c), or (e) of this section shall 10074
provide to each person who takes the course, class, or program 10075
the web site address at which the pamphlet prepared by the Ohio 10076
peace officer training commission pursuant to section 109.731 of 10077
the Revised Code that reviews firearms, dispute resolution, and 10078
use of deadly force matters may be found. Each such course, 10079
class, or program described in one of those divisions shall 10080
include at least eight hours of training in the safe handling 10081
and use of a firearm that shall include training, provided as 10082
described in division (G) (3) of this section, on all of the 10083
following: 10084

(a) The ability to name, explain, and demonstrate the 10085
rules for safe handling of a handgun and proper storage 10086
practices for handguns and ammunition; 10087

(b) The ability to demonstrate and explain how to handle 10088
ammunition in a safe manner; 10089

(c) The ability to demonstrate the knowledge, skills, and 10090
attitude necessary to shoot a handgun in a safe manner; 10091

(d) Gun handling training; 10092

(e) A minimum of two hours of in-person training that 10093
consists of range time and live-fire training. 10094

(2) To satisfactorily complete the course, class, or 10095
program described in division (B) (3) (a), (b), (c), or (e) of 10096
this section, the applicant shall pass a competency examination 10097
that shall include both of the following: 10098

(a) A written section, provided as described in division 10099
(G) (3) of this section, on the ability to name and explain the 10100
rules for the safe handling of a handgun and proper storage 10101

practices for handguns and ammunition; 10102

(b) An in-person physical demonstration of competence in 10103
the use of a handgun and in the rules for safe handling and 10104
storage of a handgun and a physical demonstration of the 10105
attitude necessary to shoot a handgun in a safe manner. 10106

(3) (a) Except as otherwise provided in this division, the 10107
training specified in division (G) (1) (a) of this section shall 10108
be provided to the person receiving the training in person by an 10109
instructor. If the training specified in division (G) (1) (a) of 10110
this section is provided by a course, class, or program 10111
described in division (B) (3) (a) of this section, or it is 10112
provided by a course, class, or program described in division 10113
(B) (3) (b), (c), or (e) of this section and the instructor is a 10114
qualified instructor certified by a national gun advocacy 10115
organization, the training so specified, other than the training 10116
that requires the person receiving the training to demonstrate 10117
handling abilities, may be provided online or as a combination 10118
of in-person and online training, as long as the online training 10119
includes an interactive component that regularly engages the 10120
person. 10121

(b) Except as otherwise provided in this division, the 10122
written section of the competency examination specified in 10123
division (G) (2) (a) of this section shall be administered to the 10124
person taking the competency examination in person by an 10125
instructor. If the training specified in division (G) (1) (a) of 10126
this section is provided to the person receiving the training by 10127
a course, class, or program described in division (B) (3) (a) of 10128
this section, or it is provided by a course, class, or program 10129
described in division (B) (3) (b), (c), or (e) of this section and 10130
the instructor is a qualified instructor certified by a national 10131

gun advocacy organization, the written section of the competency examination specified in division (G)(2)(a) of this section may be administered online, as long as the online training includes an interactive component that regularly engages the person.

(4) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.

(H) Upon deciding to issue a concealed handgun license, deciding to issue a replacement concealed handgun license, or deciding to renew a concealed handgun license pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.

(I)(1) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an

application form or renewal application to any person during at 10162
least fifteen hours a week and shall provide the web site 10163
address at which a printable version of the application form 10164
that can be downloaded and the pamphlet described in division 10165
(B) of section 109.731 of the Revised Code may be found at any 10166
time, upon request. The sheriff shall post notice of the hours 10167
during which the sheriff is available to accept or provide the 10168
information described in this division. 10169

(2) A sheriff shall transmit a notice to the attorney 10170
general, in a manner determined by the attorney general, every 10171
time a license is issued that waived payment under division (B) 10172
(1)(c) of this section for an applicant who is an active or 10173
reserve member of the armed forces of the United States or has 10174
retired from or was honorably discharged from military service 10175
in the active or reserve armed forces of the United States. The 10176
attorney general shall monitor and inform sheriffs issuing 10177
licenses under this section when the amount of license fee 10178
payments waived and transmitted to the attorney general reach 10179
one million five hundred thousand dollars each year. Once a 10180
sheriff is informed that the payments waived reached one million 10181
five hundred thousand dollars in any year, a sheriff shall no 10182
longer waive payment of a license fee for an applicant who is an 10183
active or reserve member of the armed forces of the United 10184
States or has retired from or was honorably discharged from 10185
military service in the active or reserve armed forces of the 10186
United States for the remainder of that year. 10187

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 10188
concealed handgun license is arrested for or otherwise charged 10189
with an offense described in division (D) (1) (d) of section 10190
2923.125 of the Revised Code or with a violation of section 10191
2923.15 of the Revised Code or becomes subject to a temporary 10192

protection order or to a protection order issued by a court of 10193
another state that is substantially equivalent to a temporary 10194
protection order, the sheriff who issued the license shall 10195
suspend it and shall comply with division (A) (3) of this section 10196
upon becoming aware of the arrest, charge, or protection order. 10197
Upon suspending the license, the sheriff also shall comply with 10198
division (H) of section 2923.125 of the Revised Code. 10199

(b) A suspension under division (A) (1) (a) of this section 10200
shall be considered as beginning on the date that the licensee 10201
is arrested for or otherwise charged with an offense described 10202
in that division or on the date the appropriate court issued the 10203
protection order described in that division, irrespective of 10204
when the sheriff notifies the licensee under division (A) (3) of 10205
this section. The suspension shall end on the date on which the 10206
charges are dismissed or the licensee is found not guilty of the 10207
offense described in division (A) (1) (a) of this section or, 10208
subject to division (B) of this section, on the date the 10209
appropriate court terminates the protection order described in 10210
that division. If the suspension so ends, the sheriff shall 10211
return the license or temporary emergency license to the 10212
licensee. 10213

(2) (a) If a licensee holding a valid concealed handgun 10214
license is convicted of or pleads guilty to a misdemeanor 10215
violation of division (B) (2) or (4) of section 2923.12 of the 10216
Revised Code or of division (E) (3) or (5) of section 2923.16 of 10217
the Revised Code, subject to division (C) of this section, the 10218
sheriff who issued the license shall suspend it and shall comply 10219
with division (A) (3) of this section upon becoming aware of the 10220
conviction or guilty plea. Upon suspending the license, the 10221
sheriff also shall comply with division (H) of section 2923.125 10222
of the Revised Code. 10223

(b) A suspension under division (A) (2) (a) of this section 10224
shall be considered as beginning on the date that the licensee 10225
is convicted of or pleads guilty to the offense described in 10226
that division, irrespective of when the sheriff notifies the 10227
licensee under division (A) (3) of this section. If the 10228
suspension is imposed for a misdemeanor violation of division 10229
(B) (2) of section 2923.12 of the Revised Code or of division (E) 10230
(3) of section 2923.16 of the Revised Code, it shall end on the 10231
date that is one year after the date that the licensee is 10232
convicted of or pleads guilty to that violation. If the 10233
suspension is imposed for a misdemeanor violation of division 10234
(B) (4) of section 2923.12 of the Revised Code or of division (E) 10235
(5) of section 2923.16 of the Revised Code, it shall end on the 10236
date that is two years after the date that the licensee is 10237
convicted of or pleads guilty to that violation. If the 10238
licensee's license was issued under section 2923.125 of the 10239
Revised Code and the license remains valid after the suspension 10240
ends as described in this division, when the suspension ends, 10241
the sheriff shall return the license to the licensee. If the 10242
licensee's license was issued under section 2923.125 of the 10243
Revised Code and the license expires before the suspension ends 10244
as described in this division, or if the licensee's license was 10245
issued under section 2923.1213 of the Revised Code, the licensee 10246
is not eligible to apply for a new license under section 10247
2923.125 or 2923.1213 of the Revised Code or to renew the 10248
license under section 2923.125 of the Revised Code until after 10249
the suspension ends as described in this division. 10250

(3) Upon becoming aware of an arrest, charge, or 10251
protection order described in division (A) (1) (a) of this section 10252
with respect to a licensee who was issued a concealed handgun 10253
license, or a conviction of or plea of guilty to a misdemeanor 10254

offense described in division (A) (2) (a) of this section with 10255
respect to a licensee who was issued a concealed handgun 10256
license, subject to division (C) of this section, the sheriff 10257
who issued the licensee's license shall notify the licensee, by 10258
certified mail, return receipt requested, at the licensee's last 10259
known residence address that the license has been suspended and 10260
that the licensee is required to surrender the license at the 10261
sheriff's office within ten days of the date on which the notice 10262
was mailed. If the suspension is pursuant to division (A) (2) of 10263
this section, the notice shall identify the date on which the 10264
suspension ends. 10265

(B) (1) A sheriff who issues a concealed handgun license to 10266
a licensee shall revoke the license in accordance with division 10267
(B) (2) of this section upon becoming aware that the licensee 10268
satisfies any of the following: 10269

(a) The licensee is under twenty-one years of age. 10270

(b) Subject to division (C) of this section, at the time 10271
of the issuance of the license, the licensee did not satisfy the 10272
eligibility requirements of division (D) (1) (c), (d), (e), (f), 10273
(g), or (h) of section 2923.125 of the Revised Code. 10274

(c) Subject to division (C) of this section, on or after 10275
the date on which the license was issued, the licensee is 10276
convicted of or pleads guilty to a violation of section 2923.15 10277
of the Revised Code or an offense described in division (D) (1) 10278
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 10279

(d) On or after the date on which the license was issued, 10280
the licensee becomes subject to a civil protection order or to a 10281
protection order issued by a court of another state that is 10282
substantially equivalent to a civil protection order. 10283

(e) The licensee knowingly carries a concealed handgun 10284
into a place that the licensee knows is an unauthorized place 10285
specified in division (B) of section 2923.126 of the Revised 10286
Code. 10287

(f) On or after the date on which the license was issued, 10288
the licensee is adjudicated as a mental defective or is 10289
committed to a mental institution. 10290

(g) At the time of the issuance of the license, the 10291
licensee did not meet the residency requirements described in 10292
division (D)(1) of section 2923.125 of the Revised Code and 10293
currently does not meet the residency requirements described in 10294
that division. 10295

(h) Regarding a license issued under section 2923.125 of 10296
the Revised Code, the competency certificate the licensee 10297
submitted was forged or otherwise was fraudulent. 10298

(2) Upon becoming aware of any circumstance listed in 10299
division (B)(1) of this section that applies to a particular 10300
licensee who was issued a concealed handgun license, subject to 10301
division (C) of this section, the sheriff who issued the license 10302
to the licensee shall notify the licensee, by certified mail, 10303
return receipt requested, at the licensee's last known residence 10304
address that the license is subject to revocation and that the 10305
licensee may come to the sheriff's office and contest the 10306
sheriff's proposed revocation within fourteen days of the date 10307
on which the notice was mailed. After the fourteen-day period 10308
and after consideration of any information that the licensee 10309
provides during that period, if the sheriff determines on the 10310
basis of the information of which the sheriff is aware that the 10311
licensee is described in division (B)(1) of this section and no 10312
longer satisfies the requirements described in division (D)(1) 10313

of section 2923.125 of the Revised Code that are applicable to 10314
the licensee's type of license, the sheriff shall revoke the 10315
license, notify the licensee of that fact, and require the 10316
licensee to surrender the license. Upon revoking the license, 10317
the sheriff also shall comply with division (H) of section 10318
2923.125 of the Revised Code. 10319

(C) If a sheriff who issues a concealed handgun license to 10320
a licensee becomes aware that at the time of the issuance of the 10321
license the licensee had been convicted of or pleaded guilty to 10322
an offense identified in division (D) (1) (e), (f), or (h) of 10323
section 2923.125 of the Revised Code or had been adjudicated a 10324
delinquent child for committing an act or violation identified 10325
in any of those divisions or becomes aware that on or after the 10326
date on which the license was issued the licensee has been 10327
convicted of or pleaded guilty to an offense identified in 10328
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 10329
shall not consider that conviction, guilty plea, or adjudication 10330
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 10331
(1), and (B) (2) of this section if a court has ordered the 10332
sealing or expungement of the records of that conviction, guilty 10333
plea, or adjudication pursuant to sections 2151.355 to 2151.358 10334
~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or section 2953.39 of 10335
the Revised Code or the licensee has been relieved under 10336
operation of law or legal process from the disability imposed 10337
pursuant to section 2923.13 of the Revised Code relative to that 10338
conviction, guilty plea, or adjudication. 10339

(D) As used in this section, "motor carrier enforcement 10340
unit" has the same meaning as in section 2923.16 of the Revised 10341
Code. 10342

Sec. 2923.1213. (A) As used in this section: 10343

(1) "Evidence of imminent danger" means any of the 10344
following: 10345

(a) A statement sworn by the person seeking to carry a 10346
concealed handgun that is made under threat of perjury and that 10347
states that the person has reasonable cause to fear a criminal 10348
attack upon the person or a member of the person's family, such 10349
as would justify a prudent person in going armed; 10350

(b) A written document prepared by a governmental entity 10351
or public official describing the facts that give the person 10352
seeking to carry a concealed handgun reasonable cause to fear a 10353
criminal attack upon the person or a member of the person's 10354
family, such as would justify a prudent person in going armed. 10355
Written documents of this nature include, but are not limited 10356
to, any temporary protection order, civil protection order, 10357
protection order issued by another state, or other court order, 10358
any court report, and any report filed with or made by a law 10359
enforcement agency or prosecutor. 10360

(2) "Prosecutor" has the same meaning as in section 10361
2935.01 of the Revised Code. 10362

(B) (1) A person seeking a concealed handgun license on a 10363
temporary emergency basis shall submit to the sheriff of the 10364
county in which the person resides or, if the person usually 10365
resides in another state, to the sheriff of the county in which 10366
the person is temporarily staying, all of the following: 10367

(a) Evidence of imminent danger to the person or a member 10368
of the person's family; 10369

(b) A sworn affidavit that contains all of the information 10370
required to be on the license and attesting that the person is 10371
legally living in the United States; is at least twenty-one 10372

years of age; is not a fugitive from justice; is not under 10373
indictment for or otherwise charged with an offense identified 10374
in division (D) (1) (d) of section 2923.125 of the Revised Code; 10375
has not been convicted of or pleaded guilty to an offense, and 10376
has not been adjudicated a delinquent child for committing an 10377
act, identified in division (D) (1) (e) of that section and to 10378
which division (B) (3) of this section does not apply; within 10379
three years of the date of the submission, has not been 10380
convicted of or pleaded guilty to an offense, and has not been 10381
adjudicated a delinquent child for committing an act, identified 10382
in division (D) (1) (f) of that section and to which division (B) 10383
(3) of this section does not apply; within five years of the 10384
date of the submission, has not been convicted of, pleaded 10385
guilty, or adjudicated a delinquent child for committing two or 10386
more violations identified in division (D) (1) (g) of that 10387
section; within ten years of the date of the submission, has not 10388
been convicted of, pleaded guilty, or adjudicated a delinquent 10389
child for committing a violation identified in division (D) (1) 10390
(h) of that section and to which division (B) (3) of this section 10391
does not apply; has not been adjudicated as a mental defective, 10392
has not been committed to any mental institution, is not under 10393
adjudication of mental incompetence, has not been found by a 10394
court to be a mentally ill person subject to court order, and is 10395
not an involuntary patient other than one who is a patient only 10396
for purposes of observation, as described in division (D) (1) (i) 10397
of that section; is not currently subject to a civil protection 10398
order, a temporary protection order, or a protection order 10399
issued by a court of another state, as described in division (D) 10400
(1) (j) of that section; is not currently subject to a suspension 10401
imposed under division (A) (2) of section 2923.128 of the Revised 10402
Code of a concealed handgun license that previously was issued 10403
to the person or a similar suspension imposed by another state 10404

regarding a concealed handgun license issued by that state; is 10405
not an unlawful user of or addicted to any controlled substance 10406
as defined in 21 U.S.C. 802; if applicable, is an alien and has 10407
not been admitted to the United States under a nonimmigrant 10408
visa, as defined in the "Immigration and Nationality Act," 8 10409
U.S.C. 1101(a) (26); has not been discharged from the armed 10410
forces of the United States under dishonorable conditions; if 10411
applicable, has not renounced the applicant's United States 10412
citizenship; and has not been convicted of, pleaded guilty to, 10413
or been adjudicated a delinquent child for committing a 10414
violation identified in division (D) (1) (s) of section 2923.125 10415
of the Revised Code; 10416

(c) A nonrefundable temporary emergency license fee as 10417
described in either of the following: 10418

(i) For an applicant who has been a resident of this state 10419
for five or more years, a fee of fifteen dollars plus the actual 10420
cost of having a background check performed by the bureau of 10421
criminal identification and investigation pursuant to section 10422
311.41 of the Revised Code; 10423

(ii) For an applicant who has been a resident of this 10424
state for less than five years or who is not a resident of this 10425
state, but is temporarily staying in this state, a fee of 10426
fifteen dollars plus the actual cost of having background checks 10427
performed by the federal bureau of investigation and the bureau 10428
of criminal identification and investigation pursuant to section 10429
311.41 of the Revised Code. 10430

(d) A set of fingerprints of the applicant provided as 10431
described in section 311.41 of the Revised Code through use of 10432
an electronic fingerprint reading device or, if the sheriff to 10433
whom the application is submitted does not possess and does not 10434

have ready access to the use of an electronic fingerprint 10435
reading device, on a standard impression sheet prescribed 10436
pursuant to division (C)(2) of section 109.572 of the Revised 10437
Code. If the fingerprints are provided on a standard impression 10438
sheet, the person also shall provide the person's social 10439
security number to the sheriff. 10440

(2) A sheriff shall accept the evidence of imminent 10441
danger, the sworn affidavit, the fee, and the set of 10442
fingerprints required under division (B)(1) of this section at 10443
the times and in the manners described in division (I) of this 10444
section. Upon receipt of the evidence of imminent danger, the 10445
sworn affidavit, the fee, and the set of fingerprints required 10446
under division (B)(1) of this section, the sheriff, in the 10447
manner specified in section 311.41 of the Revised Code, 10448
immediately shall conduct or cause to be conducted the criminal 10449
records check and the incompetency records check described in 10450
section 311.41 of the Revised Code. Immediately upon receipt of 10451
the results of the records checks, the sheriff shall review the 10452
information and shall determine whether the criteria set forth 10453
in divisions (D)(1)(a) to (j) and (m) to (s) of section 2923.125 10454
of the Revised Code apply regarding the person. If the sheriff 10455
determines that all of the criteria set forth in divisions (D) 10456
(1)(a) to (j) and (m) to (s) of section 2923.125 of the Revised 10457
Code apply regarding the person, the sheriff shall immediately 10458
make available through the law enforcement automated data system 10459
all information that will be contained on the temporary 10460
emergency license for the person if one is issued, and the 10461
superintendent of the state highway patrol shall ensure that the 10462
system is so configured as to permit the transmission through 10463
the system of that information. Upon making that information 10464
available through the law enforcement automated data system, the 10465

sheriff shall immediately issue to the person a concealed 10466
handgun license on a temporary emergency basis. 10467

If the sheriff denies the issuance of a license on a 10468
temporary emergency basis to the person, the sheriff shall 10469
specify the grounds for the denial in a written notice to the 10470
person. The person may appeal the denial, or challenge criminal 10471
records check results that were the basis of the denial if 10472
applicable, in the same manners specified in division (D) (2) of 10473
section 2923.125 and in section 2923.127 of the Revised Code, 10474
regarding the denial of an application for a concealed handgun 10475
license under that section. 10476

The license on a temporary emergency basis issued under 10477
this division shall be in the form, and shall include all of the 10478
information, described in divisions (A) (2) (a) and (d) of section 10479
109.731 of the Revised Code, and also shall include a unique 10480
combination of identifying letters and numbers in accordance 10481
with division (A) (2) (c) of that section. 10482

The license on a temporary emergency basis issued under 10483
this division is valid for ninety days and may not be renewed. A 10484
person who has been issued a license on a temporary emergency 10485
basis under this division shall not be issued another license on 10486
a temporary emergency basis unless at least four years has 10487
expired since the issuance of the prior license on a temporary 10488
emergency basis. 10489

(3) If a person seeking a concealed handgun license on a 10490
temporary emergency basis has been convicted of or pleaded 10491
guilty to an offense identified in division (D) (1) (e), (f), or 10492
(h) of section 2923.125 of the Revised Code or has been 10493
adjudicated a delinquent child for committing an act or 10494
violation identified in any of those divisions, and if a court 10495

has ordered the sealing or expungement of the records of that 10496
conviction, guilty plea, or adjudication pursuant to sections 10497
2151.355 to 2151.358 ~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or 10498
section 2953.39 of the Revised Code or the applicant has been 10499
relieved under operation of law or legal process from the 10500
disability imposed pursuant to section 2923.13 of the Revised 10501
Code relative to that conviction, guilty plea, or adjudication, 10502
the conviction, guilty plea, or adjudication shall not be 10503
relevant for purposes of the sworn affidavit described in 10504
division (B)(1)(b) of this section, and the person may complete, 10505
and swear to the truth of, the affidavit as if the conviction, 10506
guilty plea, or adjudication never had occurred. 10507

(4) The sheriff shall waive the payment pursuant to 10508
division (B)(1)(c) of this section of the license fee in 10509
connection with an application that is submitted by an applicant 10510
who is a retired peace officer, a retired person described in 10511
division (B)(1)(b) of section 109.77 of the Revised Code, or a 10512
retired federal law enforcement officer who, prior to 10513
retirement, was authorized under federal law to carry a firearm 10514
in the course of duty, unless the retired peace officer, person, 10515
or federal law enforcement officer retired as the result of a 10516
mental disability. 10517

The sheriff shall deposit all fees paid by an applicant 10518
under division (B)(1)(c) of this section into the sheriff's 10519
concealed handgun license issuance fund established pursuant to 10520
section 311.42 of the Revised Code. 10521

(C) A person who holds a concealed handgun license on a 10522
temporary emergency basis has the same right to carry a 10523
concealed handgun as a person who was issued a concealed handgun 10524
license under section 2923.125 of the Revised Code, and any 10525

exceptions to the prohibitions contained in section 1547.69 and 10526
sections 2923.12 to 2923.16 of the Revised Code for a licensee 10527
under section 2923.125 of the Revised Code apply to a licensee 10528
under this section. The person is subject to the same 10529
restrictions, and to all other procedures, duties, and 10530
sanctions, that apply to a person who carries a license issued 10531
under section 2923.125 of the Revised Code, other than the 10532
license renewal procedures set forth in that section. 10533

(D) A sheriff who issues a concealed handgun license on a 10534
temporary emergency basis under this section shall not require a 10535
person seeking to carry a concealed handgun in accordance with 10536
this section to submit a competency certificate as a 10537
prerequisite for issuing the license and shall comply with 10538
division (H) of section 2923.125 of the Revised Code in regards 10539
to the license. The sheriff shall suspend or revoke the license 10540
in accordance with section 2923.128 of the Revised Code. In 10541
addition to the suspension or revocation procedures set forth in 10542
section 2923.128 of the Revised Code, the sheriff may revoke the 10543
license upon receiving information, verifiable by public 10544
documents, that the person is not eligible to possess a firearm 10545
under either the laws of this state or of the United States or 10546
that the person committed perjury in obtaining the license; if 10547
the sheriff revokes a license under this additional authority, 10548
the sheriff shall notify the person, by certified mail, return 10549
receipt requested, at the person's last known residence address 10550
that the license has been revoked and that the person is 10551
required to surrender the license at the sheriff's office within 10552
ten days of the date on which the notice was mailed. Division 10553
(H) of section 2923.125 of the Revised Code applies regarding 10554
any suspension or revocation of a concealed handgun license on a 10555
temporary emergency basis. 10556

(E) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall retain, for the entire period during which the license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(G) The attorney general shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a concealed handgun license on a temporary emergency basis on the basis of imminent danger of a type described in division (A)(1)(a) of this section. The attorney general shall design the form to enable applicants to provide the information that is required by law to be collected, and shall update the form as necessary. Burdens or restrictions to obtaining a concealed handgun license that are not expressly prescribed in law shall not be incorporated into the form. The attorney general shall post a printable version of the form on the web site of the attorney general and shall provide the address of the web site to any person who requests the form.

(H) A sheriff who receives any fees paid by a person under this section shall deposit all fees so paid into the sheriff's concealed handgun license issuance expense fund established under section 311.42 of the Revised Code.

(I) A sheriff shall accept evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section at any time during normal business hours. In no case shall a sheriff require an appointment, or designate a specific period of time, for the submission or acceptance of evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section, or for the provision to any person of a standard form to be used for a person to apply for a concealed handgun license on a temporary emergency basis.

Sec. 2923.16. (A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

(1) In a closed package, box, or case;

(2) In a compartment that can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made

for the purpose; 10616

(4) If the firearm is at least twenty-four inches in 10617
overall length as measured from the muzzle to the part of the 10618
stock furthest from the muzzle and if the barrel is at least 10619
eighteen inches in length, either in plain sight with the action 10620
open or the weapon stripped, or, if the firearm is of a type on 10621
which the action will not stay open or which cannot easily be 10622
stripped, in plain sight. 10623

(D) No person shall knowingly transport or have a loaded 10624
handgun in a motor vehicle if, at the time of that 10625
transportation or possession, any of the following applies: 10626

(1) The person is under the influence of alcohol, a drug 10627
of abuse, or a combination of them. 10628

(2) The person's whole blood, blood serum or plasma, 10629
breath, or urine contains a concentration of alcohol, a listed 10630
controlled substance, or a listed metabolite of a controlled 10631
substance prohibited for persons operating a vehicle, as 10632
specified in division (A) of section 4511.19 of the Revised 10633
Code, regardless of whether the person at the time of the 10634
transportation or possession as described in this division is 10635
the operator of or a passenger in the motor vehicle. 10636

(E) No person who has been issued a concealed handgun 10637
license or who is an active duty member of the armed forces of 10638
the United States and is carrying a valid military 10639
identification card and documentation of successful completion 10640
of firearms training that meets or exceeds the training 10641
requirements described in division (G) (1) of section 2923.125 of 10642
the Revised Code, who is the driver or an occupant of a motor 10643
vehicle that is stopped as a result of a traffic stop or a stop 10644

for another law enforcement purpose or is the driver or an 10645
occupant of a commercial motor vehicle that is stopped by an 10646
employee of the motor carrier enforcement unit for the purposes 10647
defined in section 5503.34 of the Revised Code, and who is 10648
transporting or has a loaded handgun in the motor vehicle or 10649
commercial motor vehicle in any manner, shall do any of the 10650
following: 10651

(1) Before or at the time a law enforcement officer asks 10652
if the person is carrying a concealed handgun, knowingly fail to 10653
disclose that the person then possesses or has a loaded handgun 10654
in the motor vehicle, provided that it is not a violation of 10655
this division if the person fails to disclose that fact to an 10656
officer during the stop and the person already has notified 10657
another officer of that fact during the same stop; 10658

(2) Before or at the time an employee of the motor carrier 10659
enforcement unit asks if the person is carrying a concealed 10660
handgun, knowingly fail to disclose that the person then 10661
possesses or has a loaded handgun in the commercial motor 10662
vehicle, provided that it is not a violation of this division if 10663
the person fails to disclose that fact to an employee of the 10664
unit during the stop and the person already has notified another 10665
employee of the unit of that fact during the same stop; 10666

(3) Knowingly fail to remain in the motor vehicle while 10667
stopped or knowingly fail to keep the person's hands in plain 10668
sight at any time after any law enforcement officer begins 10669
approaching the person while stopped and before the law 10670
enforcement officer leaves, unless the failure is pursuant to 10671
and in accordance with directions given by a law enforcement 10672
officer; 10673

(4) Knowingly have contact with the loaded handgun by 10674

touching it with the person's hands or fingers in the motor 10675
vehicle at any time after the law enforcement officer begins 10676
approaching and before the law enforcement officer leaves, 10677
unless the person has contact with the loaded handgun pursuant 10678
to and in accordance with directions given by the law 10679
enforcement officer; 10680

(5) Knowingly disregard or fail to comply with any lawful 10681
order of any law enforcement officer given while the motor 10682
vehicle is stopped, including, but not limited to, a specific 10683
order to the person to keep the person's hands in plain sight. 10684

(F) (1) Divisions (A), (B), (C), and (E) of this section do 10685
not apply to any of the following: 10686

(a) An officer, agent, or employee of this or any other 10687
state or the United States, or a law enforcement officer, when 10688
authorized to carry or have loaded or accessible firearms in 10689
motor vehicles and acting within the scope of the officer's, 10690
agent's, or employee's duties; 10691

(b) Any person who is employed in this state, who is 10692
authorized to carry or have loaded or accessible firearms in 10693
motor vehicles, and who is subject to and in compliance with the 10694
requirements of section 109.801 of the Revised Code, unless the 10695
appointing authority of the person has expressly specified that 10696
the exemption provided in division (F) (1) (b) of this section 10697
does not apply to the person. 10698

(2) Division (A) of this section does not apply to a 10699
person if all of the following circumstances apply: 10700

(a) The person discharges a firearm from a motor vehicle 10701
at a coyote or groundhog, the discharge is not during the deer 10702
gun hunting season as set by the chief of the division of 10703

wildlife of the department of natural resources, and the 10704
discharge at the coyote or groundhog, but for the operation of 10705
this section, is lawful. 10706

(b) The motor vehicle from which the person discharges the 10707
firearm is on real property that is located in an unincorporated 10708
area of a township and that either is zoned for agriculture or 10709
is used for agriculture. 10710

(c) The person owns the real property described in 10711
division (F) (2) (b) of this section, is the spouse or a child of 10712
another person who owns that real property, is a tenant of 10713
another person who owns that real property, or is the spouse or 10714
a child of a tenant of another person who owns that real 10715
property. 10716

(d) The person does not discharge the firearm in any of 10717
the following manners: 10718

(i) While under the influence of alcohol, a drug of abuse, 10719
or alcohol and a drug of abuse; 10720

(ii) In the direction of a street, highway, or other 10721
public or private property used by the public for vehicular 10722
traffic or parking; 10723

(iii) At or into an occupied structure that is a permanent 10724
or temporary habitation; 10725

(iv) In the commission of any violation of law, including, 10726
but not limited to, a felony that includes, as an essential 10727
element, purposely or knowingly causing or attempting to cause 10728
the death of or physical harm to another and that was committed 10729
by discharging a firearm from a motor vehicle. 10730

(3) Division (A) of this section does not apply to a 10731

person if all of the following apply: 10732

(a) The person possesses a valid all-purpose vehicle 10733
permit issued under section 1533.103 of the Revised Code by the 10734
chief of the division of wildlife. 10735

(b) The person discharges a firearm at a wild quadruped or 10736
game bird as defined in section 1531.01 of the Revised Code 10737
during the open hunting season for the applicable wild quadruped 10738
or game bird. 10739

(c) The person discharges a firearm from a stationary all- 10740
purpose vehicle as defined in section 1531.01 of the Revised 10741
Code from private or publicly owned lands or from a motor 10742
vehicle that is parked on a road that is owned or administered 10743
by the division of wildlife. 10744

(d) The person does not discharge the firearm in any of 10745
the following manners: 10746

(i) While under the influence of alcohol, a drug of abuse, 10747
or alcohol and a drug of abuse; 10748

(ii) In the direction of a street, a highway, or other 10749
public or private property that is used by the public for 10750
vehicular traffic or parking; 10751

(iii) At or into an occupied structure that is a permanent 10752
or temporary habitation; 10753

(iv) In the commission of any violation of law, including, 10754
but not limited to, a felony that includes, as an essential 10755
element, purposely or knowingly causing or attempting to cause 10756
the death of or physical harm to another and that was committed 10757
by discharging a firearm from a motor vehicle. 10758

(4) Divisions (B) and (C) of this section do not apply to 10759

a person if all of the following circumstances apply: 10760

(a) At the time of the alleged violation of either of 10761
those divisions, the person is the operator of or a passenger in 10762
a motor vehicle. 10763

(b) The motor vehicle is on real property that is located 10764
in an unincorporated area of a township and that either is zoned 10765
for agriculture or is used for agriculture. 10766

(c) The person owns the real property described in 10767
division (F) (4) (b) of this section, is the spouse or a child of 10768
another person who owns that real property, is a tenant of 10769
another person who owns that real property, or is the spouse or 10770
a child of a tenant of another person who owns that real 10771
property. 10772

(d) The person, prior to arriving at the real property 10773
described in division (F) (4) (b) of this section, did not 10774
transport or possess a firearm in the motor vehicle in a manner 10775
prohibited by division (B) or (C) of this section while the 10776
motor vehicle was being operated on a street, highway, or other 10777
public or private property used by the public for vehicular 10778
traffic or parking. 10779

(5) Divisions (B) and (C) of this section do not apply to 10780
a person who transports or possesses a handgun in a motor 10781
vehicle if, at the time of that transportation or possession, 10782
both of the following apply: 10783

(a) The person transporting or possessing the handgun has 10784
been issued a concealed handgun license that is valid at the 10785
time in question or the person is an active duty member of the 10786
armed forces of the United States and is carrying a valid 10787
military identification card and documentation of successful 10788

completion of firearms training that meets or exceeds the 10789
training requirements described in division (G) (1) of section 10790
2923.125 of the Revised Code. 10791

(b) The person transporting or possessing the handgun is 10792
not knowingly in a place described in division (B) of section 10793
2923.126 of the Revised Code. 10794

(6) Divisions (B) and (C) of this section do not apply to 10795
a person if all of the following apply: 10796

(a) The person possesses a valid all-purpose vehicle 10797
permit issued under section 1533.103 of the Revised Code by the 10798
chief of the division of wildlife. 10799

(b) The person is on or in an all-purpose vehicle as 10800
defined in section 1531.01 of the Revised Code or a motor 10801
vehicle during the open hunting season for a wild quadruped or 10802
game bird. 10803

(c) The person is on or in an all-purpose vehicle as 10804
defined in section 1531.01 of the Revised Code on private or 10805
publicly owned lands or on or in a motor vehicle that is parked 10806
on a road that is owned or administered by the division of 10807
wildlife. 10808

(7) Nothing in this section prohibits or restricts a 10809
person from possessing, storing, or leaving a firearm in a 10810
locked motor vehicle that is parked in the state underground 10811
parking garage at the state capitol building or in the parking 10812
garage at the Riffe center for government and the arts in 10813
Columbus, if the person's transportation and possession of the 10814
firearm in the motor vehicle while traveling to the premises or 10815
facility was not in violation of division (A), (B), (C), (D), or 10816
(E) of this section or any other provision of the Revised Code. 10817

(G) (1) The affirmative defenses authorized in divisions 10818
(D) (1) and (2) of section 2923.12 of the Revised Code are 10819
affirmative defenses to a charge under division (B) or (C) of 10820
this section that involves a firearm other than a handgun. 10821

(2) It is an affirmative defense to a charge under 10822
division (B) or (C) of this section of improperly handling 10823
firearms in a motor vehicle that the actor transported or had 10824
the firearm in the motor vehicle for any lawful purpose and 10825
while the motor vehicle was on the actor's own property, 10826
provided that this affirmative defense is not available unless 10827
the person, immediately prior to arriving at the actor's own 10828
property, did not transport or possess the firearm in a motor 10829
vehicle in a manner prohibited by division (B) or (C) of this 10830
section while the motor vehicle was being operated on a street, 10831
highway, or other public or private property used by the public 10832
for vehicular traffic. 10833

(H) (1) No person who is charged with a violation of 10834
division (B), (C), or (D) of this section shall be required to 10835
obtain a concealed handgun license as a condition for the 10836
dismissal of the charge. 10837

(2) (a) If a person is convicted of, was convicted of, 10838
pleads guilty to, or has pleaded guilty to a violation of 10839
division (E) of this section as it existed prior to September 10840
30, 2011, and the conduct that was the basis of the violation no 10841
longer would be a violation of division (E) of this section on 10842
or after September 30, 2011, or if a person is convicted of, was 10843
convicted of, pleads guilty to, or has pleaded guilty to a 10844
violation of division (E) (1) or (2) of this section as it 10845
existed prior to ~~the effective date of this amendment~~ June 13, 10846
2022, the person may file an application under section ~~2953.37~~ 10847

2953.35 of the Revised Code requesting the expungement of the 10848
record of conviction. 10849

If a person is convicted of, was convicted of, pleads 10850
guilty to, or has pleaded guilty to a violation of division (B) 10851
or (C) of this section as the division existed prior to 10852
September 30, 2011, and if the conduct that was the basis of the 10853
violation no longer would be a violation of division (B) or (C) 10854
of this section on or after September 30, 2011, due to the 10855
application of division (F) (5) of this section as it exists on 10856
and after September 30, 2011, the person may file an application 10857
under section ~~2953.37~~ 2953.35 of the Revised Code requesting the 10858
expungement of the record of conviction. 10859

(b) The attorney general shall develop a public media 10860
advisory that summarizes the expungement procedure established 10861
under section ~~2953.37~~ 2953.35 of the Revised Code and the 10862
offenders identified in division (H) (2) (a) of this section and 10863
those identified in division (E) (2) of section 2923.12 of the 10864
Revised Code who are authorized to apply for the expungement. 10865
Within thirty days after September 30, 2011, with respect to 10866
violations of division (B), (C), or (E) of this section as they 10867
existed prior to that date, and within thirty days after ~~the~~ 10868
~~effective date of this amendment~~ June 13, 2022, with respect to 10869
a violation of division (E) (1) or (2) of this section or 10870
division (B) (1) of section 2923.12 of the Revised Code as they 10871
existed prior to ~~the effective date of this amendment~~ June 13, 10872
2022, the attorney general shall provide a copy of the advisory 10873
to each daily newspaper published in this state and each 10874
television station that broadcasts in this state. The attorney 10875
general may provide the advisory in a tangible form, an 10876
electronic form, or in both tangible and electronic forms. 10877

(I) Whoever violates this section is guilty of improperly 10878
handling firearms in a motor vehicle. A violation of division 10879
(A) of this section is a felony of the fourth degree. A 10880
violation of division (C) of this section is a misdemeanor of 10881
the fourth degree. A violation of division (D) of this section 10882
is a felony of the fifth degree or, if the loaded handgun is 10883
concealed on the person's person, a felony of the fourth degree. 10884
A violation of division (E) (1) or (2) of this section is a 10885
misdemeanor of the second degree. A violation of division (E) (4) 10886
of this section is a felony of the fifth degree. A violation of 10887
division (E) (3) or (5) of this section is a misdemeanor of the 10888
first degree or, if the offender previously has been convicted 10889
of or pleaded guilty to a violation of division (E) (3) or (5) of 10890
this section, a felony of the fifth degree. In addition to any 10891
other penalty or sanction imposed for a misdemeanor violation of 10892
division (E) (3) or (5) of this section, the offender's concealed 10893
handgun license shall be suspended pursuant to division (A) (2) 10894
of section 2923.128 of the Revised Code. A violation of division 10895
(B) of this section is a felony of the fourth degree. 10896

(J) If a law enforcement officer stops a motor vehicle for 10897
a traffic stop or any other purpose, if any person in the motor 10898
vehicle surrenders a firearm to the officer, either voluntarily 10899
or pursuant to a request or demand of the officer, and if the 10900
officer does not charge the person with a violation of this 10901
section or arrest the person for any offense, the person is not 10902
otherwise prohibited by law from possessing the firearm, and the 10903
firearm is not contraband, the officer shall return the firearm 10904
to the person at the termination of the stop. If a court orders 10905
a law enforcement officer to return a firearm to a person 10906
pursuant to the requirement set forth in this division, division 10907
(B) of section 2923.163 of the Revised Code applies. 10908

(K) As used in this section:	10909
(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.	10910 10911
(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.	10912 10913
(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.	10914 10915
(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.	10916 10917
(5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:	10918 10919 10920 10921 10922
(i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.	10923 10924 10925
(ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.	10926 10927 10928 10929 10930
(b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:	10931 10932 10933 10934
(i) A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in	10935 10936

question either are in separate compartments within the package, 10937
box, or case, or, if they are in the same compartment, the 10938
magazine or speed loader is contained within a separate 10939
enclosure in that compartment that does not contain the firearm 10940
and that closes using a snap, button, buckle, zipper, hook and 10941
loop closing mechanism, or other fastener that must be opened to 10942
access the contents or the firearm is contained within a 10943
separate enclosure of that nature in that compartment that does 10944
not contain the magazine or speed loader; 10945

(ii) A pocket or other enclosure on the person of the 10946
person in question that closes using a snap, button, buckle, 10947
zipper, hook and loop closing mechanism, or other fastener that 10948
must be opened to access the contents. 10949

(c) For the purposes of divisions (K) (5) (a) and (b) of 10950
this section, ammunition held in stripper-clips or in en-bloc 10951
clips is not considered ammunition that is loaded into a 10952
magazine or speed loader. 10953

(6) "Unloaded" means, with respect to a firearm employing 10954
a percussion cap, flintlock, or other obsolete ignition system, 10955
when the weapon is uncapped or when the priming charge is 10956
removed from the pan. 10957

(7) "Commercial motor vehicle" has the same meaning as in 10958
division (A) of section 4506.25 of the Revised Code. 10959

(8) "Motor carrier enforcement unit" means the motor 10960
carrier enforcement unit in the department of public safety, 10961
division of state highway patrol, that is created by section 10962
5503.34 of the Revised Code. 10963

(L) Divisions (K) (5) (a) and (b) of this section do not 10964
affect the authority of a person who has been issued a concealed 10965

handgun license that is valid at the time in question to have 10966
one or more magazines or speed loaders containing ammunition 10967
anywhere in a vehicle, without being transported as described in 10968
those divisions, as long as no ammunition is in a firearm, other 10969
than a handgun, in the vehicle other than as permitted under any 10970
other provision of this chapter. A person who has been issued a 10971
concealed handgun license that is valid at the time in question 10972
may have one or more magazines or speed loaders containing 10973
ammunition anywhere in a vehicle without further restriction, as 10974
long as no ammunition is in a firearm, other than a handgun, in 10975
the vehicle other than as permitted under any provision of this 10976
chapter. 10977

Sec. 2925.11. (A) No person shall knowingly obtain, 10978
possess, or use a controlled substance or a controlled substance 10979
analog. 10980

(B) (1) This section does not apply to any of the 10981
following: 10982

(a) Manufacturers, licensed health professionals 10983
authorized to prescribe drugs, pharmacists, owners of 10984
pharmacies, and other persons whose conduct was in accordance 10985
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 10986
4741. of the Revised Code; 10987

(b) If the offense involves an anabolic steroid, any 10988
person who is conducting or participating in a research project 10989
involving the use of an anabolic steroid if the project has been 10990
approved by the United States food and drug administration; 10991

(c) Any person who sells, offers for sale, prescribes, 10992
dispenses, or administers for livestock or other nonhuman 10993
species an anabolic steroid that is expressly intended for 10994

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

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

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

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

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

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

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

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.

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

(vi) "Peace officer" has the same meaning as in section 11023
2935.01 of the Revised Code. 11024

(vii) "Public agency" has the same meaning as in section 11025
2930.01 of the Revised Code. 11026

(viii) "Qualified individual" means a person who is ~~not on~~ 11027
~~community control or post release control and is a person~~ acting 11028
in good faith who seeks or obtains medical assistance for 11029
another person who is experiencing a drug overdose, a person who 11030
experiences a drug overdose and who seeks medical assistance for 11031
that overdose, or a person who is the subject of another person 11032
seeking or obtaining medical assistance for that overdose as 11033
described in division (B) (2) (b) of this section. 11034

(ix) "Seek or obtain medical assistance" includes, but is 11035
not limited to making a 9-1-1 call, contacting in person or by 11036
telephone call an on-duty peace officer, or transporting or 11037
presenting a person to a health care facility. 11038

(b) Subject to division ~~(B) (2) (f)~~ (B) (2) (e) of this 11039
section, a qualified individual shall not be arrested, charged, 11040
prosecuted, convicted, or penalized pursuant to this chapter for 11041
a minor drug possession offense or a violation of section 11042
2925.12, division (C) (1) of section 2925.14, or section 2925.141 11043
of the Revised Code if all of the following apply: 11044

(i) The evidence of the obtaining, possession, or use of 11045
the controlled substance or controlled substance analog, drug 11046
abuse instruments, or drug paraphernalia that would be the basis 11047
of the offense was obtained as a result of the qualified 11048
individual seeking the medical assistance or experiencing an 11049
overdose and needing medical assistance. 11050

(ii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 11051

section, within thirty days after seeking or obtaining the 11052
medical assistance, the qualified individual seeks and obtains a 11053
screening and receives a referral for treatment from a community 11054
addiction services provider or a properly credentialed addiction 11055
treatment professional. 11056

(iii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 11057
section, the qualified individual who obtains a screening and 11058
receives a referral for treatment under division (B) (2) (b) (ii) 11059
of this section, upon the request of any prosecuting attorney, 11060
submits documentation to the prosecuting attorney that verifies 11061
that the qualified individual satisfied the requirements of that 11062
division. The documentation shall be limited to the date and 11063
time of the screening obtained and referral received. 11064

~~(c) If a person is found to be in violation of any 11065
community control sanction and if the violation is a result of 11066
either of the following, the court shall first consider ordering 11067
the person's participation or continued participation in a drug 11068
treatment program or mitigating the penalty specified in section 11069
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 11070
applicable, after which the court has the discretion either to 11071
order the person's participation or continued participation in a 11072
drug treatment program or to impose the penalty with the 11073
mitigating factor specified in any of those applicable sections. 11074~~

~~(i) Seeking or obtaining medical assistance in good faith 11075
for another person who is experiencing a drug overdose; 11076~~

~~(ii) Experiencing a drug overdose and seeking medical 11077
assistance for that overdose or being the subject of another 11078
person seeking or obtaining medical assistance for that overdose 11079
as described in division (B) (2) (b) of this section. 11080~~

~~(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:~~

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

~~(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~~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
be construed to do any of the following:

(i) Limit the admissibility of any evidence in connection

with the investigation or prosecution of a crime with regards to 11111
a defendant who does not qualify for the protections of division 11112
(B) (2) (b) of this section or with regards to any crime other 11113
than a minor drug possession offense or a violation of section 11114
2925.12, division (C) (1) of section 2925.14, or section 2925.141 11115
of the Revised Code committed by a person who qualifies for 11116
protection pursuant to division (B) (2) (b) of this section ~~for a~~ 11117
~~minor drug possession offense;~~ 11118

(ii) Limit any seizure of evidence or contraband otherwise 11119
permitted by law; 11120

(iii) Limit or abridge the authority of a peace officer to 11121
detain or take into custody a person in the course of an 11122
investigation or to effectuate an arrest for any offense except 11123
as provided in that division; 11124

(iv) Limit, modify, or remove any immunity from liability 11125
available pursuant to law in effect prior to September 13, 2016, 11126
to any public agency or to an employee of any public agency. 11127

~~(f)~~ (e) Division (B) (2) (b) of this section does not apply 11128
to any person who twice previously has been granted an immunity 11129
under division (B) (2) (b) of this section. No person shall be 11130
granted an immunity under division (B) (2) (b) of this section 11131
more than two times. 11132

~~(g)~~ (f) Nothing in this section shall compel any qualified 11133
individual to disclose protected health information in a way 11134
that conflicts with the requirements of the "Health Insurance 11135
Portability and Accountability Act of 1996," 104 Pub. L. No. 11136
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 11137
regulations promulgated by the United States department of 11138
health and human services to implement the act or the 11139

requirements of 42 C.F.R. Part 2. 11140

(C) Whoever violates division (A) of this section is 11141
guilty of one of the following: 11142

(1) If the drug involved in the violation is a compound, 11143
mixture, preparation, or substance included in schedule I or II, 11144
with the exception of marihuana, cocaine, L.S.D., heroin, any 11145
fentanyl-related compound, hashish, and any controlled substance 11146
analog, whoever violates division (A) of this section is guilty 11147
of aggravated possession of drugs. The penalty for the offense 11148
shall be determined as follows: 11149

(a) Except as otherwise provided in division (C) (1) (b), 11150
(c), (d), or (e) of this section, aggravated possession of drugs 11151
is a felony of the fifth degree, and division (B) of section 11152
2929.13 of the Revised Code applies in determining whether to 11153
impose a prison term on the offender. 11154

(b) If the amount of the drug involved equals or exceeds 11155
the bulk amount but is less than five times the bulk amount, 11156
aggravated possession of drugs is a felony of the third degree, 11157
and there is a presumption for a prison term for the offense. 11158

(c) If the amount of the drug involved equals or exceeds 11159
five times the bulk amount but is less than fifty times the bulk 11160
amount, aggravated possession of drugs is a felony of the second 11161
degree, and the court shall impose as a mandatory prison term a 11162
second degree felony mandatory prison term. 11163

(d) If the amount of the drug involved equals or exceeds 11164
fifty times the bulk amount but is less than one hundred times 11165
the bulk amount, aggravated possession of drugs is a felony of 11166
the first degree, and the court shall impose as a mandatory 11167
prison term a first degree felony mandatory prison term. 11168

(e) If the amount of the drug involved equals or exceeds 11169
one hundred times the bulk amount, aggravated possession of 11170
drugs is a felony of the first degree, the offender is a major 11171
drug offender, and the court shall impose as a mandatory prison 11172
term a maximum first degree felony mandatory prison term. 11173

(2) If the drug involved in the violation is a compound, 11174
mixture, preparation, or substance included in schedule III, IV, 11175
or V, whoever violates division (A) of this section is guilty of 11176
possession of drugs. The penalty for the offense shall be 11177
determined as follows: 11178

(a) Except as otherwise provided in division (C) (2) (b), 11179
(c), or (d) of this section, possession of drugs is a 11180
misdemeanor of the first degree or, if the offender previously 11181
has been convicted of a drug abuse offense, a felony of the 11182
fifth degree. 11183

(b) If the amount of the drug involved equals or exceeds 11184
the bulk amount but is less than five times the bulk amount, 11185
possession of drugs is a felony of the fourth degree, and 11186
division (C) of section 2929.13 of the Revised Code applies in 11187
determining whether to impose a prison term on the offender. 11188

(c) If the amount of the drug involved equals or exceeds 11189
five times the bulk amount but is less than fifty times the bulk 11190
amount, possession of drugs is a felony of the third degree, and 11191
there is a presumption for a prison term for the offense. 11192

(d) If the amount of the drug involved equals or exceeds 11193
fifty times the bulk amount, possession of drugs is a felony of 11194
the second degree, and the court shall impose upon the offender 11195
as a mandatory prison term a second degree felony mandatory 11196
prison term. 11197

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

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

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

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

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

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

(f) If the amount of the drug involved equals or exceeds
twenty thousand grams but is less than forty thousand grams,
possession of marihuana is a felony of the second degree, and

the court shall impose as a mandatory prison term a second 11227
degree felony mandatory prison term of five, six, seven, or 11228
eight years. 11229

(g) If the amount of the drug involved equals or exceeds 11230
forty thousand grams, possession of marihuana is a felony of the 11231
second degree, and the court shall impose as a mandatory prison 11232
term a maximum second degree felony mandatory prison term. 11233

(4) If the drug involved in the violation is cocaine or a 11234
compound, mixture, preparation, or substance containing cocaine, 11235
whoever violates division (A) of this section is guilty of 11236
possession of cocaine. The penalty for the offense shall be 11237
determined as follows: 11238

(a) Except as otherwise provided in division (C) (4) (b), 11239
(c), (d), (e), or (f) of this section, possession of cocaine is 11240
a felony of the fifth degree, and division (B) of section 11241
2929.13 of the Revised Code applies in determining whether to 11242
impose a prison term on the offender. 11243

(b) If the amount of the drug involved equals or exceeds 11244
five grams but is less than ten grams of cocaine, possession of 11245
cocaine is a felony of the fourth degree, and division (B) of 11246
section 2929.13 of the Revised Code applies in determining 11247
whether to impose a prison term on the offender. 11248

(c) If the amount of the drug involved equals or exceeds 11249
ten grams but is less than twenty grams of cocaine, possession 11250
of cocaine is a felony of the third degree, and, except as 11251
otherwise provided in this division, there is a presumption for 11252
a prison term for the offense. If possession of cocaine is a 11253
felony of the third degree under this division and if the 11254
offender two or more times previously has been convicted of or 11255

pleaded guilty to a felony drug abuse offense, the court shall 11256
impose as a mandatory prison term one of the prison terms 11257
prescribed for a felony of the third degree. 11258

(d) If the amount of the drug involved equals or exceeds 11259
twenty grams but is less than twenty-seven grams of cocaine, 11260
possession of cocaine is a felony of the second degree, and the 11261
court shall impose as a mandatory prison term a second degree 11262
felony mandatory prison term. 11263

(e) If the amount of the drug involved equals or exceeds 11264
twenty-seven grams but is less than one hundred grams of 11265
cocaine, possession of cocaine is a felony of the first degree, 11266
and the court shall impose as a mandatory prison term a first 11267
degree felony mandatory prison term. 11268

(f) If the amount of the drug involved equals or exceeds 11269
one hundred grams of cocaine, possession of cocaine is a felony 11270
of the first degree, the offender is a major drug offender, and 11271
the court shall impose as a mandatory prison term a maximum 11272
first degree felony mandatory prison term. 11273

(5) If the drug involved in the violation is L.S.D., 11274
whoever violates division (A) of this section is guilty of 11275
possession of L.S.D. The penalty for the offense shall be 11276
determined as follows: 11277

(a) Except as otherwise provided in division (C) (5) (b), 11278
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 11279
felony of the fifth degree, and division (B) of section 2929.13 11280
of the Revised Code applies in determining whether to impose a 11281
prison term on the offender. 11282

(b) If the amount of L.S.D. involved equals or exceeds ten 11283
unit doses but is less than fifty unit doses of L.S.D. in a 11284

solid form or equals or exceeds one gram but is less than five 11285
grams of L.S.D. in a liquid concentrate, liquid extract, or 11286
liquid distillate form, possession of L.S.D. is a felony of the 11287
fourth degree, and division (C) of section 2929.13 of the 11288
Revised Code applies in determining whether to impose a prison 11289
term on the offender. 11290

(c) If the amount of L.S.D. involved equals or exceeds 11291
fifty unit doses, but is less than two hundred fifty unit doses 11292
of L.S.D. in a solid form or equals or exceeds five grams but is 11293
less than twenty-five grams of L.S.D. in a liquid concentrate, 11294
liquid extract, or liquid distillate form, possession of L.S.D. 11295
is a felony of the third degree, and there is a presumption for 11296
a prison term for the offense. 11297

(d) If the amount of L.S.D. involved equals or exceeds two 11298
hundred fifty unit doses but is less than one thousand unit 11299
doses of L.S.D. in a solid form or equals or exceeds twenty-five 11300
grams but is less than one hundred grams of L.S.D. in a liquid 11301
concentrate, liquid extract, or liquid distillate form, 11302
possession of L.S.D. is a felony of the second degree, and the 11303
court shall impose as a mandatory prison term a second degree 11304
felony mandatory prison term. 11305

(e) If the amount of L.S.D. involved equals or exceeds one 11306
thousand unit doses but is less than five thousand unit doses of 11307
L.S.D. in a solid form or equals or exceeds one hundred grams 11308
but is less than five hundred grams of L.S.D. in a liquid 11309
concentrate, liquid extract, or liquid distillate form, 11310
possession of L.S.D. is a felony of the first degree, and the 11311
court shall impose as a mandatory prison term a first degree 11312
felony mandatory prison term. 11313

(f) If the amount of L.S.D. involved equals or exceeds 11314

five thousand unit doses of L.S.D. in a solid form or equals or 11315
exceeds five hundred grams of L.S.D. in a liquid concentrate, 11316
liquid extract, or liquid distillate form, possession of L.S.D. 11317
is a felony of the first degree, the offender is a major drug 11318
offender, and the court shall impose as a mandatory prison term 11319
a maximum first degree felony mandatory prison term. 11320

(6) If the drug involved in the violation is heroin or a 11321
compound, mixture, preparation, or substance containing heroin, 11322
whoever violates division (A) of this section is guilty of 11323
possession of heroin. The penalty for the offense shall be 11324
determined as follows: 11325

(a) Except as otherwise provided in division (C) (6) (b), 11326
(c), (d), (e), or (f) of this section, possession of heroin is a 11327
felony of the fifth degree, and division (B) of section 2929.13 11328
of the Revised Code applies in determining whether to impose a 11329
prison term on the offender. 11330

(b) If the amount of the drug involved equals or exceeds 11331
ten unit doses but is less than fifty unit doses or equals or 11332
exceeds one gram but is less than five grams, possession of 11333
heroin is a felony of the fourth degree, and division (C) of 11334
section 2929.13 of the Revised Code applies in determining 11335
whether to impose a prison term on the offender. 11336

(c) If the amount of the drug involved equals or exceeds 11337
fifty unit doses but is less than one hundred unit doses or 11338
equals or exceeds five grams but is less than ten grams, 11339
possession of heroin is a felony of the third degree, and there 11340
is a presumption for a prison term for the offense. 11341

(d) If the amount of the drug involved equals or exceeds 11342
one hundred unit doses but is less than five hundred unit doses 11343

or equals or exceeds ten grams but is less than fifty grams, 11344
possession of heroin is a felony of the second degree, and the 11345
court shall impose as a mandatory prison term a second degree 11346
felony mandatory prison term. 11347

(e) If the amount of the drug involved equals or exceeds 11348
five hundred unit doses but is less than one thousand unit doses 11349
or equals or exceeds fifty grams but is less than one hundred 11350
grams, possession of heroin is a felony of the first degree, and 11351
the court shall impose as a mandatory prison term a first degree 11352
felony mandatory prison term. 11353

(f) If the amount of the drug involved equals or exceeds 11354
one thousand unit doses or equals or exceeds one hundred grams, 11355
possession of heroin is a felony of the first degree, the 11356
offender is a major drug offender, and the court shall impose as 11357
a mandatory prison term a maximum first degree felony mandatory 11358
prison term. 11359

(7) If the drug involved in the violation is hashish or a 11360
compound, mixture, preparation, or substance containing hashish, 11361
whoever violates division (A) of this section is guilty of 11362
possession of hashish. The penalty for the offense shall be 11363
determined as follows: 11364

(a) Except as otherwise provided in division (C) (7) (b), 11365
(c), (d), (e), (f), or (g) of this section, possession of 11366
hashish is a minor misdemeanor. 11367

(b) If the amount of the drug involved equals or exceeds 11368
five grams but is less than ten grams of hashish in a solid form 11369
or equals or exceeds one gram but is less than two grams of 11370
hashish in a liquid concentrate, liquid extract, or liquid 11371
distillate form, possession of hashish is a misdemeanor of the 11372

fourth degree. 11373

(c) If the amount of the drug involved equals or exceeds 11374
ten grams but is less than fifty grams of hashish in a solid 11375
form or equals or exceeds two grams but is less than ten grams 11376
of hashish in a liquid concentrate, liquid extract, or liquid 11377
distillate form, possession of hashish is a felony of the fifth 11378
degree, and division (B) of section 2929.13 of the Revised Code 11379
applies in determining whether to impose a prison term on the 11380
offender. 11381

(d) If the amount of the drug involved equals or exceeds 11382
fifty grams but is less than two hundred fifty grams of hashish 11383
in a solid form or equals or exceeds ten grams but is less than 11384
fifty grams of hashish in a liquid concentrate, liquid extract, 11385
or liquid distillate form, possession of hashish is a felony of 11386
the third degree, and division (C) of section 2929.13 of the 11387
Revised Code applies in determining whether to impose a prison 11388
term on the offender. 11389

(e) If the amount of the drug involved equals or exceeds 11390
two hundred fifty grams but is less than one thousand grams of 11391
hashish in a solid form or equals or exceeds fifty grams but is 11392
less than two hundred grams of hashish in a liquid concentrate, 11393
liquid extract, or liquid distillate form, possession of hashish 11394
is a felony of the third degree, and there is a presumption that 11395
a prison term shall be imposed for the offense. 11396

(f) If the amount of the drug involved equals or exceeds 11397
one thousand grams but is less than two thousand grams of 11398
hashish in a solid form or equals or exceeds two hundred grams 11399
but is less than four hundred grams of hashish in a liquid 11400
concentrate, liquid extract, or liquid distillate form, 11401
possession of hashish is a felony of the second degree, and the 11402

court shall impose as a mandatory prison term a second degree 11403
felony mandatory prison term of five, six, seven, or eight 11404
years. 11405

(g) If the amount of the drug involved equals or exceeds 11406
two thousand grams of hashish in a solid form or equals or 11407
exceeds four hundred grams of hashish in a liquid concentrate, 11408
liquid extract, or liquid distillate form, possession of hashish 11409
is a felony of the second degree, and the court shall impose as 11410
a mandatory prison term a maximum second degree felony mandatory 11411
prison term. 11412

(8) If the drug involved is a controlled substance analog 11413
or compound, mixture, preparation, or substance that contains a 11414
controlled substance analog, whoever violates division (A) of 11415
this section is guilty of possession of a controlled substance 11416
analog. The penalty for the offense shall be determined as 11417
follows: 11418

(a) Except as otherwise provided in division (C) (8) (b), 11419
(c), (d), (e), or (f) of this section, possession of a 11420
controlled substance analog is a felony of the fifth degree, and 11421
division (B) of section 2929.13 of the Revised Code applies in 11422
determining whether to impose a prison term on the offender. 11423

(b) If the amount of the drug involved equals or exceeds 11424
ten grams but is less than twenty grams, possession of a 11425
controlled substance analog is a felony of the fourth degree, 11426
and there is a presumption for a prison term for the offense. 11427

(c) If the amount of the drug involved equals or exceeds 11428
twenty grams but is less than thirty grams, possession of a 11429
controlled substance analog is a felony of the third degree, and 11430
there is a presumption for a prison term for the offense. 11431

(d) If the amount of the drug involved equals or exceeds 11432
thirty grams but is less than forty grams, possession of a 11433
controlled substance analog is a felony of the second degree, 11434
and the court shall impose as a mandatory prison term a second 11435
degree felony mandatory prison term. 11436

(e) If the amount of the drug involved equals or exceeds 11437
forty grams but is less than fifty grams, possession of a 11438
controlled substance analog is a felony of the first degree, and 11439
the court shall impose as a mandatory prison term a first degree 11440
felony mandatory prison term. 11441

(f) If the amount of the drug involved equals or exceeds 11442
fifty grams, possession of a controlled substance analog is a 11443
felony of the first degree, the offender is a major drug 11444
offender, and the court shall impose as a mandatory prison term 11445
a maximum first degree felony mandatory prison term. 11446

(9) If the drug involved in the violation is a compound, 11447
mixture, preparation, or substance that is a combination of a 11448
fentanyl-related compound and marihuana, one of the following 11449
applies: 11450

(a) Except as otherwise provided in division (C)(9)(b) of 11451
this section, the offender is guilty of possession of marihuana 11452
and shall be punished as provided in division (C)(3) of this 11453
section. Except as otherwise provided in division (C)(9)(b) of 11454
this section, the offender is not guilty of possession of a 11455
fentanyl-related compound under division (C)(11) of this section 11456
and shall not be charged with, convicted of, or punished under 11457
division (C)(11) of this section for possession of a fentanyl- 11458
related compound. 11459

(b) If the offender knows or has reason to know that the 11460

compound, mixture, preparation, or substance that is the drug 11461
involved contains a fentanyl-related compound, the offender is 11462
guilty of possession of a fentanyl-related compound and shall be 11463
punished under division (C) (11) of this section. 11464

(10) If the drug involved in the violation is a compound, 11465
mixture, preparation, or substance that is a combination of a 11466
fentanyl-related compound and any schedule III, schedule IV, or 11467
schedule V controlled substance that is not a fentanyl-related 11468
compound, one of the following applies: 11469

(a) Except as otherwise provided in division (C) (10) (b) of 11470
this section, the offender is guilty of possession of drugs and 11471
shall be punished as provided in division (C) (2) of this 11472
section. Except as otherwise provided in division (C) (10) (b) of 11473
this section, the offender is not guilty of possession of a 11474
fentanyl-related compound under division (C) (11) of this section 11475
and shall not be charged with, convicted of, or punished under 11476
division (C) (11) of this section for possession of a fentanyl- 11477
related compound. 11478

(b) If the offender knows or has reason to know that the 11479
compound, mixture, preparation, or substance that is the drug 11480
involved contains a fentanyl-related compound, the offender is 11481
guilty of possession of a fentanyl-related compound and shall be 11482
punished under division (C) (11) of this section. 11483

(11) If the drug involved in the violation is a fentanyl- 11484
related compound and neither division (C) (9) (a) nor division (C) 11485
(10) (a) of this section applies to the drug involved, or is a 11486
compound, mixture, preparation, or substance that contains a 11487
fentanyl-related compound or is a combination of a fentanyl- 11488
related compound and any other controlled substance and neither 11489
division (C) (9) (a) nor division (C) (10) (a) of this section 11490

applies to the drug involved, whoever violates division (A) of 11491
this section is guilty of possession of a fentanyl-related 11492
compound. The penalty for the offense shall be determined as 11493
follows: 11494

(a) Except as otherwise provided in division (C) (11) (b), 11495
(c), (d), (e), (f), or (g) of this section, possession of a 11496
fentanyl-related compound is a felony of the fifth degree, and 11497
division (B) of section 2929.13 of the Revised Code applies in 11498
determining whether to impose a prison term on the offender. 11499

(b) If the amount of the drug involved equals or exceeds 11500
ten unit doses but is less than fifty unit doses or equals or 11501
exceeds one gram but is less than five grams, possession of a 11502
fentanyl-related compound is a felony of the fourth degree, and 11503
division (C) of section 2929.13 of the Revised Code applies in 11504
determining whether to impose a prison term on the offender. 11505

(c) If the amount of the drug involved equals or exceeds 11506
fifty unit doses but is less than one hundred unit doses or 11507
equals or exceeds five grams but is less than ten grams, 11508
possession of a fentanyl-related compound is a felony of the 11509
third degree, and there is a presumption for a prison term for 11510
the offense. 11511

(d) If the amount of the drug involved equals or exceeds 11512
one hundred unit doses but is less than two hundred unit doses 11513
or equals or exceeds ten grams but is less than twenty grams, 11514
possession of a fentanyl-related compound is a felony of the 11515
second degree, and the court shall impose as a mandatory prison 11516
term one of the prison terms prescribed for a felony of the 11517
second degree. 11518

(e) If the amount of the drug involved equals or exceeds 11519

two hundred unit doses but is less than five hundred unit doses 11520
or equals or exceeds twenty grams but is less than fifty grams, 11521
possession of a fentanyl-related compound is a felony of the 11522
first degree, and the court shall impose as a mandatory prison 11523
term one of the prison terms prescribed for a felony of the 11524
first degree. 11525

(f) If the amount of the drug involved equals or exceeds 11526
five hundred unit doses but is less than one thousand unit doses 11527
or equals or exceeds fifty grams but is less than one hundred 11528
grams, possession of a fentanyl-related compound is a felony of 11529
the first degree, and the court shall impose as a mandatory 11530
prison term the maximum prison term prescribed for a felony of 11531
the first degree. 11532

(g) If the amount of the drug involved equals or exceeds 11533
one thousand unit doses or equals or exceeds one hundred grams, 11534
possession of a fentanyl-related compound is a felony of the 11535
first degree, the offender is a major drug offender, and the 11536
court shall impose as a mandatory prison term the maximum prison 11537
term prescribed for a felony of the first degree. 11538

(D) Arrest or conviction for a minor misdemeanor violation 11539
of this section does not constitute a criminal record and need 11540
not be reported by the person so arrested or convicted in 11541
response to any inquiries about the person's criminal record, 11542
including any inquiries contained in any application for 11543
employment, license, or other right or privilege, or made in 11544
connection with the person's appearance as a witness. 11545

(E) In addition to any prison term or jail term authorized 11546
or required by division (C) of this section and sections 11547
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 11548
Code and in addition to any other sanction that is imposed for 11549

the offense under this section, sections 2929.11 to 2929.18, or 11550
sections 2929.21 to 2929.28 of the Revised Code, the court that 11551
sentences an offender who is convicted of or pleads guilty to a 11552
violation of division (A) of this section may suspend the 11553
offender's driver's or commercial driver's license or permit for 11554
not more than five years. However, if the offender pleaded 11555
guilty to or was convicted of a violation of section 4511.19 of 11556
the Revised Code or a substantially similar municipal ordinance 11557
or the law of another state or the United States arising out of 11558
the same set of circumstances as the violation, the court shall 11559
suspend the offender's driver's or commercial driver's license 11560
or permit for not more than five years. If applicable, the court 11561
also shall do the following: 11562

(1) (a) If the violation is a felony of the first, second, 11563
or third degree, the court shall impose upon the offender the 11564
mandatory fine specified for the offense under division (B) (1) 11565
of section 2929.18 of the Revised Code unless, as specified in 11566
that division, the court determines that the offender is 11567
indigent. 11568

(b) Notwithstanding any contrary provision of section 11569
3719.21 of the Revised Code, the clerk of the court shall pay a 11570
mandatory fine or other fine imposed for a violation of this 11571
section pursuant to division (A) of section 2929.18 of the 11572
Revised Code in accordance with and subject to the requirements 11573
of division (F) of section 2925.03 of the Revised Code. The 11574
agency that receives the fine shall use the fine as specified in 11575
division (F) of section 2925.03 of the Revised Code. 11576

(c) If a person is charged with a violation of this 11577
section that is a felony of the first, second, or third degree, 11578
posts bail, and forfeits the bail, the clerk shall pay the 11579

forfeited bail pursuant to division (E) (1) (b) of this section as 11580
if it were a mandatory fine imposed under division (E) (1) (a) of 11581
this section. 11582

(2) If the offender is a professionally licensed person, 11583
in addition to any other sanction imposed for a violation of 11584
this section, the court immediately shall comply with section 11585
2925.38 of the Revised Code. 11586

(F) It is an affirmative defense, as provided in section 11587
2901.05 of the Revised Code, to a charge of a fourth degree 11588
felony violation under this section that the controlled 11589
substance that gave rise to the charge is in an amount, is in a 11590
form, is prepared, compounded, or mixed with substances that are 11591
not controlled substances in a manner, or is possessed under any 11592
other circumstances, that indicate that the substance was 11593
possessed solely for personal use. Notwithstanding any contrary 11594
provision of this section, if, in accordance with section 11595
2901.05 of the Revised Code, an accused who is charged with a 11596
fourth degree felony violation of division (C) (2), (4), (5), or 11597
(6) of this section sustains the burden of going forward with 11598
evidence of and establishes by a preponderance of the evidence 11599
the affirmative defense described in this division, the accused 11600
may be prosecuted for and may plead guilty to or be convicted of 11601
a misdemeanor violation of division (C) (2) of this section or a 11602
fifth degree felony violation of division (C) (4), (5), or (6) of 11603
this section respectively. 11604

(G) When a person is charged with possessing a bulk amount 11605
or multiple of a bulk amount, division (E) of section 2925.03 of 11606
the Revised Code applies regarding the determination of the 11607
amount of the controlled substance involved at the time of the 11608
offense. 11609

(H) It is an affirmative defense to a charge of possession of a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense obtained, possessed, or used one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:

(1) A controlled substance;

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

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

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

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

Sec. 2925.12. (A) No person shall knowingly make, obtain, possess, or use any instrument, article, or thing the customary

and primary purpose of which is for the administration or use of 11639
a dangerous drug, other than marihuana, when the instrument 11640
involved is a hypodermic or syringe, whether or not of crude or 11641
extemporized manufacture or assembly, and the instrument, 11642
article, or thing involved has been used by the offender to 11643
unlawfully administer or use a dangerous drug, other than 11644
marihuana, or to prepare a dangerous drug, other than marihuana, 11645
for unlawful administration or use. 11646

~~(B)~~(B)(1) This section does not apply to manufacturers, 11647
licensed health professionals authorized to prescribe drugs, 11648
pharmacists, owners of pharmacies, and other persons whose 11649
conduct was in accordance with Chapters 3719., 4715., 4723., 11650
4729., 4730., 4731., and 4741. of the Revised Code. 11651

(2) Division (B)(2) of section 2925.11 of the Revised Code 11652
applies with respect to a violation of this section when a 11653
person seeks or obtains medical assistance for another person 11654
who is experiencing a drug overdose, a person experiences a drug 11655
overdose and seeks medical assistance for that overdose, or a 11656
person is the subject of another person seeking or obtaining 11657
medical assistance for that overdose. 11658

(C) Whoever violates this section is guilty of possessing 11659
drug abuse instruments, a misdemeanor of the second degree. If 11660
the offender previously has been convicted of a drug abuse 11661
offense, a violation of this section is a misdemeanor of the 11662
first degree. 11663

(D)(1) In addition to any other sanction imposed upon an 11664
offender for a violation of this section, the court may suspend 11665
for not more than five years the offender's driver's or 11666
commercial driver's license or permit. However, if the offender 11667
pleaded guilty to or was convicted of a violation of section 11668

4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

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

Upon the filing of a motion under division (D) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2925.14. (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,

ingesting, inhaling, or otherwise introducing into the human 11699
body, a controlled substance in violation of this chapter. "Drug 11700
paraphernalia" includes, but is not limited to, any of the 11701
following equipment, products, or materials that are used by the 11702
offender, intended by the offender for use, or designed by the 11703
offender for use, in any of the following manners: 11704

(1) A kit for propagating, cultivating, growing, or 11705
harvesting any species of a plant that is a controlled substance 11706
or from which a controlled substance can be derived; 11707

(2) A kit for manufacturing, compounding, converting, 11708
producing, processing, or preparing a controlled substance; 11709

(3) Any object, instrument, or device for manufacturing, 11710
compounding, converting, producing, processing, or preparing 11711
methamphetamine; 11712

(4) An isomerization device for increasing the potency of 11713
any species of a plant that is a controlled substance; 11714

(5) Testing equipment for identifying, or analyzing the 11715
strength, effectiveness, or purity of, a controlled substance, 11716
except for those exempted in division (D)(4) of this section; 11717

(6) A scale or balance for weighing or measuring a 11718
controlled substance; 11719

(7) A diluent or adulterant, such as quinine 11720
hydrochloride, mannitol, mannite, dextrose, or lactose, for 11721
cutting a controlled substance; 11722

(8) A separation gin or sifter for removing twigs and 11723
seeds from, or otherwise cleaning or refining, marihuana; 11724

(9) A blender, bowl, container, spoon, or mixing device 11725
for compounding a controlled substance; 11726

- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 11727
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- (11) A container or device for storing or concealing a controlled substance; 11729
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- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 11731
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- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 11734
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- (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 11745
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- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 11748
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- (2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 11750
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- (3) The proximity of the equipment, product, or material to any controlled substance; 11754
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- (4) The existence of any residue of a controlled substance on the equipment, product, or material; 11756
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- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. 11758
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- (6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 11769
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- (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 11771
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- (8) National or local advertising concerning the use of the equipment, product, or material; 11773
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- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 11775
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- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 11777
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- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 11780
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- (12) Expert testimony concerning the use of the equipment, product, or material. 11782
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(C) (1) Subject to ~~division~~ divisions (D) (2) ~~-, (3), and (4)~~ 11784
of this section, no person shall knowingly use, or possess with 11785
purpose to use, drug paraphernalia. 11786

(2) No person shall knowingly sell, or possess or 11787
manufacture with purpose to sell, drug paraphernalia, if the 11788
person knows or reasonably should know that the equipment, 11789
product, or material will be used as drug paraphernalia. 11790

(3) No person shall place an advertisement in any 11791
newspaper, magazine, handbill, or other publication that is 11792
published and printed and circulates primarily within this 11793
state, if the person knows that the purpose of the advertisement 11794
is to promote the illegal sale in this state of the equipment, 11795
product, or material that the offender intended or designed for 11796
use as drug paraphernalia. 11797

(D) (1) This section does not apply to manufacturers, 11798
licensed health professionals authorized to prescribe drugs, 11799
pharmacists, owners of pharmacies, and other persons whose 11800
conduct is in accordance with Chapters 3719., 4715., 4723., 11801
4729., 4730., 4731., and 4741. of the Revised Code. This section 11802
shall not be construed to prohibit the possession or use of a 11803
hypodermic as authorized by section 3719.172 of the Revised 11804
Code. 11805

(2) Division (C) (1) of this section does not apply to a 11806
person's use, or possession with purpose to use, any drug 11807
paraphernalia that is equipment, a product, or material of any 11808
kind that is used by the person, intended by the person for use, 11809
or designed for use in storing, containing, concealing, 11810
injecting, ingesting, inhaling, or otherwise introducing into 11811
the human body marihuana. 11812

(3) Division (B) (2) of section 2925.11 of the Revised Code 11813
applies with respect to a violation of division (C) (1) of this 11814
section when a person seeks or obtains medical assistance for 11815
another person who is experiencing a drug overdose, a person 11816
experiences a drug overdose and seeks medical assistance for 11817
that overdose, or a person is the subject of another person 11818
seeking or obtaining medical assistance for that overdose. 11819

(4) Division (C) (1) of this section does not apply to a 11820
person's use, or possession with purpose to use, any drug 11821
testing strips to determine the presence of fentanyl or a 11822
fentanyl-related compound. 11823

(E) Notwithstanding Chapter 2981. of the Revised Code, any 11824
drug paraphernalia that was used, possessed, sold, or 11825
manufactured in a violation of this section shall be seized, 11826
after a conviction for that violation shall be forfeited, and 11827
upon forfeiture shall be disposed of pursuant to division (B) of 11828
section 2981.12 of the Revised Code. 11829

(F) (1) Whoever violates division (C) (1) of this section is 11830
guilty of illegal use or possession of drug paraphernalia, a 11831
misdemeanor of the fourth degree. 11832

(2) Except as provided in division (F) (3) of this section, 11833
whoever violates division (C) (2) of this section is guilty of 11834
dealing in drug paraphernalia, a misdemeanor of the second 11835
degree. 11836

(3) Whoever violates division (C) (2) of this section by 11837
selling drug paraphernalia to a juvenile is guilty of selling 11838
drug paraphernalia to juveniles, a misdemeanor of the first 11839
degree. 11840

(4) Whoever violates division (C) (3) of this section is 11841

guilty of illegal advertising of drug paraphernalia, a 11842
misdemeanor of the second degree. 11843

(G) (1) In addition to any other sanction imposed upon an 11844
offender for a violation of this section, the court may suspend 11845
for not more than five years the offender's driver's or 11846
commercial driver's license or permit. However, if the offender 11847
pleaded guilty to or was convicted of a violation of section 11848
4511.19 of the Revised Code or a substantially similar municipal 11849
ordinance or the law of another state or the United States 11850
arising out of the same set of circumstances as the violation, 11851
the court shall suspend the offender's driver's or commercial 11852
driver's license or permit for not more than five years. If the 11853
offender is a professionally licensed person, in addition to any 11854
other sanction imposed for a violation of this section, the 11855
court immediately shall comply with section 2925.38 of the 11856
Revised Code. 11857

(2) Any offender who received a mandatory suspension of 11858
the offender's driver's or commercial driver's license or permit 11859
under this section prior to ~~the effective date of this amendment~~ 11860
September 13, 2016, may file a motion with the sentencing court 11861
requesting the termination of the suspension. However, an 11862
offender who pleaded guilty to or was convicted of a violation 11863
of section 4511.19 of the Revised Code or a substantially 11864
similar municipal ordinance or law of another state or the 11865
United States that arose out of the same set of circumstances as 11866
the violation for which the offender's license or permit was 11867
suspended under this section shall not file such a motion. 11868

Upon the filing of a motion under division (G) (2) of this 11869
section, the sentencing court, in its discretion, may terminate 11870
the suspension. 11871

Sec. 2925.141. (A) As used in this section, "drug paraphernalia" has the same meaning as in section 2925.14 of the Revised Code. 11872
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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. 11875
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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. 11880
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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. 11886
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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. 11891
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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. 11894
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~~(F)(F)(1)~~ Whoever violates division (C) of this section is 11901
guilty of illegal use or possession of marihuana drug 11902
paraphernalia, a minor misdemeanor. 11903

(2) Arrest or conviction for a violation of division (C) 11904
of this section does not constitute a criminal record and need 11905
not be reported by the person so arrested or convicted in 11906
response to any inquiries about the person's criminal record, 11907
including any inquiries contained in any application for 11908
employment, license, or other right or privilege, or made in 11909
connection with the person's appearance as a witness. 11910

(G) (1) In addition to any other sanction imposed upon an 11911
offender for a violation of this section, the court ~~may suspend~~ 11912
~~for not more than five years the offender's driver's or~~ 11913
~~commercial driver's license or permit. However, if shall do the~~ 11914
following, if applicable: 11915

(a) If the offender pleaded guilty to or was convicted of 11916
a violation of section 4511.19 of the Revised Code or a 11917
substantially similar municipal ordinance or the law of another 11918
state or the United States arising out of the same set of 11919
circumstances as the violation, the court shall suspend the 11920
offender's driver's or commercial driver's license or permit for 11921
not more than five years. ~~If~~ 11922

(b) If the offender is a professionally licensed person, 11923
~~in addition to any other sanction imposed for a violation of~~ 11924
~~this section,~~ the court immediately shall comply with section 11925
2925.38 of the Revised Code. 11926

(2) Any offender who received a mandatory suspension of 11927
the offender's driver's or commercial driver's license or permit 11928
under this section prior to ~~the effective date of this amendment~~ 11929

September 13, 2016, may file a motion with the sentencing court 11930
requesting the termination of the suspension. However, an 11931
offender who pleaded guilty to or was convicted of a violation 11932
of section 4511.19 of the Revised Code or a substantially 11933
similar municipal ordinance or law of another state or the 11934
United States that arose out of the same set of circumstances as 11935
the violation for which the offender's license or permit was 11936
suspended under this section shall not file such a motion. 11937

Upon the filing of a motion under division (G) (2) of this 11938
section, the sentencing court, in its discretion, may terminate 11939
the suspension. 11940

Sec. 2929.01. As used in this chapter: 11941

(A) (1) "Alternative residential facility" means, subject 11942
to ~~division~~ divisions (A) (2) and (3) of this section, any 11943
facility other than an offender's home or residence in which an 11944
offender is assigned to live and that satisfies all of the 11945
following criteria: 11946

(a) It provides programs through which the offender may 11947
seek or maintain employment or may receive education, training, 11948
treatment, or habilitation. 11949

(b) It has received the appropriate license or certificate 11950
for any specialized education, training, treatment, 11951
habilitation, or other service that it provides from the 11952
government agency that is responsible for licensing or 11953
certifying that type of education, training, treatment, 11954
habilitation, or service. 11955

(2) "Alternative residential facility" does not include a 11956
community-based correctional facility, jail, halfway house, or 11957
prison. 11958

(3) "Alternative residential facility" includes a 11959
community alternative sentencing center or district community 11960
alternative sentencing center when authorized by section 307.932 11961
of the Revised Code and when the center is being used for an OVI 11962
term of confinement, as defined by that section. 11963

(B) "Basic probation supervision" means a requirement that 11964
the offender maintain contact with a person appointed to 11965
supervise the offender in accordance with sanctions imposed by 11966
the court or imposed by the parole board pursuant to section 11967
2967.28 of the Revised Code. "Basic probation supervision" 11968
includes basic parole supervision and basic post-release control 11969
supervision. 11970

(C) "Cocaine," "fentanyl-related compound," "hashish," 11971
"L.S.D.," and "unit dose" have the same meanings as in section 11972
2925.01 of the Revised Code. 11973

(D) "Community-based correctional facility" means a 11974
community-based correctional facility and program or district 11975
community-based correctional facility and program developed 11976
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 11977

(E) "Community control sanction" means a sanction that is 11978
not a prison term and that is described in section 2929.15, 11979
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 11980
that is not a jail term and that is described in section 11981
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 11982
control sanction" includes probation if the sentence involved 11983
was imposed for a felony that was committed prior to July 1, 11984
1996, or if the sentence involved was imposed for a misdemeanor 11985
that was committed prior to January 1, 2004. 11986

(F) "Controlled substance," "marihuana," "schedule I," and 11987

"schedule II" have the same meanings as in section 3719.01 of 11988
the Revised Code. 11989

(G) "Curfew" means a requirement that an offender during a 11990
specified period of time be at a designated place. 11991

(H) "Day reporting" means a sanction pursuant to which an 11992
offender is required each day to report to and leave a center or 11993
other approved reporting location at specified times in order to 11994
participate in work, education or training, treatment, and other 11995
approved programs at the center or outside the center. 11996

(I) "Deadly weapon" has the same meaning as in section 11997
2923.11 of the Revised Code. 11998

(J) "Drug and alcohol use monitoring" means a program 11999
under which an offender agrees to submit to random chemical 12000
analysis of the offender's blood, breath, or urine to determine 12001
whether the offender has ingested any alcohol or other drugs. 12002

(K) "Drug treatment program" means any program under which 12003
a person undergoes assessment and treatment designed to reduce 12004
or completely eliminate the person's physical or emotional 12005
reliance upon alcohol, another drug, or alcohol and another drug 12006
and under which the person may be required to receive assessment 12007
and treatment on an outpatient basis or may be required to 12008
reside at a facility other than the person's home or residence 12009
while undergoing assessment and treatment. 12010

(L) "Economic loss" means any economic detriment suffered 12011
by a victim as a direct and proximate result of the commission 12012
of an offense and includes any loss of income due to lost time 12013
at work because of any injury caused to the victim, any property 12014
loss, medical cost, or funeral expense incurred as a result of 12015
the commission of the offense, and the cost of any accounting or 12016

auditing done to determine the extent of loss if the cost is 12017
incurred and payable by the victim. "Economic loss" does not 12018
include non-economic loss or any punitive or exemplary damages. 12019

(M) "Education or training" includes study at, or in 12020
conjunction with a program offered by, a university, college, or 12021
technical college or vocational study and also includes the 12022
completion of primary school, secondary school, and literacy 12023
curricula or their equivalent. 12024

(N) "Firearm" has the same meaning as in section 2923.11 12025
of the Revised Code. 12026

(O) "Halfway house" means a facility licensed by the 12027
division of parole and community services of the department of 12028
rehabilitation and correction pursuant to section 2967.14 of the 12029
Revised Code as a suitable facility for the care and treatment 12030
of adult offenders. 12031

(P) "House arrest" means a period of confinement of an 12032
offender that is in the offender's home or in other premises 12033
specified by the sentencing court or by the parole board 12034
pursuant to section 2967.28 of the Revised Code and during which 12035
all of the following apply: 12036

(1) The offender is required to remain in the offender's 12037
home or other specified premises for the specified period of 12038
confinement, except for periods of time during which the 12039
offender is at the offender's place of employment or at other 12040
premises as authorized by the sentencing court or by the parole 12041
board. 12042

(2) The offender is required to report periodically to a 12043
person designated by the court or parole board. 12044

(3) The offender is subject to any other restrictions and 12045

requirements that may be imposed by the sentencing court or by 12046
the parole board. 12047

(Q) "Intensive probation supervision" means a requirement 12048
that an offender maintain frequent contact with a person 12049
appointed by the court, or by the parole board pursuant to 12050
section 2967.28 of the Revised Code, to supervise the offender 12051
while the offender is seeking or maintaining necessary 12052
employment and participating in training, education, and 12053
treatment programs as required in the court's or parole board's 12054
order. "Intensive probation supervision" includes intensive 12055
parole supervision and intensive post-release control 12056
supervision. 12057

(R) "Jail" means a jail, workhouse, minimum security jail, 12058
or other residential facility used for the confinement of 12059
alleged or convicted offenders that is operated by a political 12060
subdivision or a combination of political subdivisions of this 12061
state. 12062

(S) "Jail term" means the term in a jail that a sentencing 12063
court imposes or is authorized to impose pursuant to section 12064
2929.24 or 2929.25 of the Revised Code or pursuant to any other 12065
provision of the Revised Code that authorizes a term in a jail 12066
for a misdemeanor conviction. 12067

(T) "Mandatory jail term" means the term in a jail that a 12068
sentencing court is required to impose pursuant to division (G) 12069
of section 1547.99 of the Revised Code, division (E) of section 12070
2903.06 or division (D) of section 2903.08 of the Revised Code, 12071
division ~~(E) or (G)~~ (F) of section 2929.24 of the Revised Code, 12072
division (B) of section 4510.14 of the Revised Code, or division 12073
(G) of section 4511.19 of the Revised Code or pursuant to any 12074
other provision of the Revised Code that requires a term in a 12075

jail for a misdemeanor conviction. 12076

(U) "Delinquent child" has the same meaning as in section 12077
2152.02 of the Revised Code. 12078

(V) "License violation report" means a report that is made 12079
by a sentencing court, or by the parole board pursuant to 12080
section 2967.28 of the Revised Code, to the regulatory or 12081
licensing board or agency that issued an offender a professional 12082
license or a license or permit to do business in this state and 12083
that specifies that the offender has been convicted of or 12084
pleaded guilty to an offense that may violate the conditions 12085
under which the offender's professional license or license or 12086
permit to do business in this state was granted or an offense 12087
for which the offender's professional license or license or 12088
permit to do business in this state may be revoked or suspended. 12089

(W) "Major drug offender" means an offender who is 12090
convicted of or pleads guilty to the possession of, sale of, or 12091
offer to sell any drug, compound, mixture, preparation, or 12092
substance that consists of or contains at least one thousand 12093
grams of hashish; at least one hundred grams of cocaine; at 12094
least one thousand unit doses or one hundred grams of heroin; at 12095
least five thousand unit doses of L.S.D. or five hundred grams 12096
of L.S.D. in a liquid concentrate, liquid extract, or liquid 12097
distillate form; at least fifty grams of a controlled substance 12098
analog; at least one thousand unit doses or one hundred grams of 12099
a fentanyl-related compound; or at least one hundred times the 12100
amount of any other schedule I or II controlled substance other 12101
than marihuana that is necessary to commit a felony of the third 12102
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 12103
of the Revised Code that is based on the possession of, sale of, 12104
or offer to sell the controlled substance. 12105

(X) "Mandatory prison term" means any of the following: 12106

(1) Subject to division (X)(2) of this section, the term 12107
in prison that must be imposed for the offenses or circumstances 12108
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 12109
section 2929.13 and division (B) of section 2929.14 of the 12110
Revised Code. Except as provided in sections 2925.02, 2925.03, 12111
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 12112
maximum or another specific term is required under section 12113
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 12114
described in this division may be any prison term authorized for 12115
the level of offense except that if the offense is a felony of 12116
the first or second degree committed on or after March 22, 2019, 12117
a mandatory prison term described in this division may be one of 12118
the terms prescribed in division (A)(1)(a) or (2)(a) of section 12119
2929.14 of the Revised Code, whichever is applicable, that is 12120
authorized as the minimum term for the offense. 12121

(2) The term of sixty or one hundred twenty days in prison 12122
that a sentencing court is required to impose for a third or 12123
fourth degree felony OVI offense pursuant to division (G)(2) of 12124
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 12125
of the Revised Code or the term of one, two, three, four, or 12126
five years in prison that a sentencing court is required to 12127
impose pursuant to division (G)(2) of section 2929.13 of the 12128
Revised Code. 12129

(3) The term in prison imposed pursuant to division (A) of 12130
section 2971.03 of the Revised Code for the offenses and in the 12131
circumstances described in division (F)(11) of section 2929.13 12132
of the Revised Code or pursuant to division (B)(1)(a), (b), or 12133
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 12134
section 2971.03 of the Revised Code and that term as modified or 12135

terminated pursuant to section 2971.05 of the Revised Code. 12136

(Y) "Monitored time" means a period of time during which 12137
an offender continues to be under the control of the sentencing 12138
court or parole board, subject to no conditions other than 12139
leading a law-abiding life. 12140

(Z) "Offender" means a person who, in this state, is 12141
convicted of or pleads guilty to a felony or a misdemeanor. 12142

(AA) "Prison" means a residential facility used for the 12143
confinement of convicted felony offenders that is under the 12144
control of the department of rehabilitation and correction and 12145
includes a violation sanction center operated under authority of 12146
section 2967.141 of the Revised Code. 12147

(BB) (1) "Prison term" includes either of the following 12148
sanctions for an offender: 12149

(a) A stated prison term; 12150

(b) A term in a prison shortened by, or with the approval 12151
of, the sentencing court pursuant to section 2929.143, 2929.20, 12152
~~2967.26,~~ 5120.031, 5120.032, or 5120.073 of the Revised Code or 12153
shortened pursuant to section 2967.26 of the Revised Code. 12154

(2) With respect to a non-life felony indefinite prison 12155
term, references in any provision of law to a reduction of, or 12156
deduction from, the prison term mean a reduction in, or 12157
deduction from, the minimum term imposed as part of the 12158
indefinite term. 12159

(CC) "Repeat violent offender" means a person about whom 12160
both of the following apply: 12161

(1) The person is being sentenced for committing or for 12162
complicity in committing any of the following: 12163

(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; 12164
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(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. 12168
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(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section. 12172
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(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. 12175
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(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. 12180
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(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 or 2967.194 of the Revised Code. If 12183
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an offender is serving a prison term as a risk reduction 12193
sentence under sections 2929.143 and 5120.036 of the Revised 12194
Code, "stated prison term" includes any period of time by which 12195
the prison term imposed upon the offender is shortened by the 12196
offender's successful completion of all assessment and treatment 12197
or programming pursuant to those sections. 12198

(2) As used in the definition of "stated prison term" set 12199
forth in division (FF)(1) of this section, a prison term is a 12200
definite prison term imposed under section 2929.14 of the 12201
Revised Code or any other provision of law, is the minimum and 12202
maximum prison terms under a non-life felony indefinite prison 12203
term, or is a term of life imprisonment except to the extent 12204
that the use of that definition in a section of the Revised Code 12205
clearly is not intended to include a term of life imprisonment. 12206
With respect to an offender sentenced to a non-life felony 12207
indefinite prison term, references in section 2967.191 ~~or,~~ 12208
2967.193, or 2967.194 of the Revised Code or any other provision 12209
of law to a reduction of, or deduction from, the offender's 12210
stated prison term or to release of the offender before the 12211
expiration of the offender's stated prison term mean a reduction 12212
in, or deduction from, the minimum term imposed as part of the 12213
indefinite term or a release of the offender before the 12214
expiration of that minimum term, references in section 2929.19 12215
or 2967.28 of the Revised Code to a stated prison term with 12216
respect to a prison term imposed for a violation of a post- 12217
release control sanction mean the minimum term so imposed, and 12218
references in any provision of law to an offender's service of 12219
the offender's stated prison term or the expiration of the 12220
offender's stated prison term mean service or expiration of the 12221
minimum term so imposed plus any additional period of 12222
incarceration under the sentence that is required under section 12223

2967.271 of the Revised Code. 12224

(GG) "Victim-offender mediation" means a reconciliation or 12225
mediation program that involves an offender and the victim of 12226
the offense committed by the offender and that includes a 12227
meeting in which the offender and the victim may discuss the 12228
offense, discuss restitution, and consider other sanctions for 12229
the offense. 12230

(HH) "Fourth degree felony OVI offense" means a violation 12231
of division (A) of section 4511.19 of the Revised Code that, 12232
under division (G) of that section, is a felony of the fourth 12233
degree. 12234

(II) "Mandatory term of local incarceration" means the 12235
term of sixty or one hundred twenty days in a jail, a community- 12236
based correctional facility, a halfway house, or an alternative 12237
residential facility that a sentencing court may impose upon a 12238
person who is convicted of or pleads guilty to a fourth degree 12239
felony OVI offense pursuant to division (G) (1) of section 12240
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 12241
section 4511.19 of the Revised Code. 12242

(JJ) "Designated homicide, assault, or kidnapping 12243
offense," "violent sex offense," "sexual motivation 12244
specification," "sexually violent offense," "sexually violent 12245
predator," and "sexually violent predator specification" have 12246
the same meanings as in section 2971.01 of the Revised Code. 12247

(KK) "Sexually oriented offense," "child-victim oriented 12248
offense," and "tier III sex offender/child-victim offender" have 12249
the same meanings as in section 2950.01 of the Revised Code. 12250

(LL) An offense is "committed in the vicinity of a child" 12251
if the offender commits the offense within thirty feet of or 12252

within the same residential unit as a child who is under 12253
eighteen years of age, regardless of whether the offender knows 12254
the age of the child or whether the offender knows the offense 12255
is being committed within thirty feet of or within the same 12256
residential unit as the child and regardless of whether the 12257
child actually views the commission of the offense. 12258

(MM) "Family or household member" has the same meaning as 12259
in section 2919.25 of the Revised Code. 12260

(NN) "Motor vehicle" and "manufactured home" have the same 12261
meanings as in section 4501.01 of the Revised Code. 12262

(OO) "Detention" and "detention facility" have the same 12263
meanings as in section 2921.01 of the Revised Code. 12264

(PP) "Third degree felony OVI offense" means a violation 12265
of division (A) of section 4511.19 of the Revised Code that, 12266
under division (G) of that section, is a felony of the third 12267
degree. 12268

(QQ) "Random drug testing" has the same meaning as in 12269
section 5120.63 of the Revised Code. 12270

(RR) "Felony sex offense" has the same meaning as in 12271
section 2967.28 of the Revised Code. 12272

(SS) "Body armor" has the same meaning as in section 12273
2941.1411 of the Revised Code. 12274

(TT) "Electronic monitoring" means monitoring through the 12275
use of an electronic monitoring device. 12276

(UU) "Electronic monitoring device" means any of the 12277
following: 12278

(1) Any device that can be operated by electrical or 12279

battery power and that conforms with all of the following: 12280

(a) The device has a transmitter that can be attached to a 12281
person, that will transmit a specified signal to a receiver of 12282
the type described in division (UU)(1)(b) of this section if the 12283
transmitter is removed from the person, turned off, or altered 12284
in any manner without prior court approval in relation to 12285
electronic monitoring or without prior approval of the 12286
department of rehabilitation and correction in relation to the 12287
use of an electronic monitoring device for an inmate on 12288
transitional control or otherwise is tampered with, that can 12289
transmit continuously and periodically a signal to that receiver 12290
when the person is within a specified distance from the 12291
receiver, and that can transmit an appropriate signal to that 12292
receiver if the person to whom it is attached travels a 12293
specified distance from that receiver. 12294

(b) The device has a receiver that can receive 12295
continuously the signals transmitted by a transmitter of the 12296
type described in division (UU)(1)(a) of this section, can 12297
transmit continuously those signals by a wireless or landline 12298
telephone connection to a central monitoring computer of the 12299
type described in division (UU)(1)(c) of this section, and can 12300
transmit continuously an appropriate signal to that central 12301
monitoring computer if the device has been turned off or altered 12302
without prior court approval or otherwise tampered with. The 12303
device is designed specifically for use in electronic 12304
monitoring, is not a converted wireless phone or another 12305
tracking device that is clearly not designed for electronic 12306
monitoring, and provides a means of text-based or voice 12307
communication with the person. 12308

(c) The device has a central monitoring computer that can 12309

receive continuously the signals transmitted by a wireless or 12310
landline telephone connection by a receiver of the type 12311
described in division (UU) (1) (b) of this section and can monitor 12312
continuously the person to whom an electronic monitoring device 12313
of the type described in division (UU) (1) (a) of this section is 12314
attached. 12315

(2) Any device that is not a device of the type described 12316
in division (UU) (1) of this section and that conforms with all 12317
of the following: 12318

(a) The device includes a transmitter and receiver that 12319
can monitor and determine the location of a subject person at 12320
any time, or at a designated point in time, through the use of a 12321
central monitoring computer or through other electronic means. 12322

(b) The device includes a transmitter and receiver that 12323
can determine at any time, or at a designated point in time, 12324
through the use of a central monitoring computer or other 12325
electronic means the fact that the transmitter is turned off or 12326
altered in any manner without prior approval of the court in 12327
relation to the electronic monitoring or without prior approval 12328
of the department of rehabilitation and correction in relation 12329
to the use of an electronic monitoring device for an inmate on 12330
transitional control or otherwise is tampered with. 12331

(3) Any type of technology that can adequately track or 12332
determine the location of a subject person at any time and that 12333
is approved by the director of rehabilitation and correction, 12334
including, but not limited to, any satellite technology, voice 12335
tracking system, or retinal scanning system that is so approved. 12336

(VV) "Non-economic loss" means nonpecuniary harm suffered 12337
by a victim of an offense as a result of or related to the 12338

commission of the offense, including, but not limited to, pain 12339
and suffering; loss of society, consortium, companionship, care, 12340
assistance, attention, protection, advice, guidance, counsel, 12341
instruction, training, or education; mental anguish; and any 12342
other intangible loss. 12343

(WW) "Prosecutor" has the same meaning as in section 12344
2935.01 of the Revised Code. 12345

(XX) "Continuous alcohol monitoring" means the ability to 12346
automatically test and periodically transmit alcohol consumption 12347
levels and tamper attempts at least every hour, regardless of 12348
the location of the person who is being monitored. 12349

(YY) A person is "adjudicated a sexually violent predator" 12350
if the person is convicted of or pleads guilty to a violent sex 12351
offense and also is convicted of or pleads guilty to a sexually 12352
violent predator specification that was included in the 12353
indictment, count in the indictment, or information charging 12354
that violent sex offense or if the person is convicted of or 12355
pleads guilty to a designated homicide, assault, or kidnapping 12356
offense and also is convicted of or pleads guilty to both a 12357
sexual motivation specification and a sexually violent predator 12358
specification that were included in the indictment, count in the 12359
indictment, or information charging that designated homicide, 12360
assault, or kidnapping offense. 12361

(ZZ) An offense is "committed in proximity to a school" if 12362
the offender commits the offense in a school safety zone or 12363
within five hundred feet of any school building or the 12364
boundaries of any school premises, regardless of whether the 12365
offender knows the offense is being committed in a school safety 12366
zone or within five hundred feet of any school building or the 12367
boundaries of any school premises. 12368

(AAA) "Human trafficking" means a scheme or plan to which	12369
all of the following apply:	12370
(1) Its object is one or both of the following:	12371
(a) To subject a victim or victims to involuntary	12372
servitude, as defined in section 2905.31 of the Revised Code or	12373
to compel a victim or victims to engage in sexual activity for	12374
hire, to engage in a performance that is obscene, sexually	12375
oriented, or nudity oriented, or to be a model or participant in	12376
the production of material that is obscene, sexually oriented,	12377
or nudity oriented;	12378
(b) To facilitate, encourage, or recruit a victim who is a	12379
minor or is a person with a developmental disability, or victims	12380
who are minors or are persons with developmental disabilities,	12381
for any purpose listed in divisions (A) (2) (a) to (c) of section	12382
2905.32 of the Revised Code.	12383
(2) It involves at least two felony offenses, whether or	12384
not there has been a prior conviction for any of the felony	12385
offenses, to which all of the following apply:	12386
(a) Each of the felony offenses is a violation of section	12387
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32,	12388
division (A) (1) or (2) of section 2907.323, or division (B) (1),	12389
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or	12390
is a violation of a law of any state other than this state that	12391
is substantially similar to any of the sections or divisions of	12392
the Revised Code identified in this division.	12393
(b) At least one of the felony offenses was committed in	12394
this state.	12395
(c) The felony offenses are related to the same scheme or	12396
plan and are not isolated instances.	12397

(BBB) "Material," "nudity," "obscene," "performance," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code. 12398
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(CCC) "Material that is obscene, sexually oriented, or nudity oriented" means any material that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity. 12401
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(DDD) "Performance that is obscene, sexually oriented, or nudity oriented" means any performance that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity. 12406
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(EEE) "Accelerant" means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire. 12411
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(FFF) "Permanent disabling harm" means serious physical harm that results in permanent injury to the intellectual, physical, or sensory functions and that permanently and substantially impairs a person's ability to meet one or more of the ordinary demands of life, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. 12414
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(GGG) "Non-life felony indefinite prison term" means a prison term imposed under division (A) (1) (a) or (2) (a) of section 2929.14 and section 2929.144 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019. 12421
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Sec. 2929.13. (A) Except as provided in division (E), (F), 12426

or (G) of this section and unless a specific sanction is 12427
required to be imposed or is precluded from being imposed 12428
pursuant to law, a court that imposes a sentence upon an 12429
offender for a felony may impose any sanction or combination of 12430
sanctions on the offender that are provided in sections 2929.14 12431
to 2929.18 of the Revised Code. 12432

If the offender is eligible to be sentenced to community 12433
control sanctions, the court shall consider the appropriateness 12434
of imposing a financial sanction pursuant to section 2929.18 of 12435
the Revised Code or a sanction of community service pursuant to 12436
section 2929.17 of the Revised Code as the sole sanction for the 12437
offense. Except as otherwise provided in this division, if the 12438
court is required to impose a mandatory prison term for the 12439
offense for which sentence is being imposed, the court also 12440
shall impose any financial sanction pursuant to section 2929.18 12441
of the Revised Code that is required for the offense and may 12442
impose any other financial sanction pursuant to that section but 12443
may not impose any additional sanction or combination of 12444
sanctions under section 2929.16 or 2929.17 of the Revised Code. 12445

If the offender is being sentenced for a fourth degree 12446
felony OVI offense or for a third degree felony OVI offense, in 12447
addition to the mandatory term of local incarceration or the 12448
mandatory prison term required for the offense by division (G) 12449
(1) or (2) of this section, the court shall impose upon the 12450
offender a mandatory fine in accordance with division (B) (3) of 12451
section 2929.18 of the Revised Code and may impose whichever of 12452
the following is applicable: 12453

(1) For a fourth degree felony OVI offense for which 12454
sentence is imposed under division (G) (1) of this section, an 12455
additional community control sanction or combination of 12456

community control sanctions under section 2929.16 or 2929.17 of 12457
the Revised Code. If the court imposes upon the offender a 12458
community control sanction and the offender violates any 12459
condition of the community control sanction, the court may take 12460
any action prescribed in division (B) of section 2929.15 of the 12461
Revised Code relative to the offender, including imposing a 12462
prison term on the offender pursuant to that division. 12463

(2) For a third or fourth degree felony OVI offense for 12464
which sentence is imposed under division (G) (2) of this section, 12465
an additional prison term as described in division (B) (4) of 12466
section 2929.14 of the Revised Code or a community control 12467
sanction as described in division (G) (2) of this section. 12468

(B) (1) (a) Except as provided in division (B) (1) (b) of this 12469
section, if an offender is convicted of or pleads guilty to a 12470
felony of the fourth or fifth degree that is not an offense of 12471
violence or that is a qualifying assault offense, the court 12472
shall sentence the offender to a community control sanction or 12473
combination of community control sanctions if all of the 12474
following apply: 12475

(i) The offender previously has not been convicted of or 12476
pleaded guilty to a felony offense. 12477

(ii) The most serious charge against the offender at the 12478
time of sentencing is a felony of the fourth or fifth degree. 12479

(iii) The offender previously has not been convicted of or 12480
pleaded guilty to a misdemeanor offense of violence that the 12481
offender committed within two years prior to the offense for 12482
which sentence is being imposed. 12483

(b) The court has discretion to impose a prison term upon 12484
an offender who is convicted of or pleads guilty to a felony of 12485

the fourth or fifth degree that is not an offense of violence or 12486
that is a qualifying assault offense if any of the following 12487
apply: 12488

(i) The offender committed the offense while having a 12489
firearm on or about the offender's person or under the 12490
offender's control. 12491

(ii) If the offense is a qualifying assault offense, the 12492
offender caused serious physical harm to another person while 12493
committing the offense, and, if the offense is not a qualifying 12494
assault offense, the offender caused physical harm to another 12495
person while committing the offense. 12496

(iii) The offender violated a term of the conditions of 12497
bond as set by the court. 12498

(iv) The offense is a sex offense that is a fourth or 12499
fifth degree felony violation of any provision of Chapter 2907. 12500
of the Revised Code. 12501

(v) In committing the offense, the offender attempted to 12502
cause or made an actual threat of physical harm to a person with 12503
a deadly weapon. 12504

(vi) In committing the offense, the offender attempted to 12505
cause or made an actual threat of physical harm to a person, and 12506
the offender previously was convicted of an offense that caused 12507
physical harm to a person. 12508

(vii) The offender held a public office or position of 12509
trust, and the offense related to that office or position; the 12510
offender's position obliged the offender to prevent the offense 12511
or to bring those committing it to justice; or the offender's 12512
professional reputation or position facilitated the offense or 12513
was likely to influence the future conduct of others. 12514

(viii) The offender committed the offense for hire or as part of an organized criminal activity. 12515
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(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 12517
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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. 12519
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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. 12522
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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. 12529
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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 12536
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the Revised Code. 12544

(D) (1) Except as provided in division (E) or (F) of this 12545
section, for a felony of the first or second degree, for a 12546
felony drug offense that is a violation of any provision of 12547
Chapter 2925., 3719., or 4729. of the Revised Code for which a 12548
presumption in favor of a prison term is specified as being 12549
applicable, and for a violation of division (A) (4) or (B) of 12550
section 2907.05 of the Revised Code for which a presumption in 12551
favor of a prison term is specified as being applicable, it is 12552
presumed that a prison term is necessary in order to comply with 12553
the purposes and principles of sentencing under section 2929.11 12554
of the Revised Code. Division (D) (2) of this section does not 12555
apply to a presumption established under this division for a 12556
violation of division (A) (4) of section 2907.05 of the Revised 12557
Code. 12558

(2) Notwithstanding the presumption established under 12559
division (D) (1) of this section for the offenses listed in that 12560
division other than a violation of division (A) (4) or (B) of 12561
section 2907.05 of the Revised Code, the sentencing court may 12562
impose a community control sanction or a combination of 12563
community control sanctions instead of a prison term on an 12564
offender for a felony of the first or second degree or for a 12565
felony drug offense that is a violation of any provision of 12566
Chapter 2925., 3719., or 4729. of the Revised Code for which a 12567
presumption in favor of a prison term is specified as being 12568
applicable if it makes both of the following findings: 12569

(a) A community control sanction or a combination of 12570
community control sanctions would adequately punish the offender 12571
and protect the public from future crime, because the applicable 12572
factors under section 2929.12 of the Revised Code indicating a 12573

lesser likelihood of recidivism outweigh the applicable factors 12574
under that section indicating a greater likelihood of 12575
recidivism. 12576

(b) A community control sanction or a combination of 12577
community control sanctions would not demean the seriousness of 12578
the offense, because one or more factors under section 2929.12 12579
of the Revised Code that indicate that the offender's conduct 12580
was less serious than conduct normally constituting the offense 12581
are applicable, and they outweigh the applicable factors under 12582
that section that indicate that the offender's conduct was more 12583
serious than conduct normally constituting the offense. 12584

(E) (1) Except as provided in division (F) of this section, 12585
for any drug offense that is a violation of any provision of 12586
Chapter 2925. of the Revised Code and that is a felony of the 12587
third, fourth, or fifth degree, the applicability of a 12588
presumption under division (D) of this section in favor of a 12589
prison term or of division (B) or (C) of this section in 12590
determining whether to impose a prison term for the offense 12591
shall be determined as specified in section 2925.02, 2925.03, 12592
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 12593
2925.36, or 2925.37 of the Revised Code, whichever is applicable 12594
regarding the violation. 12595

(2) If an offender who was convicted of or pleaded guilty 12596
to a felony violates the conditions of a community control 12597
sanction imposed for the offense solely by reason of producing 12598
positive results on a drug test ~~or by acting pursuant to~~ 12599
~~division (B) (2) (b) of section 2925.11 of the Revised Code with~~ 12600
~~respect to a minor drug possession offense,~~ the court, as 12601
punishment for the violation of the sanction, shall not order 12602
that the offender be imprisoned unless the court determines on 12603

the record either of the following: 12604

(a) The offender had been ordered as a sanction for the 12605
felony to participate in a drug treatment program, in a drug 12606
education program, or in narcotics anonymous or a similar 12607
program, and the offender continued to use illegal drugs after a 12608
reasonable period of participation in the program. 12609

(b) The imprisonment of the offender for the violation is 12610
consistent with the purposes and principles of sentencing set 12611
forth in section 2929.11 of the Revised Code. 12612

(3) A court that sentences an offender for a drug abuse 12613
offense that is a felony of the third, fourth, or fifth degree 12614
may require that the offender be assessed by a properly 12615
credentialed professional within a specified period of time. The 12616
court shall require the professional to file a written 12617
assessment of the offender with the court. If the offender is 12618
eligible for a community control sanction and after considering 12619
the written assessment, the court may impose a community control 12620
sanction that includes addiction services and recovery supports 12621
included in a community-based continuum of care established 12622
under section 340.032 of the Revised Code. If the court imposes 12623
addiction services and recovery supports as a community control 12624
sanction, the court shall direct the level and type of addiction 12625
services and recovery supports after considering the assessment 12626
and recommendation of community addiction services providers. 12627

(F) Notwithstanding divisions (A) to (E) of this section, 12628
the court shall impose a prison term or terms under sections 12629
2929.02 to 2929.06, section 2929.14, section 2929.142, or 12630
section 2971.03 of the Revised Code and except as specifically 12631
provided in section 2929.20, ~~divisions (C) to (I) of section~~ 12632
~~2967.19,~~ or section 2967.191 of the Revised Code or when parole 12633

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) (2) or (3) of section 2967.193 or 2967.194, 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. 12663
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(ii) The offense was committed on or after August 3, 2006. 12666

(4) A felony violation of section 2903.04, 2903.06, 12667
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 12668
or 2923.132 of the Revised Code if the section requires the 12669
imposition of a prison term; 12670

(5) A first, second, or third degree felony drug offense 12671
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 12672
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 12673
or 4729.99 of the Revised Code, whichever is applicable 12674
regarding the violation, requires the imposition of a mandatory 12675
prison term; 12676

(6) Any offense that is a first or second degree felony 12677
and that is not set forth in division (F) (1), (2), (3), or (4) 12678
of this section, if the offender previously was convicted of or 12679
pleaded guilty to aggravated murder, murder, any first or second 12680
degree felony, or an offense under an existing or former law of 12681
this state, another state, or the United States that is or was 12682
substantially equivalent to one of those offenses; 12683

(7) Any offense that is a third degree felony and either 12684
is a violation of section 2903.04 of the Revised Code or an 12685
attempt to commit a felony of the second degree that is an 12686
offense of violence and involved an attempt to cause serious 12687
physical harm to a person or that resulted in serious physical 12688
harm to a person if the offender previously was convicted of or 12689
pleaded guilty to any of the following offenses: 12690

(a) Aggravated murder, murder, involuntary manslaughter, 12691

rape, felonious sexual penetration as it existed under section 12692
2907.12 of the Revised Code prior to September 3, 1996, a felony 12693
of the first or second degree that resulted in the death of a 12694
person or in physical harm to a person, or complicity in or an 12695
attempt to commit any of those offenses; 12696

(b) An offense under an existing or former law of this 12697
state, another state, or the United States that is or was 12698
substantially equivalent to an offense listed in division (F) (7) 12699
(a) of this section that resulted in the death of a person or in 12700
physical harm to a person. 12701

(8) Any offense, other than a violation of section 2923.12 12702
of the Revised Code, that is a felony, if the offender had a 12703
firearm on or about the offender's person or under the 12704
offender's control while committing the felony, with respect to 12705
a portion of the sentence imposed pursuant to division (B) (1) (a) 12706
of section 2929.14 of the Revised Code for having the firearm; 12707

(9) Any offense of violence that is a felony, if the 12708
offender wore or carried body armor while committing the felony 12709
offense of violence, with respect to the portion of the sentence 12710
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 12711
Revised Code for wearing or carrying the body armor; 12712

(10) Corrupt activity in violation of section 2923.32 of 12713
the Revised Code when the most serious offense in the pattern of 12714
corrupt activity that is the basis of the offense is a felony of 12715
the first degree; 12716

(11) Any violent sex offense or designated homicide, 12717
assault, or kidnapping offense if, in relation to that offense, 12718
the offender is adjudicated a sexually violent predator; 12719

(12) A violation of division (A) (1) or (2) of section 12720

2921.36 of the Revised Code, or a violation of division (C) of 12721
that section involving an item listed in division (A) (1) or (2) 12722
of that section, if the offender is an officer or employee of 12723
the department of rehabilitation and correction; 12724

(13) A violation of division (A) (1) or (2) of section 12725
2903.06 of the Revised Code if the victim of the offense is a 12726
peace officer, as defined in section 2935.01 of the Revised 12727
Code, or an investigator of the bureau of criminal 12728
identification and investigation, as defined in section 2903.11 12729
of the Revised Code, with respect to the portion of the sentence 12730
imposed pursuant to division (B) (5) of section 2929.14 of the 12731
Revised Code; 12732

(14) A violation of division (A) (1) or (2) of section 12733
2903.06 of the Revised Code if the offender has been convicted 12734
of or pleaded guilty to three or more violations of division (A) 12735
~~or (B)~~ of section 4511.19 of the Revised Code or an equivalent 12736
offense, as defined in section 2941.1415 of the Revised Code, or 12737
three or more violations of any combination of those ~~divisions~~ 12738
~~and~~ offenses, with respect to the portion of the sentence 12739
imposed pursuant to division (B) (6) of section 2929.14 of the 12740
Revised Code; 12741

(15) Kidnapping, in the circumstances specified in section 12742
2971.03 of the Revised Code and when no other provision of 12743
division (F) of this section applies; 12744

(16) Kidnapping, abduction, compelling prostitution, 12745
promoting prostitution, engaging in a pattern of corrupt 12746
activity, a violation of division (A) (1) or (2) of section 12747
2907.323 of the Revised Code that involves a minor, or 12748
endangering children in violation of division (B) (1), (2), (3), 12749
(4), or (5) of section 2919.22 of the Revised Code, if the 12750

offender is convicted of or pleads guilty to a specification as 12751
described in section 2941.1422 of the Revised Code that was 12752
included in the indictment, count in the indictment, or 12753
information charging the offense; 12754

(17) A felony violation of division (A) or (B) of section 12755
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 12756
that section, and division (D) (6) of that section, require the 12757
imposition of a prison term; 12758

(18) A felony violation of section 2903.11, 2903.12, or 12759
2903.13 of the Revised Code, if the victim of the offense was a 12760
woman that the offender knew was pregnant at the time of the 12761
violation, with respect to a portion of the sentence imposed 12762
pursuant to division (B) (8) of section 2929.14 of the Revised 12763
Code; 12764

(19) (a) Any violent felony offense if the offender is a 12765
violent career criminal and had a firearm on or about the 12766
offender's person or under the offender's control during the 12767
commission of the violent felony offense and displayed or 12768
brandished the firearm, indicated that the offender possessed a 12769
firearm, or used the firearm to facilitate the offense, with 12770
respect to the portion of the sentence imposed under division 12771
(K) of section 2929.14 of the Revised Code. 12772

(b) As used in division (F) (19) (a) of this section, 12773
"violent career criminal" and "violent felony offense" have the 12774
same meanings as in section 2923.132 of the Revised Code. 12775

(20) Any violation of division (A) (1) of section 2903.11 12776
of the Revised Code if the offender used an accelerant in 12777
committing the violation and the serious physical harm to 12778
another or another's unborn caused by the violation resulted in 12779

a permanent, serious disfigurement or permanent, substantial 12780
incapacity or any violation of division (A) (2) of that section 12781
if the offender used an accelerant in committing the violation, 12782
the violation caused physical harm to another or another's 12783
unborn, and the physical harm resulted in a permanent, serious 12784
disfigurement or permanent, substantial incapacity, with respect 12785
to a portion of the sentence imposed pursuant to division (B) (9) 12786
of section 2929.14 of the Revised Code. The provisions of this 12787
division and of division (D) (2) of section 2903.11, divisions 12788
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 12789
the Revised Code shall be known as "Judy's Law." 12790

(21) Any violation of division (A) of section 2903.11 of 12791
the Revised Code if the victim of the offense suffered permanent 12792
disabling harm as a result of the offense and the victim was 12793
under ten years of age at the time of the offense, with respect 12794
to a portion of the sentence imposed pursuant to division (B) 12795
(10) of section 2929.14 of the Revised Code. 12796

(22) A felony violation of section 2925.03, 2925.05, or 12797
2925.11 of the Revised Code, if the drug involved in the 12798
violation is a fentanyl-related compound or a compound, mixture, 12799
preparation, or substance containing a fentanyl-related compound 12800
and the offender is convicted of or pleads guilty to a 12801
specification of the type described in division (B) of section 12802
2941.1410 of the Revised Code that was included in the 12803
indictment, count in the indictment, or information charging the 12804
offense, with respect to the portion of the sentence imposed 12805
under division (B) (11) of section 2929.14 of the Revised Code. 12806

(G) Notwithstanding divisions (A) to (E) of this section, 12807
if an offender is being sentenced for a fourth degree felony OVI 12808
offense or for a third degree felony OVI offense, the court 12809

shall impose upon the offender a mandatory term of local 12810
incarceration or a mandatory prison term in accordance with the 12811
following: 12812

(1) If the offender is being sentenced for a fourth degree 12813
felony OVI offense and if the offender has not been convicted of 12814
and has not pleaded guilty to a specification of the type 12815
described in section 2941.1413 of the Revised Code, the court 12816
may impose upon the offender a mandatory term of local 12817
incarceration of sixty days or one hundred twenty days as 12818
specified in division (G) (1) (d) of section 4511.19 of the 12819
Revised Code. The court shall not reduce the term pursuant to 12820
section 2929.20, division (A) (2) or (3) of section 2967.193 or 12821
2967.194, or any other provision of the Revised Code. The court 12822
that imposes a mandatory term of local incarceration under this 12823
division shall specify whether the term is to be served in a 12824
jail, a community-based correctional facility, a halfway house, 12825
or an alternative residential facility, and the offender shall 12826
serve the term in the type of facility specified by the court. A 12827
mandatory term of local incarceration imposed under division (G) 12828
(1) of this section is not subject to any other Revised Code 12829
provision that pertains to a prison term except as provided in 12830
division (A) (1) of this section. 12831

(2) If the offender is being sentenced for a third degree 12832
felony OVI offense, or if the offender is being sentenced for a 12833
fourth degree felony OVI offense and the court does not impose a 12834
mandatory term of local incarceration under division (G) (1) of 12835
this section, the court shall impose upon the offender a 12836
mandatory prison term of one, two, three, four, or five years if 12837
the offender also is convicted of or also pleads guilty to a 12838
specification of the type described in section 2941.1413 of the 12839
Revised Code or shall impose upon the offender a mandatory 12840

prison term of sixty days or one hundred twenty days as 12841
specified in division (G) (1) (d) or (e) of section 4511.19 of the 12842
Revised Code if the offender has not been convicted of and has 12843
not pleaded guilty to a specification of that type. ~~Subject to~~ 12844
~~divisions (C) to (I) of section 2967.19 of the Revised Code, the~~ 12845
The court shall not reduce the term pursuant to section 2929.20, 12846
2967.19, division (A) (2) or (3) of section 2967.193 or 2967.194, 12847
or any other provision of the Revised Code. The offender shall 12848
serve the one-, two-, three-, four-, or five-year mandatory 12849
prison term consecutively to and prior to the prison term 12850
imposed for the underlying offense and consecutively to any 12851
other mandatory prison term imposed in relation to the offense. 12852
In no case shall an offender who once has been sentenced to a 12853
mandatory term of local incarceration pursuant to division (G) 12854
(1) of this section for a fourth degree felony OVI offense be 12855
sentenced to another mandatory term of local incarceration under 12856
that division for any violation of division (A) of section 12857
4511.19 of the Revised Code. In addition to the mandatory prison 12858
term described in division (G) (2) of this section, the court may 12859
sentence the offender to a community control sanction under 12860
section 2929.16 or 2929.17 of the Revised Code, but the offender 12861
shall serve the prison term prior to serving the community 12862
control sanction. The department of rehabilitation and 12863
correction may place an offender sentenced to a mandatory prison 12864
term under this division in an intensive program prison 12865
established pursuant to section 5120.033 of the Revised Code if 12866
the department gave the sentencing judge prior notice of its 12867
intent to place the offender in an intensive program prison 12868
established under that section and if the judge did not notify 12869
the department that the judge disapproved the placement. Upon 12870
the establishment of the initial intensive program prison 12871
pursuant to section 5120.033 of the Revised Code that is 12872

privately operated and managed by a contractor pursuant to a 12873
contract entered into under section 9.06 of the Revised Code, 12874
both of the following apply: 12875

(a) The department of rehabilitation and correction shall 12876
make a reasonable effort to ensure that a sufficient number of 12877
offenders sentenced to a mandatory prison term under this 12878
division are placed in the privately operated and managed prison 12879
so that the privately operated and managed prison has full 12880
occupancy. 12881

(b) Unless the privately operated and managed prison has 12882
full occupancy, the department of rehabilitation and correction 12883
shall not place any offender sentenced to a mandatory prison 12884
term under this division in any intensive program prison 12885
established pursuant to section 5120.033 of the Revised Code 12886
other than the privately operated and managed prison. 12887

(H) If an offender is being sentenced for a sexually 12888
oriented offense or child-victim oriented offense that is a 12889
felony committed on or after January 1, 1997, the judge shall 12890
require the offender to submit to a DNA specimen collection 12891
procedure pursuant to section 2901.07 of the Revised Code. 12892

(I) If an offender is being sentenced for a sexually 12893
oriented offense or a child-victim oriented offense committed on 12894
or after January 1, 1997, the judge shall include in the 12895
sentence a summary of the offender's duties imposed under 12896
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12897
Code and the duration of the duties. The judge shall inform the 12898
offender, at the time of sentencing, of those duties and of 12899
their duration. If required under division (A)(2) of section 12900
2950.03 of the Revised Code, the judge shall perform the duties 12901
specified in that section, or, if required under division (A)(6) 12902

of section 2950.03 of the Revised Code, the judge shall perform 12903
the duties specified in that division. 12904

(J) (1) Except as provided in division (J) (2) of this 12905
section, when considering sentencing factors under this section 12906
in relation to an offender who is convicted of or pleads guilty 12907
to an attempt to commit an offense in violation of section 12908
2923.02 of the Revised Code, the sentencing court shall consider 12909
the factors applicable to the felony category of the violation 12910
of section 2923.02 of the Revised Code instead of the factors 12911
applicable to the felony category of the offense attempted. 12912

(2) When considering sentencing factors under this section 12913
in relation to an offender who is convicted of or pleads guilty 12914
to an attempt to commit a drug abuse offense for which the 12915
penalty is determined by the amount or number of unit doses of 12916
the controlled substance involved in the drug abuse offense, the 12917
sentencing court shall consider the factors applicable to the 12918
felony category that the drug abuse offense attempted would be 12919
if that drug abuse offense had been committed and had involved 12920
an amount or number of unit doses of the controlled substance 12921
that is within the next lower range of controlled substance 12922
amounts than was involved in the attempt. 12923

(K) As used in this section: 12924

(1) "Community addiction services provider" has the same 12925
meaning as in section 5119.01 of the Revised Code. 12926

(2) "Drug abuse offense" has the same meaning as in 12927
section 2925.01 of the Revised Code. 12928

(3) "Minor drug possession offense" has the same meaning 12929
as in section 2925.11 of the Revised Code. 12930

(4) "Qualifying assault offense" means a violation of 12931

section 2903.13 of the Revised Code for which the penalty 12932
provision in division (C) (8) (b) or (C) (9) (b) of that section 12933
applies. 12934

(L) At the time of sentencing an offender for any sexually 12935
oriented offense, if the offender is a tier III sex 12936
offender/child-victim offender relative to that offense and the 12937
offender does not serve a prison term or jail term, the court 12938
may require that the offender be monitored by means of a global 12939
positioning device. If the court requires such monitoring, the 12940
cost of monitoring shall be borne by the offender. If the 12941
offender is indigent, the cost of compliance shall be paid by 12942
the crime victims reparations fund. 12943

Sec. 2929.14. (A) Except as provided in division (B) (1), 12944
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 12945
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 12946
in division (D) (6) of section 2919.25 of the Revised Code and 12947
except in relation to an offense for which a sentence of death 12948
or life imprisonment is to be imposed, if the court imposing a 12949
sentence upon an offender for a felony elects or is required to 12950
impose a prison term on the offender pursuant to this chapter, 12951
the court shall impose a prison term that shall be one of the 12952
following: 12953

(1) (a) For a felony of the first degree committed on or 12954
~~after the effective date of this amendment March 22, 2019,~~ the 12955
prison term shall be an indefinite prison term with a stated 12956
minimum term selected by the court of three, four, five, six, 12957
seven, eight, nine, ten, or eleven years and a maximum term that 12958
is determined pursuant to section 2929.144 of the Revised Code, 12959
except that if the section that criminalizes the conduct 12960
constituting the felony specifies a different minimum term or 12961

penalty for the offense, the specific language of that section 12962
shall control in determining the minimum term or otherwise 12963
sentencing the offender but the minimum term or sentence imposed 12964
under that specific language shall be considered for purposes of 12965
the Revised Code as if it had been imposed under this division. 12966

(b) For a felony of the first degree committed prior to 12967
~~the effective date of this amendment~~ March 22, 2019, the prison 12968
term shall be a definite prison term of three, four, five, six, 12969
seven, eight, nine, ten, or eleven years. 12970

(2) (a) For a felony of the second degree committed on or 12971
~~after the effective date of this amendment~~ March 22, 2019, the 12972
prison term shall be an indefinite prison term with a stated 12973
minimum term selected by the court of two, three, four, five, 12974
six, seven, or eight years and a maximum term that is determined 12975
pursuant to section 2929.144 of the Revised Code, except that if 12976
the section that criminalizes the conduct constituting the 12977
felony specifies a different minimum term or penalty for the 12978
offense, the specific language of that section shall control in 12979
determining the minimum term or otherwise sentencing the 12980
offender but the minimum term or sentence imposed under that 12981
specific language shall be considered for purposes of the 12982
Revised Code as if it had been imposed under this division. 12983

(b) For a felony of the second degree committed prior to 12984
~~the effective date of this amendment~~ March 22, 2019, the prison 12985
term shall be a definite term of two, three, four, five, six, 12986
seven, or eight years. 12987

(3) (a) For a felony of the third degree that is a 12988
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 12989
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 12990
Code, that is a violation of division (A) of section 4511.19 of 12991

the Revised Code if the offender previously has been convicted 12992
of or pleaded guilty to a violation of division (A) of that 12993
section that was a felony, or that is a violation of section 12994
2911.02 or 2911.12 of the Revised Code if the offender 12995
previously has been convicted of or pleaded guilty in two or 12996
more separate proceedings to two or more violations of section 12997
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 12998
prison term shall be a definite term of twelve, eighteen, 12999
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 13000
four, or sixty months. 13001

(b) For a felony of the third degree that is not an 13002
offense for which division (A) (3) (a) of this section applies, 13003
the prison term shall be a definite term of nine, twelve, 13004
eighteen, twenty-four, thirty, or thirty-six months. 13005

(4) For a felony of the fourth degree, the prison term 13006
shall be a definite term of six, seven, eight, nine, ten, 13007
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 13008
or eighteen months. 13009

(5) For a felony of the fifth degree, the prison term 13010
shall be a definite term of six, seven, eight, nine, ten, 13011
eleven, or twelve months. 13012

(B) (1) (a) Except as provided in division (B) (1) (e) of this 13013
section, if an offender who is convicted of or pleads guilty to 13014
a felony also is convicted of or pleads guilty to a 13015
specification of the type described in section 2941.141, 13016
2941.144, or 2941.145 of the Revised Code, the court shall 13017
impose on the offender one of the following prison terms: 13018

(i) A prison term of six years if the specification is of 13019
the type described in division (A) of section 2941.144 of the 13020

Revised Code that charges the offender with having a firearm 13021
that is an automatic firearm or that was equipped with a firearm 13022
muffler or suppressor on or about the offender's person or under 13023
the offender's control while committing the offense; 13024

(ii) A prison term of three years if the specification is 13025
of the type described in division (A) of section 2941.145 of the 13026
Revised Code that charges the offender with having a firearm on 13027
or about the offender's person or under the offender's control 13028
while committing the offense and displaying the firearm, 13029
brandishing the firearm, indicating that the offender possessed 13030
the firearm, or using it to facilitate the offense; 13031

(iii) A prison term of one year if the specification is of 13032
the type described in division (A) of section 2941.141 of the 13033
Revised Code that charges the offender with having a firearm on 13034
or about the offender's person or under the offender's control 13035
while committing the offense; 13036

(iv) A prison term of nine years if the specification is 13037
of the type described in division (D) of section 2941.144 of the 13038
Revised Code that charges the offender with having a firearm 13039
that is an automatic firearm or that was equipped with a firearm 13040
muffler or suppressor on or about the offender's person or under 13041
the offender's control while committing the offense and 13042
specifies that the offender previously has been convicted of or 13043
pleaded guilty to a specification of the type described in 13044
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 13045
the Revised Code; 13046

(v) A prison term of fifty-four months if the 13047
specification is of the type described in division (D) of 13048
section 2941.145 of the Revised Code that charges the offender 13049
with having a firearm on or about the offender's person or under 13050

the offender's control while committing the offense and 13051
displaying the firearm, brandishing the firearm, indicating that 13052
the offender possessed the firearm, or using the firearm to 13053
facilitate the offense and that the offender previously has been 13054
convicted of or pleaded guilty to a specification of the type 13055
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 13056
2941.1412 of the Revised Code; 13057

(vi) A prison term of eighteen months if the specification 13058
is of the type described in division (D) of section 2941.141 of 13059
the Revised Code that charges the offender with having a firearm 13060
on or about the offender's person or under the offender's 13061
control while committing the offense and that the offender 13062
previously has been convicted of or pleaded guilty to a 13063
specification of the type described in section 2941.141, 13064
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 13065

(b) If a court imposes a prison term on an offender under 13066
division (B)(1)(a) of this section, the prison term shall not be 13067
reduced pursuant to ~~section 2967.19,~~ section 2929.20, division 13068
(A)(2) or (3) of section 2967.193 or 2967.194, or any other 13069
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 13070
Except as provided in division (B)(1)(g) of this section, a 13071
court shall not impose more than one prison term on an offender 13072
under division (B)(1)(a) of this section for felonies committed 13073
as part of the same act or transaction. 13074

(c) (i) Except as provided in division (B)(1)(e) of this 13075
section, if an offender who is convicted of or pleads guilty to 13076
a violation of section 2923.161 of the Revised Code or to a 13077
felony that includes, as an essential element, purposely or 13078
knowingly causing or attempting to cause the death of or 13079
physical harm to another, also is convicted of or pleads guilty 13080

to a specification of the type described in division (A) of 13081
section 2941.146 of the Revised Code that charges the offender 13082
with committing the offense by discharging a firearm from a 13083
motor vehicle other than a manufactured home, the court, after 13084
imposing a prison term on the offender for the violation of 13085
section 2923.161 of the Revised Code or for the other felony 13086
offense under division (A), (B) (2), or (B) (3) of this section, 13087
shall impose an additional prison term of five years upon the 13088
offender that shall not be reduced pursuant to section 2929.20, 13089
~~section 2967.19, division (A) (2) or (3) of section 2967.193 or~~ 13090
2967.194, or any other provision of Chapter 2967. or Chapter 13091
5120. of the Revised Code. 13092

(ii) Except as provided in division (B) (1) (e) of this 13093
section, if an offender who is convicted of or pleads guilty to 13094
a violation of section 2923.161 of the Revised Code or to a 13095
felony that includes, as an essential element, purposely or 13096
knowingly causing or attempting to cause the death of or 13097
physical harm to another, also is convicted of or pleads guilty 13098
to a specification of the type described in division (C) of 13099
section 2941.146 of the Revised Code that charges the offender 13100
with committing the offense by discharging a firearm from a 13101
motor vehicle other than a manufactured home and that the 13102
offender previously has been convicted of or pleaded guilty to a 13103
specification of the type described in section 2941.141, 13104
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 13105
the court, after imposing a prison term on the offender for the 13106
violation of section 2923.161 of the Revised Code or for the 13107
other felony offense under division (A), (B) (2), or (3) of this 13108
section, shall impose an additional prison term of ninety months 13109
upon the offender that shall not be reduced pursuant to section 13110
2929.20, ~~2967.19, division (A) (2) or (3) of section 2967.193 or~~ 13111

2967.194, or any other provision of Chapter 2967. or Chapter 13112
5120. of the Revised Code. 13113

(iii) A court shall not impose more than one additional 13114
prison term on an offender under division (B) (1) (c) of this 13115
section for felonies committed as part of the same act or 13116
transaction. If a court imposes an additional prison term on an 13117
offender under division (B) (1) (c) of this section relative to an 13118
offense, the court also shall impose a prison term under 13119
division (B) (1) (a) of this section relative to the same offense, 13120
provided the criteria specified in that division for imposing an 13121
additional prison term are satisfied relative to the offender 13122
and the offense. 13123

(d) If an offender who is convicted of or pleads guilty to 13124
an offense of violence that is a felony also is convicted of or 13125
pleads guilty to a specification of the type described in 13126
section 2941.1411 of the Revised Code that charges the offender 13127
with wearing or carrying body armor while committing the felony 13128
offense of violence, the court shall impose on the offender an 13129
additional prison term of two years. The prison term so imposed, 13130
~~subject to divisions (C) to (I) of section 2967.19 of the~~ 13131
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 13132
~~section 2967.19, division (A) (2) or (3) of section 2967.193 or~~ 13133
2967.194, or any other provision of Chapter 2967. or Chapter 13134
5120. of the Revised Code. A court shall not impose more than 13135
one prison term on an offender under division (B) (1) (d) of this 13136
section for felonies committed as part of the same act or 13137
transaction. If a court imposes an additional prison term under 13138
division (B) (1) (a) or (c) of this section, the court is not 13139
precluded from imposing an additional prison term under division 13140
(B) (1) (d) of this section. 13141

(e) The court shall not impose any of the prison terms 13142
described in division (B) (1) (a) of this section or any of the 13143
additional prison terms described in division (B) (1) (c) of this 13144
section upon an offender for a violation of section 2923.12 or 13145
2923.123 of the Revised Code. The court shall not impose any of 13146
the prison terms described in division (B) (1) (a) or (b) of this 13147
section upon an offender for a violation of section 2923.122 13148
that involves a deadly weapon that is a firearm other than a 13149
dangerous ordnance, section 2923.16, or section 2923.121 of the 13150
Revised Code. The court shall not impose any of the prison terms 13151
described in division (B) (1) (a) of this section or any of the 13152
additional prison terms described in division (B) (1) (c) of this 13153
section upon an offender for a violation of section 2923.13 of 13154
the Revised Code unless all of the following apply: 13155

(i) The offender previously has been convicted of 13156
aggravated murder, murder, or any felony of the first or second 13157
degree. 13158

(ii) Less than five years have passed since the offender 13159
was released from prison or post-release control, whichever is 13160
later, for the prior offense. 13161

(f) (i) If an offender is convicted of or pleads guilty to 13162
a felony that includes, as an essential element, causing or 13163
attempting to cause the death of or physical harm to another and 13164
also is convicted of or pleads guilty to a specification of the 13165
type described in division (A) of section 2941.1412 of the 13166
Revised Code that charges the offender with committing the 13167
offense by discharging a firearm at a peace officer as defined 13168
in section 2935.01 of the Revised Code or a corrections officer, 13169
as defined in section 2941.1412 of the Revised Code, the court, 13170
after imposing a prison term on the offender for the felony 13171

offense under division (A), (B) (2), or (B) (3) of this section, 13172
shall impose an additional prison term of seven years upon the 13173
offender that shall not be reduced pursuant to section 2929.20, 13174
~~section 2967.19~~, division (A) (2) or (3) of section 2967.193 or 13175
2967.194, or any other provision of Chapter 2967. or Chapter 13176
5120. of the Revised Code. 13177

(ii) If an offender is convicted of or pleads guilty to a 13178
felony that includes, as an essential element, causing or 13179
attempting to cause the death of or physical harm to another and 13180
also is convicted of or pleads guilty to a specification of the 13181
type described in division (B) of section 2941.1412 of the 13182
Revised Code that charges the offender with committing the 13183
offense by discharging a firearm at a peace officer, as defined 13184
in section 2935.01 of the Revised Code, or a corrections 13185
officer, as defined in section 2941.1412 of the Revised Code, 13186
and that the offender previously has been convicted of or 13187
pleaded guilty to a specification of the type described in 13188
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 13189
the Revised Code, the court, after imposing a prison term on the 13190
offender for the felony offense under division (A), (B) (2), or 13191
(3) of this section, shall impose an additional prison term of 13192
one hundred twenty-six months upon the offender that shall not 13193
be reduced pursuant to section 2929.20, ~~2967.19~~, division (A) (2) 13194
or (3) of section 2967.193 or 2967.194, or any other provision 13195
of Chapter 2967. or 5120. of the Revised Code. 13196

(iii) If an offender is convicted of or pleads guilty to 13197
two or more felonies that include, as an essential element, 13198
causing or attempting to cause the death or physical harm to 13199
another and also is convicted of or pleads guilty to a 13200
specification of the type described under division (B) (1) (f) of 13201
this section in connection with two or more of the felonies of 13202

which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B) (1) (f) of this section relative to an offense, the court shall not impose a prison term under division (B) (1) (a) or (c) of this section relative to the same offense.

(g) If an offender is convicted of or pleads guilty to two or more felonies, if one or more of those felonies are aggravated murder, murder, attempted aggravated murder, attempted murder, aggravated robbery, felonious assault, or rape, and if the offender is convicted of or pleads guilty to a specification of the type described under division (B) (1) (a) of this section in connection with two or more of the felonies, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (a) of this section for each of the two most serious specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

(2) (a) If division (B) (2) (b) of this section does not apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense or, for offenses for which division (A) (1) (a) or (2) (a) of this section applies, in addition to the longest minimum prison term

authorized or required for the offense, an additional definite 13234
prison term of one, two, three, four, five, six, seven, eight, 13235
nine, or ten years if all of the following criteria are met: 13236

(i) The offender is convicted of or pleads guilty to a 13237
specification of the type described in section 2941.149 of the 13238
Revised Code that the offender is a repeat violent offender. 13239

(ii) The offense of which the offender currently is 13240
convicted or to which the offender currently pleads guilty is 13241
aggravated murder and the court does not impose a sentence of 13242
death or life imprisonment without parole, murder, terrorism and 13243
the court does not impose a sentence of life imprisonment 13244
without parole, any felony of the first degree that is an 13245
offense of violence and the court does not impose a sentence of 13246
life imprisonment without parole, or any felony of the second 13247
degree that is an offense of violence and the trier of fact 13248
finds that the offense involved an attempt to cause or a threat 13249
to cause serious physical harm to a person or resulted in 13250
serious physical harm to a person. 13251

(iii) The court imposes the longest prison term for the 13252
offense or the longest minimum prison term for the offense, 13253
whichever is applicable, that is not life imprisonment without 13254
parole. 13255

(iv) The court finds that the prison terms imposed 13256
pursuant to division (B) (2) (a) (iii) of this section and, if 13257
applicable, division (B) (1) or (3) of this section are 13258
inadequate to punish the offender and protect the public from 13259
future crime, because the applicable factors under section 13260
2929.12 of the Revised Code indicating a greater likelihood of 13261
recidivism outweigh the applicable factors under that section 13262
indicating a lesser likelihood of recidivism. 13263

(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 13294
currently is convicted or to which the offender currently pleads 13295
guilty is aggravated murder and the court does not impose a 13296
sentence of death or life imprisonment without parole, murder, 13297
terrorism and the court does not impose a sentence of life 13298
imprisonment without parole, any felony of the first degree that 13299
is an offense of violence and the court does not impose a 13300
sentence of life imprisonment without parole, or any felony of 13301
the second degree that is an offense of violence and the trier 13302
of fact finds that the offense involved an attempt to cause or a 13303
threat to cause serious physical harm to a person or resulted in 13304
serious physical harm to a person. 13305

(c) For purposes of division (B) (2) (b) of this section, 13306
two or more offenses committed at the same time or as part of 13307
the same act or event shall be considered one offense, and that 13308
one offense shall be the offense with the greatest penalty. 13309

(d) A sentence imposed under division (B) (2) (a) or (b) of 13310
this section shall not be reduced pursuant to section 2929.20, 13311
~~section 2967.19, or division (A) (2) or (3) of section 2967.193~~ 13312
or 2967.194, or any other provision of Chapter 2967. or Chapter 13313
5120. of the Revised Code. The offender shall serve an 13314
additional prison term imposed under division (B) (2) (a) or (b) 13315
of this section consecutively to and prior to the prison term 13316
imposed for the underlying offense. 13317

(e) When imposing a sentence pursuant to division (B) (2) 13318
(a) or (b) of this section, the court shall state its findings 13319
explaining the imposed sentence. 13320

(3) Except when an offender commits a violation of section 13321
2903.01 or 2907.02 of the Revised Code and the penalty imposed 13322
for the violation is life imprisonment or commits a violation of 13323

section 2903.02 of the Revised Code, if the offender commits a 13324
violation of section 2925.03 or 2925.11 of the Revised Code and 13325
that section classifies the offender as a major drug offender, 13326
if the offender commits a violation of section 2925.05 of the 13327
Revised Code and division (E)(1) of that section classifies the 13328
offender as a major drug offender, if the offender commits a 13329
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 13330
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 13331
division (C) or (D) of section 3719.172, division (E) of section 13332
4729.51, or division (J) of section 4729.54 of the Revised Code 13333
that includes the sale, offer to sell, or possession of a 13334
schedule I or II controlled substance, with the exception of 13335
marihuana, and the court imposing sentence upon the offender 13336
finds that the offender is guilty of a specification of the type 13337
described in division (A) of section 2941.1410 of the Revised 13338
Code charging that the offender is a major drug offender, if the 13339
court imposing sentence upon an offender for a felony finds that 13340
the offender is guilty of corrupt activity with the most serious 13341
offense in the pattern of corrupt activity being a felony of the 13342
first degree, or if the offender is guilty of an attempted 13343
violation of section 2907.02 of the Revised Code and, had the 13344
offender completed the violation of section 2907.02 of the 13345
Revised Code that was attempted, the offender would have been 13346
subject to a sentence of life imprisonment or life imprisonment 13347
without parole for the violation of section 2907.02 of the 13348
Revised Code, the court shall impose upon the offender for the 13349
felony violation a mandatory prison term determined as described 13350
in this division that, ~~subject to divisions (C) to (I) of~~ 13351
~~section 2967.19 of the Revised Code,~~ cannot be reduced pursuant 13352
to section 2929.20, ~~section 2967.19,~~ division (A)(2) or (3) of 13353
section 2967.193 or 2967.194, or any other provision of Chapter 13354
2967. or 5120. of the Revised Code. The mandatory prison term 13355

shall be the maximum definite prison term prescribed in division 13356
(A) (1) (b) of this section for a felony of the first degree, 13357
except that for offenses for which division (A) (1) (a) of this 13358
section applies, the mandatory prison term shall be the longest 13359
minimum prison term prescribed in that division for the offense. 13360

(4) If the offender is being sentenced for a third or 13361
fourth degree felony OVI offense under division (G) (2) of 13362
section 2929.13 of the Revised Code, the sentencing court shall 13363
impose upon the offender a mandatory prison term in accordance 13364
with that division. In addition to the mandatory prison term, if 13365
the offender is being sentenced for a fourth degree felony OVI 13366
offense, the court, notwithstanding division (A) (4) of this 13367
section, may sentence the offender to a definite prison term of 13368
not less than six months and not more than thirty months, and if 13369
the offender is being sentenced for a third degree felony OVI 13370
offense, the sentencing court may sentence the offender to an 13371
additional prison term of any duration specified in division (A) 13372
(3) of this section. In either case, the additional prison term 13373
imposed shall be reduced by the sixty or one hundred twenty days 13374
imposed upon the offender as the mandatory prison term. The 13375
total of the additional prison term imposed under division (B) 13376
(4) of this section plus the sixty or one hundred twenty days 13377
imposed as the mandatory prison term shall equal a definite term 13378
in the range of six months to thirty months for a fourth degree 13379
felony OVI offense and shall equal one of the authorized prison 13380
terms specified in division (A) (3) of this section for a third 13381
degree felony OVI offense. If the court imposes an additional 13382
prison term under division (B) (4) of this section, the offender 13383
shall serve the additional prison term after the offender has 13384
served the mandatory prison term required for the offense. In 13385
addition to the mandatory prison term or mandatory and 13386

additional prison term imposed as described in division (B) (4) 13387
of this section, the court also may sentence the offender to a 13388
community control sanction under section 2929.16 or 2929.17 of 13389
the Revised Code, but the offender shall serve all of the prison 13390
terms so imposed prior to serving the community control 13391
sanction. 13392

If the offender is being sentenced for a fourth degree 13393
felony OVI offense under division (G) (1) of section 2929.13 of 13394
the Revised Code and the court imposes a mandatory term of local 13395
incarceration, the court may impose a prison term as described 13396
in division (A) (1) of that section. 13397

(5) If an offender is convicted of or pleads guilty to a 13398
violation of division (A) (1) or (2) of section 2903.06 of the 13399
Revised Code and also is convicted of or pleads guilty to a 13400
specification of the type described in section 2941.1414 of the 13401
Revised Code that charges that the victim of the offense is a 13402
peace officer, as defined in section 2935.01 of the Revised 13403
Code, ~~or~~ an investigator of the bureau of criminal 13404
identification and investigation, as defined in section 2903.11 13405
of the Revised Code, or a firefighter or emergency medical 13406
worker, both as defined in section 4123.026 of the Revised Code, 13407
the court shall impose on the offender a prison term of five 13408
years. If a court imposes a prison term on an offender under 13409
division (B) (5) of this section, the prison term, ~~subject to~~ 13410
~~divisions (C) to (I) of section 2967.19 of the Revised Code,~~ 13411
shall not be reduced pursuant to section 2929.20, ~~section~~ 13412
~~2967.19,~~ division (A) (2) or (3) of section 2967.193 or 2967.194, 13413
or any other provision of Chapter 2967. or Chapter 5120. of the 13414
Revised Code. A court shall not impose more than one prison term 13415
on an offender under division (B) (5) of this section for 13416
felonies committed as part of the same act. 13417

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) ~~or (B)~~ of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those ~~divisions and~~ offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, ~~subject to divisions (C) to (I) of section 2967.19 of the Revised Code,~~ shall not be reduced pursuant to section 2929.20, section 2967.19, division (A) (2) or (3) of section 2967.193 or 2967.194, 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 13449
than eleven years, except that if the offense is a felony of the 13450
first degree committed on or after ~~the effective date of this~~ 13451
~~amendment~~ March 22, 2019, the court shall impose as the minimum 13452
prison term a mandatory term of not less than five years and not 13453
greater than eleven years; 13454

(ii) If the offense is a felony of the second or third 13455
degree, a definite prison term of not less than three years and 13456
not greater than the maximum prison term allowed for the offense 13457
by division (A) (2) (b) or (3) of this section, except that if the 13458
offense is a felony of the second degree committed on or after 13459
~~the effective date of this amendment~~ March 22, 2019, the court 13460
shall impose as the minimum prison term a mandatory term of not 13461
less than three years and not greater than eight years; 13462

(iii) If the offense is a felony of the fourth or fifth 13463
degree, a definite prison term that is the maximum prison term 13464
allowed for the offense by division (A) of section 2929.14 of 13465
the Revised Code. 13466

~~(b) Subject to divisions (C) to (I) of section 2967.19 of~~ 13467
~~the Revised Code, the~~ The prison term imposed under division (B) 13468
(7) (a) of this section shall not be reduced pursuant to section 13469
2929.20, ~~section 2967.19,~~ division (A) (2) or (3) of section 13470
2967.193 or 2967.194, or any other provision of Chapter 2967. of 13471
the Revised Code. A court shall not impose more than one prison 13472
term on an offender under division (B) (7) (a) of this section for 13473
felonies committed as part of the same act, scheme, or plan. 13474

(8) If an offender is convicted of or pleads guilty to a 13475
felony violation of section 2903.11, 2903.12, or 2903.13 of the 13476
Revised Code and also is convicted of or pleads guilty to a 13477
specification of the type described in section 2941.1423 of the 13478

Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, the court shall impose as the minimum prison term under division (A) (1) (a) or (2) (a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.

(9) (a) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A) (1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(ii) The violation is a violation of division (A) (2) of section 2903.11 of the Revised Code and the specification

charges that the offender used an accelerant in committing the 13509
violation, that the violation caused physical harm to another or 13510
to another's unborn, and that the physical harm resulted in a 13511
permanent, serious disfigurement or permanent, substantial 13512
incapacity. 13513

(b) If a court imposes a prison term on an offender under 13514
division (B) (9) (a) of this section, the prison term shall not be 13515
reduced pursuant to section 2929.20, ~~section 2967.19,~~ division 13516
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 13517
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 13518
A court shall not impose more than one prison term on an 13519
offender under division (B) (9) of this section for felonies 13520
committed as part of the same act. 13521

(c) The provisions of divisions (B) (9) and (C) (6) of this 13522
section and of division (D) (2) of section 2903.11, division (F) 13523
(20) of section 2929.13, and section 2941.1425 of the Revised 13524
Code shall be known as "Judy's Law." 13525

(10) If an offender is convicted of or pleads guilty to a 13526
violation of division (A) of section 2903.11 of the Revised Code 13527
and also is convicted of or pleads guilty to a specification of 13528
the type described in section 2941.1426 of the Revised Code that 13529
charges that the victim of the offense suffered permanent 13530
disabling harm as a result of the offense and that the victim 13531
was under ten years of age at the time of the offense, 13532
regardless of whether the offender knew the age of the victim, 13533
the court shall impose upon the offender an additional definite 13534
prison term of six years. A prison term imposed on an offender 13535
under division (B) (10) of this section shall not be reduced 13536
pursuant to section 2929.20, division (A) (2) or (3) of section 13537
2967.193 or 2967.194, or any other provision of Chapter 2967. or 13538

Chapter 5120. of the Revised Code. If a court imposes an 13539
additional prison term on an offender under this division 13540
relative to a violation of division (A) of section 2903.11 of 13541
the Revised Code, the court shall not impose any other 13542
additional prison term on the offender relative to the same 13543
offense. 13544

(11) If an offender is convicted of or pleads guilty to a 13545
felony violation of section 2925.03 or 2925.05 of the Revised 13546
Code or a felony violation of section 2925.11 of the Revised 13547
Code for which division (C) (11) of that section applies in 13548
determining the sentence for the violation, if the drug involved 13549
in the violation is a fentanyl-related compound or a compound, 13550
mixture, preparation, or substance containing a fentanyl-related 13551
compound, and if the offender also is convicted of or pleads 13552
guilty to a specification of the type described in division (B) 13553
of section 2941.1410 of the Revised Code that charges that the 13554
offender is a major drug offender, in addition to any other 13555
penalty imposed for the violation, the court shall impose on the 13556
offender a mandatory prison term of three, four, five, six, 13557
seven, or eight years. If a court imposes a prison term on an 13558
offender under division (B) (11) of this section, the prison 13559
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 13560
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 13561
~~2967.19, or division (A) (2) or (3) of section 2967.193 or~~ 13562
2967.194, or any other provision of Chapter 2967. or 5120. of 13563
the Revised Code. A court shall not impose more than one prison 13564
term on an offender under division (B) (11) of this section for 13565
felonies committed as part of the same act. 13566

(C) (1) (a) Subject to division (C) (1) (b) of this section, 13567
if a mandatory prison term is imposed upon an offender pursuant 13568
to division (B) (1) (a) of this section for having a firearm on or 13569

about the offender's person or under the offender's control 13570
while committing a felony, if a mandatory prison term is imposed 13571
upon an offender pursuant to division (B) (1) (c) of this section 13572
for committing a felony specified in that division by 13573
discharging a firearm from a motor vehicle, or if both types of 13574
mandatory prison terms are imposed, the offender shall serve any 13575
mandatory prison term imposed under either division 13576
consecutively to any other mandatory prison term imposed under 13577
either division or under division (B) (1) (d) of this section, 13578
consecutively to and prior to any prison term imposed for the 13579
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 13580
this section or any other section of the Revised Code, and 13581
consecutively to any other prison term or mandatory prison term 13582
previously or subsequently imposed upon the offender. 13583

(b) If a mandatory prison term is imposed upon an offender 13584
pursuant to division (B) (1) (d) of this section for wearing or 13585
carrying body armor while committing an offense of violence that 13586
is a felony, the offender shall serve the mandatory term so 13587
imposed consecutively to any other mandatory prison term imposed 13588
under that division or under division (B) (1) (a) or (c) of this 13589
section, consecutively to and prior to any prison term imposed 13590
for the underlying felony under division (A), (B) (2), or (B) (3) 13591
of this section or any other section of the Revised Code, and 13592
consecutively to any other prison term or mandatory prison term 13593
previously or subsequently imposed upon the offender. 13594

(c) If a mandatory prison term is imposed upon an offender 13595
pursuant to division (B) (1) (f) of this section, the offender 13596
shall serve the mandatory prison term so imposed consecutively 13597
to and prior to any prison term imposed for the underlying 13598
felony under division (A), (B) (2), or (B) (3) of this section or 13599
any other section of the Revised Code, and consecutively to any 13600

other prison term or mandatory prison term previously or 13601
subsequently imposed upon the offender. 13602

(d) If a mandatory prison term is imposed upon an offender 13603
pursuant to division (B) (7) or (8) of this section, the offender 13604
shall serve the mandatory prison term so imposed consecutively 13605
to any other mandatory prison term imposed under that division 13606
or under any other provision of law and consecutively to any 13607
other prison term or mandatory prison term previously or 13608
subsequently imposed upon the offender. 13609

(e) If a mandatory prison term is imposed upon an offender 13610
pursuant to division (B) (11) of this section, the offender shall 13611
serve the mandatory prison term consecutively to any other 13612
mandatory prison term imposed under that division, consecutively 13613
to and prior to any prison term imposed for the underlying 13614
felony, and consecutively to any other prison term or mandatory 13615
prison term previously or subsequently imposed upon the 13616
offender. 13617

(2) If an offender who is an inmate in a jail, prison, or 13618
other residential detention facility violates section 2917.02, 13619
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 13620
(2) of section 2921.34 of the Revised Code, if an offender who 13621
is under detention at a detention facility commits a felony 13622
violation of section 2923.131 of the Revised Code, or if an 13623
offender who is an inmate in a jail, prison, or other 13624
residential detention facility or is under detention at a 13625
detention facility commits another felony while the offender is 13626
an escapee in violation of division (A) (1) or (2) of section 13627
2921.34 of the Revised Code, any prison term imposed upon the 13628
offender for one of those violations shall be served by the 13629
offender consecutively to the prison term or term of 13630

imprisonment the offender was serving when the offender 13631
committed that offense and to any other prison term previously 13632
or subsequently imposed upon the offender. 13633

(3) If a prison term is imposed for a violation of 13634
division (B) of section 2911.01 of the Revised Code, a violation 13635
of division (A) of section 2913.02 of the Revised Code in which 13636
the stolen property is a firearm or dangerous ordnance, or a 13637
felony violation of division (B) of section 2921.331 of the 13638
Revised Code, the offender shall serve that prison term 13639
consecutively to any other prison term or mandatory prison term 13640
previously or subsequently imposed upon the offender. 13641

(4) If multiple prison terms are imposed on an offender 13642
for convictions of multiple offenses, the court may require the 13643
offender to serve the prison terms consecutively if the court 13644
finds that the consecutive service is necessary to protect the 13645
public from future crime or to punish the offender and that 13646
consecutive sentences are not disproportionate to the 13647
seriousness of the offender's conduct and to the danger the 13648
offender poses to the public, and if the court also finds any of 13649
the following: 13650

(a) The offender committed one or more of the multiple 13651
offenses while the offender was awaiting trial or sentencing, 13652
was under a sanction imposed pursuant to section 2929.16, 13653
2929.17, or 2929.18 of the Revised Code, or was under post- 13654
release control for a prior offense. 13655

(b) At least two of the multiple offenses were committed 13656
as part of one or more courses of conduct, and the harm caused 13657
by two or more of the multiple offenses so committed was so 13658
great or unusual that no single prison term for any of the 13659
offenses committed as part of any of the courses of conduct 13660

adequately reflects the seriousness of the offender's conduct. 13661

(c) The offender's history of criminal conduct 13662
demonstrates that consecutive sentences are necessary to protect 13663
the public from future crime by the offender. 13664

(5) If a mandatory prison term is imposed upon an offender 13665
pursuant to division (B) (5) or (6) of this section, the offender 13666
shall serve the mandatory prison term consecutively to and prior 13667
to any prison term imposed for the underlying violation of 13668
division (A) (1) or (2) of section 2903.06 of the Revised Code 13669
pursuant to division (A) of this section or section 2929.142 of 13670
the Revised Code. If a mandatory prison term is imposed upon an 13671
offender pursuant to division (B) (5) of this section, and if a 13672
mandatory prison term also is imposed upon the offender pursuant 13673
to division (B) (6) of this section in relation to the same 13674
violation, the offender shall serve the mandatory prison term 13675
imposed pursuant to division (B) (5) of this section 13676
consecutively to and prior to the mandatory prison term imposed 13677
pursuant to division (B) (6) of this section and consecutively to 13678
and prior to any prison term imposed for the underlying 13679
violation of division (A) (1) or (2) of section 2903.06 of the 13680
Revised Code pursuant to division (A) of this section or section 13681
2929.142 of the Revised Code. 13682

(6) If a mandatory prison term is imposed on an offender 13683
pursuant to division (B) (9) of this section, the offender shall 13684
serve the mandatory prison term consecutively to and prior to 13685
any prison term imposed for the underlying violation of division 13686
(A) (1) or (2) of section 2903.11 of the Revised Code and 13687
consecutively to and prior to any other prison term or mandatory 13688
prison term previously or subsequently imposed on the offender. 13689

(7) If a mandatory prison term is imposed on an offender 13690

pursuant to division (B)(10) of this section, the offender shall 13691
serve that mandatory prison term consecutively to and prior to 13692
any prison term imposed for the underlying felonious assault. 13693
Except as otherwise provided in division (C) of this section, 13694
any other prison term or mandatory prison term previously or 13695
subsequently imposed upon the offender may be served 13696
concurrently with, or consecutively to, the prison term imposed 13697
pursuant to division (B)(10) of this section. 13698

(8) Any prison term imposed for a violation of section 13699
2903.04 of the Revised Code that is based on a violation of 13700
section 2925.03 or 2925.11 of the Revised Code or on a violation 13701
of section 2925.05 of the Revised Code that is not funding of 13702
marihuana trafficking shall run consecutively to any prison term 13703
imposed for the violation of section 2925.03 or 2925.11 of the 13704
Revised Code or for the violation of section 2925.05 of the 13705
Revised Code that is not funding of marihuana trafficking. 13706

(9) When consecutive prison terms are imposed pursuant to 13707
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 13708
division (H)(1) or (2) of this section, subject to division (C) 13709
(10) of this section, the term to be served is the aggregate of 13710
all of the terms so imposed. 13711

(10) When a court sentences an offender to a non-life 13712
felony indefinite prison term, any definite prison term or 13713
mandatory definite prison term previously or subsequently 13714
imposed on the offender in addition to that indefinite sentence 13715
that is required to be served consecutively to that indefinite 13716
sentence shall be served prior to the indefinite sentence. 13717

(11) If a court is sentencing an offender for a felony of 13718
the first or second degree, if division (A)(1)(a) or (2)(a) of 13719
this section applies with respect to the sentencing for the 13720

offense, and if the court is required under the Revised Code 13721
section that sets forth the offense or any other Revised Code 13722
provision to impose a mandatory prison term for the offense, the 13723
court shall impose the required mandatory prison term as the 13724
minimum term imposed under division (A) (1) (a) or (2) (a) of this 13725
section, whichever is applicable. 13726

(D) (1) If a court imposes a prison term, other than a term 13727
of life imprisonment, for a felony of the first degree, for a 13728
felony of the second degree, for a felony sex offense, or for a 13729
felony of the third degree that is an offense of violence and 13730
that is not a felony sex offense, it shall include in the 13731
sentence a requirement that the offender be subject to a period 13732
of post-release control after the offender's release from 13733
imprisonment, in accordance with section 2967.28 of the Revised 13734
Code. If a court imposes a sentence including a prison term of a 13735
type described in this division on or after July 11, 2006, the 13736
failure of a court to include a post-release control requirement 13737
in the sentence pursuant to this division does not negate, 13738
limit, or otherwise affect the mandatory period of post-release 13739
control that is required for the offender under division (B) of 13740
section 2967.28 of the Revised Code. Section 2929.191 of the 13741
Revised Code applies if, prior to July 11, 2006, a court imposed 13742
a sentence including a prison term of a type described in this 13743
division and failed to include in the sentence pursuant to this 13744
division a statement regarding post-release control. 13745

(2) If a court imposes a prison term for a felony of the 13746
third, fourth, or fifth degree that is not subject to division 13747
(D) (1) of this section, it shall include in the sentence a 13748
requirement that the offender be subject to a period of post- 13749
release control after the offender's release from imprisonment, 13750
in accordance with that division, if the parole board determines 13751

that a period of post-release control is necessary. Section 13752
2929.191 of the Revised Code applies if, prior to July 11, 2006, 13753
a court imposed a sentence including a prison term of a type 13754
described in this division and failed to include in the sentence 13755
pursuant to this division a statement regarding post-release 13756
control. 13757

(E) The court shall impose sentence upon the offender in 13758
accordance with section 2971.03 of the Revised Code, and Chapter 13759
2971. of the Revised Code applies regarding the prison term or 13760
term of life imprisonment without parole imposed upon the 13761
offender and the service of that term of imprisonment if any of 13762
the following apply: 13763

(1) A person is convicted of or pleads guilty to a violent 13764
sex offense or a designated homicide, assault, or kidnapping 13765
offense, and, in relation to that offense, the offender is 13766
adjudicated a sexually violent predator. 13767

(2) A person is convicted of or pleads guilty to a 13768
violation of division (A) (1) (b) of section 2907.02 of the 13769
Revised Code committed on or after January 2, 2007, and either 13770
the court does not impose a sentence of life without parole when 13771
authorized pursuant to division (B) of section 2907.02 of the 13772
Revised Code, or division (B) of section 2907.02 of the Revised 13773
Code provides that the court shall not sentence the offender 13774
pursuant to section 2971.03 of the Revised Code. 13775

(3) A person is convicted of or pleads guilty to attempted 13776
rape committed on or after January 2, 2007, and a specification 13777
of the type described in section 2941.1418, 2941.1419, or 13778
2941.1420 of the Revised Code. 13779

(4) A person is convicted of or pleads guilty to a 13780

violation of section 2905.01 of the Revised Code committed on or 13781
after January 1, 2008, and that section requires the court to 13782
sentence the offender pursuant to section 2971.03 of the Revised 13783
Code. 13784

(5) A person is convicted of or pleads guilty to 13785
aggravated murder committed on or after January 1, 2008, and 13786
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 13787
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 13788
(a) (iv) of section 2929.03, or division (A) or (B) of section 13789
2929.06 of the Revised Code requires the court to sentence the 13790
offender pursuant to division (B) (3) of section 2971.03 of the 13791
Revised Code. 13792

(6) A person is convicted of or pleads guilty to murder 13793
committed on or after January 1, 2008, and division (B) (2) of 13794
section 2929.02 of the Revised Code requires the court to 13795
sentence the offender pursuant to section 2971.03 of the Revised 13796
Code. 13797

(F) If a person who has been convicted of or pleaded 13798
guilty to a felony is sentenced to a prison term or term of 13799
imprisonment under this section, sections 2929.02 to 2929.06 of 13800
the Revised Code, section 2929.142 of the Revised Code, section 13801
2971.03 of the Revised Code, or any other provision of law, 13802
section 5120.163 of the Revised Code applies regarding the 13803
person while the person is confined in a state correctional 13804
institution. 13805

(G) If an offender who is convicted of or pleads guilty to 13806
a felony that is an offense of violence also is convicted of or 13807
pleads guilty to a specification of the type described in 13808
section 2941.142 of the Revised Code that charges the offender 13809
with having committed the felony while participating in a 13810

criminal gang, the court shall impose upon the offender an 13811
additional prison term of one, two, or three years. 13812

(H) (1) If an offender who is convicted of or pleads guilty 13813
to aggravated murder, murder, or a felony of the first, second, 13814
or third degree that is an offense of violence also is convicted 13815
of or pleads guilty to a specification of the type described in 13816
section 2941.143 of the Revised Code that charges the offender 13817
with having committed the offense in a school safety zone or 13818
towards a person in a school safety zone, the court shall impose 13819
upon the offender an additional prison term of two years. The 13820
offender shall serve the additional two years consecutively to 13821
and prior to the prison term imposed for the underlying offense. 13822

(2) (a) If an offender is convicted of or pleads guilty to 13823
a felony violation of section 2907.22, 2907.24, 2907.241, or 13824
2907.25 of the Revised Code and to a specification of the type 13825
described in section 2941.1421 of the Revised Code and if the 13826
court imposes a prison term on the offender for the felony 13827
violation, the court may impose upon the offender an additional 13828
prison term as follows: 13829

(i) Subject to division (H) (2) (a) (ii) of this section, an 13830
additional prison term of one, two, three, four, five, or six 13831
months; 13832

(ii) If the offender previously has been convicted of or 13833
pleaded guilty to one or more felony or misdemeanor violations 13834
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 13835
the Revised Code and also was convicted of or pleaded guilty to 13836
a specification of the type described in section 2941.1421 of 13837
the Revised Code regarding one or more of those violations, an 13838
additional prison term of one, two, three, four, five, six, 13839
seven, eight, nine, ten, eleven, or twelve months. 13840

(b) In lieu of imposing an additional prison term under 13841
division (H) (2) (a) of this section, the court may directly 13842
impose on the offender a sanction that requires the offender to 13843
wear a real-time processing, continual tracking electronic 13844
monitoring device during the period of time specified by the 13845
court. The period of time specified by the court shall equal the 13846
duration of an additional prison term that the court could have 13847
imposed upon the offender under division (H) (2) (a) of this 13848
section. A sanction imposed under this division shall commence 13849
on the date specified by the court, provided that the sanction 13850
shall not commence until after the offender has served the 13851
prison term imposed for the felony violation of section 2907.22, 13852
2907.24, 2907.241, or 2907.25 of the Revised Code and any 13853
residential sanction imposed for the violation under section 13854
2929.16 of the Revised Code. A sanction imposed under this 13855
division shall be considered to be a community control sanction 13856
for purposes of section 2929.15 of the Revised Code, and all 13857
provisions of the Revised Code that pertain to community control 13858
sanctions shall apply to a sanction imposed under this division, 13859
except to the extent that they would by their nature be clearly 13860
inapplicable. The offender shall pay all costs associated with a 13861
sanction imposed under this division, including the cost of the 13862
use of the monitoring device. 13863

(I) At the time of sentencing, the court may recommend the 13864
offender for placement in a program of shock incarceration under 13865
section 5120.031 of the Revised Code or for placement in an 13866
intensive program prison under section 5120.032 of the Revised 13867
Code, disapprove placement of the offender in a program of shock 13868
incarceration or an intensive program prison of that nature, or 13869
make no recommendation on placement of the offender. In no case 13870
shall the department of rehabilitation and correction place the 13871

offender in a program or prison of that nature unless the 13872
department determines as specified in section 5120.031 or 13873
5120.032 of the Revised Code, whichever is applicable, that the 13874
offender is eligible for the placement. 13875

If the court disapproves placement of the offender in a 13876
program or prison of that nature, the department of 13877
rehabilitation and correction shall not place the offender in 13878
any program of shock incarceration or intensive program prison. 13879

If the court recommends placement of the offender in a 13880
program of shock incarceration or in an intensive program 13881
prison, and if the offender is subsequently placed in the 13882
recommended program or prison, the department shall notify the 13883
court of the placement and shall include with the notice a brief 13884
description of the placement. 13885

If the court recommends placement of the offender in a 13886
program of shock incarceration or in an intensive program prison 13887
and the department does not subsequently place the offender in 13888
the recommended program or prison, the department shall send a 13889
notice to the court indicating why the offender was not placed 13890
in the recommended program or prison. 13891

If the court does not make a recommendation under this 13892
division with respect to an offender and if the department 13893
determines as specified in section 5120.031 or 5120.032 of the 13894
Revised Code, whichever is applicable, that the offender is 13895
eligible for placement in a program or prison of that nature, 13896
the department shall screen the offender and determine if there 13897
is an available program of shock incarceration or an intensive 13898
program prison for which the offender is suited. If there is an 13899
available program of shock incarceration or an intensive program 13900
prison for which the offender is suited, the department shall 13901

notify the court of the proposed placement of the offender as 13902
specified in section 5120.031 or 5120.032 of the Revised Code 13903
and shall include with the notice a brief description of the 13904
placement. The court shall have ten days from receipt of the 13905
notice to disapprove the placement. 13906

(J) If a person is convicted of or pleads guilty to 13907
aggravated vehicular homicide in violation of division (A) (1) of 13908
section 2903.06 of the Revised Code and division (B) (2) (c) of 13909
that section applies, the person shall be sentenced pursuant to 13910
section 2929.142 of the Revised Code. 13911

(K) (1) The court shall impose an additional mandatory 13912
prison term of two, three, four, five, six, seven, eight, nine, 13913
ten, or eleven years on an offender who is convicted of or 13914
pleads guilty to a violent felony offense if the offender also 13915
is convicted of or pleads guilty to a specification of the type 13916
described in section 2941.1424 of the Revised Code that charges 13917
that the offender is a violent career criminal and had a firearm 13918
on or about the offender's person or under the offender's 13919
control while committing the presently charged violent felony 13920
offense and displayed or brandished the firearm, indicated that 13921
the offender possessed a firearm, or used the firearm to 13922
facilitate the offense. The offender shall serve the prison term 13923
imposed under this division consecutively to and prior to the 13924
prison term imposed for the underlying offense. The prison term 13925
shall not be reduced pursuant to section 2929.20 ~~or 2967.19~~, 13926
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 13927
other provision of Chapter 2967. or 5120. of the Revised Code. A 13928
court may not impose more than one sentence under division (B) 13929
(2) (a) of this section and this division for acts committed as 13930
part of the same act or transaction. 13931

(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.

(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term under this chapter for a felony offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.

Sec. 2929.141. (A) Upon the conviction of or plea of guilty to a felony by a person on post-release control at the time of the commission of the felony, the court may terminate the term of post-release control, and the court may do either of the following regardless of whether the sentencing court or another court of this state imposed the original prison term for which the person is on post-release control:

(1) In addition to any prison term for the new felony, impose a prison term for the post-release control violation. The maximum prison term for the violation shall be the greater of twelve months or the period of post-release control for the earlier felony minus any time the person has spent under post-release control for the earlier felony. In all cases, any prison term imposed for the violation shall be reduced by any prison term that is administratively imposed by the parole board as a post-release control sanction. A prison term imposed for the violation shall be served consecutively to any prison term imposed for the new felony. The imposition of a prison term for the post-release control violation shall terminate the period of post-release control for the earlier felony.

(2) Impose a sanction under sections 2929.15 to 2929.18 of the Revised Code for the violation that shall be served concurrently or consecutively, as specified by the court, with any community control sanctions for the new felony.

(B) If a person on post-release control was acting pursuant to division (B) (2) (b) of section 2925.11 or a related provision under section 2925.12, 2925.14, or 2925.141 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, or violated section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code, the court ~~may consider the person's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the person being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing~~ shall not impose any of the penalties described in division (A) of this section based on the violation.

(C) Upon the conviction of or plea of guilty to a felony by a person on transitional control under section 2967.26 of the Revised Code at the time of the commission of the felony, the court may, in addition to any prison term for the new felony, impose a prison term not exceeding twelve months for having committed the felony while on transitional control. An additional prison term imposed pursuant to this section shall be served consecutively to any prison term imposed for the new felony. The sentencing court may impose the additional prison term authorized by this section regardless of whether the sentencing court or another court of this state imposed the original prison term for which the person is on transitional

control. 13993

Sec. 2929.142. (A) Notwithstanding the definite prison 13994
terms and minimum prison terms specified in divisions (A) (1) (a) 13995
and (b) of section 2929.14 of the Revised Code for a felony of 13996
the first degree, if an offender is convicted of or pleads 13997
guilty to aggravated vehicular homicide in violation of division 13998
(A) (1) of section 2903.06 of the Revised Code, the court shall 13999
impose upon the offender a mandatory prison term of ten, eleven, 14000
twelve, thirteen, fourteen, or fifteen years, determined as 14001
specified in division (B) of this section, if any of the 14002
following apply: 14003

(1) The offender previously has been convicted of or 14004
pleaded guilty to three or more prior violations of division (A) 14005
of section 4511.19 of the Revised Code or of a substantially 14006
equivalent municipal ordinance within the previous ten years. 14007

(2) The offender previously has been convicted of or 14008
pleaded guilty to three or more prior violations of division (A) 14009
of section 1547.11 of the Revised Code or of a substantially 14010
equivalent municipal ordinance within the previous ten years. 14011

(3) The offender previously has been convicted of or 14012
pleaded guilty to three or more prior violations of division (A) 14013
(3) of section 4561.15 of the Revised Code or of a substantially 14014
equivalent municipal ordinance within the previous ten years. 14015

(4) The offender previously has been convicted of or 14016
pleaded guilty to three or more prior violations of division (A) 14017
(1) of section 2903.06 of the Revised Code. 14018

(5) The offender previously has been convicted of or 14019
pleaded guilty to three or more prior violations of division (A) 14020
(1) of section 2903.08 of the Revised Code. 14021

(6) The offender previously has been convicted of or 14022
pleaded guilty to three or more prior violations of section 14023
2903.04 of the Revised Code in circumstances in which division 14024
(D) of that section applied regarding the violations. 14025

(7) The offender previously has been convicted of or 14026
pleaded guilty to three or more violations of any combination of 14027
the offenses listed in division (A) (1), (2), (3), (4), (5), or 14028
(6) of this section. 14029

(8) The offender previously has been convicted of or 14030
pleaded guilty to a second or subsequent felony violation of 14031
division (A) of section 4511.19 of the Revised Code. 14032

(B) The mandatory prison term required under division (A) 14033
of this section shall be a definite term of ten, eleven, twelve, 14034
thirteen, fourteen, or fifteen years, except that if the 14035
aggravated vehicular homicide is committed on or after ~~the~~ 14036
~~effective date of this amendment~~ March 22, 2019, the court shall 14037
impose as the minimum prison term for the offense under division 14038
(A) (1) (a) of section 2929.14 of the Revised Code a mandatory 14039
prison term that is ten, eleven, twelve, thirteen, fourteen, or 14040
fifteen years. 14041

Sec. 2929.143. (A) When a court sentences an offender who 14042
is convicted of a felony to a term of incarceration in a state 14043
correctional institution, the court may recommend that the 14044
offender serve a risk reduction sentence under section 5120.036 14045
of the Revised Code if the court determines that a risk 14046
reduction sentence is appropriate, and all of the following 14047
apply: 14048

(1) The offense for which the offender is being sentenced 14049
is not aggravated murder, murder, complicity in committing 14050

aggravated murder or murder, an offense of violence that is a 14051
felony of the first or second degree, a sexually oriented 14052
offense, or an attempt or conspiracy to commit or complicity in 14053
committing any offense otherwise identified in this division if 14054
the attempt, conspiracy, or complicity is a felony of the first 14055
or second degree. 14056

(2) The offender's sentence to the term of incarceration 14057
does not consist solely of one or more mandatory prison terms. 14058

(3) The offender agrees to cooperate with an assessment of 14059
the offender's needs and risk of reoffending that the department 14060
of rehabilitation and correction conducts under section 5120.036 14061
of the Revised Code. 14062

(4) The offender agrees to participate in any programming 14063
or treatment that the department of rehabilitation and 14064
correction orders to address any issues raised in the assessment 14065
described in division (A) (3) of this section. 14066

(B) An offender who is serving a risk reduction sentence 14067
is not entitled to any earned credit under division (A) (2) or 14068
(3) of section 2967.193 or 2967.194 of the Revised Code. 14069

Sec. 2929.15. (A) (1) If in sentencing an offender for a 14070
felony the court is not required to impose a prison term, a 14071
mandatory prison term, or a term of life imprisonment upon the 14072
offender, the court may directly impose a sentence that consists 14073
of one or more community control sanctions authorized pursuant 14074
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 14075
the court is sentencing an offender for a fourth degree felony 14076
OVI offense under division (G) (1) of section 2929.13 of the 14077
Revised Code, in addition to the mandatory term of local 14078
incarceration imposed under that division and the mandatory fine 14079

required by division (B) (3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed on an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control

sanction that the court considers appropriate, including, but 14111
not limited to, requiring that the offender not ingest or be 14112
injected with a drug of abuse and submit to random drug testing 14113
as provided in division (D) of this section to determine whether 14114
the offender ingested or was injected with a drug of abuse and 14115
requiring that the results of the drug test indicate that the 14116
offender did not ingest or was not injected with a drug of 14117
abuse. 14118

(2) (a) If a court sentences an offender to any community 14119
control sanction or combination of community control sanctions 14120
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 14121
the Revised Code, the court shall place the offender under the 14122
general control and supervision of a department of probation in 14123
the county that serves the court for purposes of reporting to 14124
the court a violation of any condition of the sanctions, any 14125
condition of release under a community control sanction imposed 14126
by the court, a violation of law, or the departure of the 14127
offender from this state without the permission of the court or 14128
the offender's probation officer. Alternatively, if the offender 14129
resides in another county and a county department of probation 14130
has been established in that county or that county is served by 14131
a multicounty probation department established under section 14132
2301.27 of the Revised Code, the court may request the court of 14133
common pleas of that county to receive the offender into the 14134
general control and supervision of that county or multicounty 14135
department of probation for purposes of reporting to the court a 14136
violation of any condition of the sanctions, any condition of 14137
release under a community control sanction imposed by the court, 14138
a violation of law, or the departure of the offender from this 14139
state without the permission of the court or the offender's 14140
probation officer, subject to the jurisdiction of the trial 14141

judge over and with respect to the person of the offender, and 14142
to the rules governing that department of probation. 14143

If there is no department of probation in the county that 14144
serves the court, the court shall place the offender, regardless 14145
of the offender's county of residence, under the general control 14146
and supervision of the adult parole authority, unless the court 14147
has entered into an agreement with the authority as described in 14148
division (B) or (C) of section 2301.32 of the Revised Code, or 14149
under an entity authorized under division (B) of section 2301.27 14150
of the Revised Code to provide probation and supervisory 14151
services to counties for purposes of reporting to the court a 14152
violation of any of the sanctions, any condition of release 14153
under a community control sanction imposed by the court, a 14154
violation of law, or the departure of the offender from this 14155
state without the permission of the court or the offender's 14156
probation officer. 14157

(b) If the court imposing sentence on an offender 14158
sentences the offender to any community control sanction or 14159
combination of community control sanctions authorized pursuant 14160
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 14161
if the offender violates any condition of the sanctions, 14162
violates any condition of release under a community control 14163
sanction imposed by the court, violates any law, or departs the 14164
state without the permission of the court or the offender's 14165
probation officer, the public or private person or entity that 14166
operates or administers the sanction or the program or activity 14167
that comprises the sanction shall report the violation or 14168
departure directly to the sentencing court, or shall report the 14169
violation or departure to the county or multicounty department 14170
of probation with general control and supervision over the 14171
offender under division (A) (2) (a) of this section or the officer 14172

of that department who supervises the offender, or, if there is 14173
no such department with general control and supervision over the 14174
offender under that division, to the adult parole authority 14175
unless the court has entered into an agreement with the 14176
authority as described in division (B) or (C) of section 2301.32 14177
of the Revised Code, or to an entity authorized under division 14178
(B) of section 2301.27 of the Revised Code to provide probation 14179
and supervisory services to the county. If the public or private 14180
person or entity that operates or administers the sanction or 14181
the program or activity that comprises the sanction reports the 14182
violation or departure to the county or multicounty department 14183
of probation, the adult parole authority, or any other entity 14184
providing probation and supervisory services to the county, the 14185
department's, authority's, or other entity's officers may treat 14186
the offender as if the offender were on probation and in 14187
violation of the probation, and shall report the violation of 14188
the condition of the sanction, any condition of release under a 14189
community control sanction imposed by the court, the violation 14190
of law, or the departure from the state without the required 14191
permission to the sentencing court. 14192

(3) If an offender who is eligible for community control 14193
sanctions under this section admits to being drug addicted or 14194
the court has reason to believe that the offender is drug 14195
addicted, and if the offense for which the offender is being 14196
sentenced was related to the addiction, the court may require 14197
that the offender be assessed by a properly credentialed 14198
professional within a specified period of time and shall require 14199
the professional to file a written assessment of the offender 14200
with the court. If a court imposes treatment and recovery 14201
support services as a community control sanction, the court 14202
shall direct the level and type of treatment and recovery 14203

support services after consideration of the written assessment, 14204
if available at the time of sentencing, and recommendations of 14205
the professional and other treatment and recovery support 14206
services providers. 14207

(4) If an assessment completed pursuant to division (A) (3) 14208
of this section indicates that the offender is addicted to drugs 14209
or alcohol, the court may include in any community control 14210
sanction imposed for a violation of section 2925.02, 2925.03, 14211
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 14212
2925.36, or 2925.37 of the Revised Code a requirement that the 14213
offender participate in alcohol and drug addiction services and 14214
recovery supports certified under section 5119.36 of the Revised 14215
Code or offered by a properly credentialed community addiction 14216
services provider. 14217

(B) (1) If Except as provided in division (B) (2) of this 14218
section, if the conditions of a community control sanction 14219
imposed for a felony are violated or if the offender violates a 14220
law or leaves the state without the permission of the court or 14221
the offender's probation officer, the sentencing court may 14222
impose on the violator one or more of the following penalties: 14223

(a) A longer time under the same sanction if the total 14224
time under the sanctions does not exceed the five-year limit 14225
specified in division (A) of this section; 14226

(b) A more restrictive sanction under section 2929.16, 14227
2929.17, or 2929.18 of the Revised Code, including but not 14228
limited to, a new term in a community-based correctional 14229
facility, halfway house, or jail pursuant to division (A) (6) of 14230
section 2929.16 of the Revised Code; 14231

(c) A prison term on the offender pursuant to section 14232

2929.14 of the Revised Code and division (B) (3) of this section, 14233
provided that a prison term imposed under this division is 14234
subject to the following limitations and rules, as applicable: 14235

(i) If the prison term is imposed for any technical 14236
violation of the conditions of a community control sanction 14237
imposed for a felony of the fifth degree, the prison term shall 14238
not exceed ninety days, provided that if the remaining period of 14239
community control at the time of the violation or the remaining 14240
period of the reserved prison sentence at that time is less than 14241
ninety days, the prison term shall not exceed the length of the 14242
remaining period of community control or the remaining period of 14243
the reserved prison sentence. If the court imposes a prison term 14244
as described in this division, division (B) (2) (b) of this 14245
section applies. 14246

(ii) If the prison term is imposed for any technical 14247
violation of the conditions of a community control sanction 14248
imposed for a felony of the fourth degree that is not an offense 14249
of violence and is not a sexually oriented offense, the prison 14250
term shall not exceed one hundred eighty days, provided that if 14251
the remaining period of the community control at the time of the 14252
violation or the remaining period of the reserved prison 14253
sentence at that time is less than one hundred eighty days, the 14254
prison term shall not exceed the length of the remaining period 14255
of community control or the remaining period of the reserved 14256
prison sentence. If the court imposes a prison term as described 14257
in this division, division (B) (2) (b) of this section applies. 14258

(iii) A court is not limited in the number of times it may 14259
sentence an offender to a prison term under division (B) (1) (c) 14260
of this section for a violation of the conditions of a community 14261
control sanction or for a violation of a law or leaving the 14262

state without the permission of the court or the offender's 14263
probation officer. If an offender who is under a community 14264
control sanction violates the conditions of the sanction or 14265
violates a law or leaves the state without the permission of the 14266
court or the offender's probation officer, is sentenced to a 14267
prison term for the violation or conduct, is released from the 14268
term after serving it, and subsequently violates the conditions 14269
of the sanction or violates a law or leaves the state without 14270
the permission of the court or the offender's probation officer, 14271
the court may impose a new prison term sanction on the offender 14272
under division (B) (1) (c) of this section for the subsequent 14273
violation or conduct. 14274

(2) (a) If an offender was acting pursuant to division (B) 14275
(2) (b) of section 2925.11 or a related provision of section 14276
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 14277
doing violated the conditions of a community control sanction 14278
based on a minor drug possession offense, as defined in section 14279
2925.11 of the Revised Code, or violated section 2925.12, 14280
division (C) (1) of section 2925.14, or section 2925.141 of the 14281
Revised Code, the sentencing court ~~may consider the offender's~~ 14282
~~conduct in seeking or obtaining medical assistance for another~~ 14283
~~in good faith or for self or may consider the offender being the~~ 14284
~~subject of another person seeking or obtaining medical~~ 14285
~~assistance in accordance with that division as a mitigating~~ 14286
~~factor before imposing~~ shall not impose any of the penalties 14287
described in division (B) (1) of this section based on the 14288
violation. 14289

(b) If a court imposes a prison term on an offender under 14290
division (B) (1) (c) (i) or (ii) of this section for a technical 14291
violation of the conditions of a community control sanction, one 14292
of the following is applicable with respect to the time that the 14293

offender spends in prison under the term: 14294

(i) Subject to division (B)(2)(b)(ii) of this section, it 14295
shall be credited against the offender's community control 14296
sanction that was being served at the time of the violation, and 14297
the remaining time under that community control sanction shall 14298
be reduced by the time that the offender spends in prison under 14299
the prison term. By determination of the court, the offender 14300
upon release from the prison term either shall continue serving 14301
the remaining time under the community control sanction, as 14302
reduced under this division, or shall have the community control 14303
sanction terminated. 14304

(ii) If, at the time a prison term is imposed for a 14305
technical violation, the offender was serving a residential 14306
community control sanction imposed under section 2929.16 of the 14307
Revised Code, the time spent serving the residential community 14308
control sanction shall be credited against the offender's 14309
reserved prison sentence, and the remaining time under that 14310
residential community control sanction and under the reserved 14311
prison sentence shall be reduced by the time that the offender 14312
spends in prison under the prison term. By determination of the 14313
court, the offender upon release from the prison term either 14314
shall continue serving the remaining time under the residential 14315
community control sanction, as reduced under this division, or 14316
shall have the residential community control sanction 14317
terminated. 14318

(3) The prison term, if any, imposed on a violator 14319
pursuant to this division and division (B)(1) of this section 14320
shall be within the range of prison terms described in this 14321
division and shall not exceed a prison term from the range of 14322
terms specified in the notice provided to the offender at the 14323

sentencing hearing pursuant to division (B) (4) of section 14324
2929.19 of the Revised Code. The court may reduce the longer 14325
period of time that the offender is required to spend under the 14326
longer sanction, the more restrictive sanction, or a prison term 14327
imposed pursuant to division (B) (1) of this section by the time 14328
the offender successfully spent under the sanction that was 14329
initially imposed. Except as otherwise specified in this 14330
division, the prison term imposed under this division and 14331
division (B) (1) of this section shall be within the range of 14332
prison terms available as a definite term for the offense for 14333
which the sanction that was violated was imposed. If the offense 14334
for which the sanction that was violated was imposed is a felony 14335
of the first or second degree committed on or after March 22, 14336
2019, the prison term so imposed under this division shall be 14337
within the range of prison terms available as a minimum term for 14338
the offense under division (A) (1) (a) or (2) (a) of section 14339
2929.14 of the Revised Code. 14340

(C) If an offender, for a significant period of time, 14341
fulfills the conditions of a sanction imposed pursuant to 14342
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 14343
exemplary manner, the court may reduce the period of time under 14344
the sanction or impose a less restrictive sanction, but the 14345
court shall not permit the offender to violate any law or permit 14346
the offender to leave the state without the permission of the 14347
court or the offender's probation officer. 14348

(D) (1) If a court under division (A) (1) of this section 14349
imposes a condition of release under a community control 14350
sanction that requires the offender to submit to random drug 14351
testing, the department of probation, the adult parole 14352
authority, or any other entity that has general control and 14353
supervision of the offender under division (A) (2) (a) of this 14354

section may cause the offender to submit to random drug testing 14355
performed by a laboratory or entity that has entered into a 14356
contract with any of the governmental entities or officers 14357
authorized to enter into a contract with that laboratory or 14358
entity under section 341.26, 753.33, or 5120.63 of the Revised 14359
Code. 14360

(2) If no laboratory or entity described in division (D) 14361
(1) of this section has entered into a contract as specified in 14362
that division, the department of probation, the adult parole 14363
authority, or any other entity that has general control and 14364
supervision of the offender under division (A)(2)(a) of this 14365
section shall cause the offender to submit to random drug 14366
testing performed by a reputable public laboratory to determine 14367
whether the individual who is the subject of the drug test 14368
ingested or was injected with a drug of abuse. 14369

(3) A laboratory or entity that has entered into a 14370
contract pursuant to section 341.26, 753.33, or 5120.63 of the 14371
Revised Code shall perform the random drug tests under division 14372
(D)(1) of this section in accordance with the applicable 14373
standards that are included in the terms of that contract. A 14374
public laboratory shall perform the random drug tests under 14375
division (D)(2) of this section in accordance with the standards 14376
set forth in the policies and procedures established by the 14377
department of rehabilitation and correction pursuant to section 14378
5120.63 of the Revised Code. An offender who is required under 14379
division (A)(1) of this section to submit to random drug testing 14380
as a condition of release under a community control sanction and 14381
whose test results indicate that the offender ingested or was 14382
injected with a drug of abuse shall pay the fee for the drug 14383
test if the department of probation, the adult parole authority, 14384
or any other entity that has general control and supervision of 14385

the offender requires payment of a fee. A laboratory or entity 14386
that performs the random drug testing on an offender under 14387
division (D) (1) or (2) of this section shall transmit the 14388
results of the drug test to the appropriate department of 14389
probation, the adult parole authority, or any other entity that 14390
has general control and supervision of the offender under 14391
division (A) (2) (a) of this section. 14392

(E) As used in this section, "technical violation" means a 14393
violation of the conditions of a community control sanction 14394
imposed for a felony of the fifth degree, or for a felony of the 14395
fourth degree that is not an offense of violence and is not a 14396
sexually oriented offense, and to which neither of the following 14397
applies: 14398

(1) The violation consists of a new criminal offense that 14399
is a felony or that is a misdemeanor other than a minor 14400
misdemeanor, and the violation is committed while under the 14401
community control sanction. 14402

(2) The violation consists of or includes the offender's 14403
articulated or demonstrated refusal to participate in the 14404
community control sanction imposed on the offender or any of its 14405
conditions, and the refusal demonstrates to the court that the 14406
offender has abandoned the objects of the community control 14407
sanction or condition. 14408

Sec. 2929.20. (A) As used in this section: 14409

(1) (a) Except as provided in division (A) (1) (b) of this 14410
section, "eligible offender" means any person who, on or after 14411
April 7, 2009, is serving a stated prison term that includes one 14412
or more nonmandatory prison terms. A person may be an eligible 14413
offender and also may be an eighty per cent-qualifying offender 14414

or, during a declared state of emergency, a state of emergency- 14415
qualifying offender. 14416

(b) "Eligible offender" does not include any person who, 14417
on or after April 7, 2009, is serving a stated prison term for 14418
any of the following criminal offenses that was a felony and was 14419
committed while the person held a public office in this state: 14420

(i) A violation of section 2921.02, 2921.03, 2921.05, 14421
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 14422
Code; 14423

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 14424
2921.12 of the Revised Code, when the conduct constituting the 14425
violation was related to the duties of the offender's public 14426
office or to the offender's actions as a public official holding 14427
that public office; 14428

(iii) A violation of an existing or former municipal 14429
ordinance or law of this or any other state or the United States 14430
that is substantially equivalent to any violation listed in 14431
division (A) (1) (b) (i) of this section; 14432

(iv) A violation of an existing or former municipal 14433
ordinance or law of this or any other state or the United States 14434
that is substantially equivalent to any violation listed in 14435
division (A) (1) (b) (ii) of this section, when the conduct 14436
constituting the violation was related to the duties of the 14437
offender's public office or to the offender's actions as a 14438
public official holding that public office; 14439

(v) A conspiracy to commit, attempt to commit, or 14440
complicity in committing any offense listed in division (A) (1) 14441
(b) (i) or described in division (A) (1) (b) (iii) of this section; 14442

(vi) A conspiracy to commit, attempt to commit, or 14443

complicity in committing any offense listed in division (A) (1) 14444
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 14445
if the conduct constituting the offense that was the subject of 14446
the conspiracy, that would have constituted the offense 14447
attempted, or constituting the offense in which the offender was 14448
complicit was or would have been related to the duties of the 14449
offender's public office or to the offender's actions as a 14450
public official holding that public office. 14451

(2) "State of emergency-qualifying offender" means any 14452
inmate to whom all of the following apply: 14453

(a) The inmate is serving a stated prison term during a 14454
state of emergency that is declared by the governor as a direct 14455
response to a pandemic or public health emergency. 14456

(b) The geographical area covered by the declared state of 14457
emergency includes the location at which the inmate is serving 14458
the stated prison term described in division (A) (2) (a) of this 14459
section. 14460

(c) There is a direct nexus between the emergency that is 14461
the basis of the governor's declaration of the state of 14462
emergency and the circumstances of, and need for release of, the 14463
inmate. 14464

(3) (a) "Eighty per cent-qualifying offender" means an 14465
offender who is serving a stated prison term of one year or 14466
more, who has commenced service of that stated prison term, who 14467
is not serving a stated prison term that includes a 14468
disqualifying prison term or a stated prison term that consists 14469
solely of one or more restricting prison terms, and to whom 14470
either of the following applies: 14471

(i) If the offender is serving a stated prison term of one 14472

year or more that includes one or more restricting prison terms 14473
and one or more eligible prison terms, the offender has fully 14474
served all restricting prison terms and has served eighty per 14475
cent of that stated prison term that remains to be served after 14476
all restricting prison terms have been fully served; 14477

(ii) If the offender is serving a stated prison term of 14478
one year or more that consists solely of one or more eligible 14479
prison terms, the offender has served eighty per cent of that 14480
stated prison term. 14481

(b) For purposes of determining whether an offender is an 14482
eighty per cent-qualifying offender under division (A) (3) (a) of 14483
this section: 14484

(i) If the offender's stated prison term includes 14485
consecutive prison terms, any restricting prison terms shall be 14486
deemed served prior to any eligible prison terms that run 14487
consecutively to the restricting prison terms, and the eligible 14488
prison terms are deemed to commence after all of the restricting 14489
prison terms have been fully served. 14490

(ii) An offender serving a stated prison term of one year 14491
or more that includes a mandatory prison term that is not a 14492
disqualifying prison term and is not a restricting prison term 14493
is not automatically disqualified from being an eighty per cent- 14494
qualifying offender as a result of the offender's service of 14495
that mandatory term for release from prison under this section, 14496
and the offender may be eligible for release from prison in 14497
accordance with this division and division (O) of this section. 14498

(4) "Nonmandatory prison term" means a prison term that is 14499
not a mandatory prison term. 14500

~~(3)~~ (5) "Public office" means any elected federal, state, 14501

or local government office in this state. 14502

~~(4)~~ (6) "Victim's representative" has the same meaning as 14503
in section 2930.01 of the Revised Code. 14504

~~(5)~~ (7) "Imminent danger of death," "medically 14505
incapacitated," and "terminal illness" have the same meanings as 14506
in section 2967.05 of the Revised Code. 14507

~~(6)~~ (8) "Aggregated nonmandatory prison term or terms" 14508
means the aggregate of the following: 14509

(a) All nonmandatory definite prison terms; 14510

(b) With respect to any non-life felony indefinite prison 14511
term, all nonmandatory minimum prison terms imposed as part of 14512
the non-life felony indefinite prison term or terms. 14513

(9) "Deadly weapon" and "dangerous ordnance" have the same 14514
meanings as in section 2923.11 of the Revised Code. 14515

(10) "Disqualifying prison term" means any of the 14516
following: 14517

(a) A prison term imposed for aggravated murder, murder, 14518
voluntary manslaughter, involuntary manslaughter, felonious 14519
assault, kidnapping, rape, aggravated arson, aggravated 14520
burglary, or aggravated robbery; 14521

(b) A prison term imposed for complicity in, an attempt to 14522
commit, or conspiracy to commit any offense listed in division 14523
(A) (10) (a) of this section; 14524

(c) A prison term of life imprisonment, including any term 14525
of life imprisonment that has parole eligibility; 14526

(d) A prison term imposed for any felony other than 14527
carrying a concealed weapon an essential element of which is any 14528

<u>conduct or failure to act expressly involving any deadly weapon</u>	14529
<u>or dangerous ordnance;</u>	14530
<u>(e) A prison term imposed for any violation of section</u>	14531
<u>2925.03 of the Revised Code that is a felony of the first or</u>	14532
<u>second degree;</u>	14533
<u>(f) A prison term imposed for engaging in a pattern of</u>	14534
<u>corrupt activity in violation of section 2923.32 of the Revised</u>	14535
<u>Code;</u>	14536
<u>(g) A prison term imposed pursuant to section 2971.03 of</u>	14537
<u>the Revised Code;</u>	14538
<u>(h) A prison term imposed for any sexually oriented</u>	14539
<u>offense.</u>	14540
<u>(11) "Eligible prison term" means any prison term that is</u>	14541
<u>not a disqualifying prison term and is not a restricting prison</u>	14542
<u>term.</u>	14543
<u>(12) "Restricting prison term" means any of the following:</u>	14544
<u>(a) A mandatory prison term imposed under division (B) (1)</u>	14545
<u>(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of</u>	14546
<u>section 2929.14 of the Revised Code for a specification of the</u>	14547
<u>type described in that division;</u>	14548
<u>(b) In the case of an offender who has been sentenced to a</u>	14549
<u>mandatory prison term for a specification of the type described</u>	14550
<u>in division (A) (12) (a) of this section, the prison term imposed</u>	14551
<u>for the felony offense for which the specification was stated at</u>	14552
<u>the end of the body of the indictment, count in the indictment,</u>	14553
<u>or information charging the offense;</u>	14554
<u>(c) A prison term imposed for trafficking in persons;</u>	14555

(d) A prison term imposed for any offense that is 14556
described in division (A) (12) (d) (i) of this section if division 14557
(A) (12) (d) (ii) of this section applies to the offender: 14558

(i) The offense is a felony of the first or second degree 14559
that is an offense of violence and that is not described in 14560
division (A) (10) (a) or (b) of this section, an attempt to commit 14561
a felony of the first or second degree that is an offense of 14562
violence and that is not described in division (A) (10) (a) or (b) 14563
of this section if the attempt is a felony of the first or 14564
second degree, or an offense under an existing or former law of 14565
this state, another state, or the United States that is or was 14566
substantially equivalent to any other offense described in this 14567
division. 14568

(ii) The offender previously was convicted of or pleaded 14569
guilty to any offense listed in division (A) (10) or (A) (12) (d) 14570
(i) of this section. 14571

(13) "Sexually oriented offense" has the same meaning as 14572
in section 2950.01 of the Revised Code. 14573

(14) "Stated prison term of one year or more" means a 14574
definite prison term of one year or more imposed as a stated 14575
prison term, or a minimum prison term of one year or more 14576
imposed as part of a stated prison term that is a non-life 14577
felony indefinite prison term. 14578

(B) On the motion of an eligible offender, on the motion 14579
of a state of emergency-qualifying offender made during the 14580
declared state of emergency, or ~~upon~~ on its own motion with 14581
respect to an eligible offender or with respect to a state of 14582
emergency-qualifying offender during the declared state of 14583
emergency, the sentencing court may reduce the eligible 14584

offender's aggregated nonmandatory prison term or terms through 14585
a judicial release under this section. 14586

~~(C) An~~ (C) (1) Subject to division (C) (2) of this section, 14587
an eligible offender may file a motion for judicial release with 14588
the sentencing court, or a state of emergency-qualifying 14589
offender may file a motion for judicial release with the 14590
sentencing court during the declared state of emergency, within 14591
the following applicable periods: 14592

~~(1) (a)~~ If the aggregated nonmandatory prison term or 14593
terms is less than two years, the eligible offender or state of 14594
emergency-qualifying offender may file the motion at any time 14595
after the offender is delivered to a state correctional 14596
institution or, if the prison term includes a mandatory prison 14597
term or terms, at any time after the expiration of all mandatory 14598
prison terms. 14599

~~(2) (b)~~ If the aggregated nonmandatory prison term or 14600
terms is at least two years but less than five years, the 14601
eligible offender or state of emergency-qualifying offender may 14602
file the motion not earlier than one hundred eighty days after 14603
the offender is delivered to a state correctional institution 14604
or, if the prison term includes a mandatory prison term or 14605
terms, not earlier than one hundred eighty days after the 14606
expiration of all mandatory prison terms. 14607

~~(3) (c)~~ If the aggregated nonmandatory prison term or 14608
terms is five years, the eligible offender or state of 14609
emergency-qualifying offender may file the motion not earlier 14610
than the date on which the eligible offender has served four 14611
years of the offender's stated prison term or, if the prison 14612
term includes a mandatory prison term or terms, not earlier than 14613
four years after the expiration of all mandatory prison terms. 14614

~~(4)~~-(d) If the aggregated nonmandatory prison term or 14615
terms is more than five years but not more than ten years, the 14616
eligible offender or state of emergency-qualifying offender may 14617
file the motion not earlier than the date on which the ~~eligible~~- 14618
offender has served five years of the offender's stated prison 14619
term or, if the prison term includes a mandatory prison term or 14620
terms, not earlier than five years after the expiration of all 14621
mandatory prison terms. 14622

~~(5)~~-(e) If the aggregated nonmandatory prison term or 14623
terms is more than ten years, the eligible offender or state of 14624
emergency-qualifying offender may file the motion not earlier 14625
than the later of the date on which the offender has served one- 14626
half of the offender's stated prison term or the date specified 14627
in division ~~(C)~~-(4)-(C) (1) (d) of this section. 14628

~~(D)~~-(f) With respect to a state of emergency-qualifying 14629
offender, if the offender's prison term does not include a 14630
mandatory prison term or terms, or if the offender's prison term 14631
includes one or more mandatory prison terms and the offender has 14632
completed the mandatory prison term or terms, the state of 14633
emergency-qualifying offender may file the motion at any time 14634
during the offender's aggregated nonmandatory prison term or 14635
terms, provided that time also is during the declared state of 14636
emergency. 14637

(2) A state of emergency-qualifying offender may only file 14638
a motion for judicial release with the sentencing court during 14639
the declared state of emergency once every six months. 14640

(D) (1) (a) Upon receipt of a timely motion for judicial 14641
release filed by an eligible offender or a state of emergency- 14642
qualifying offender under division (C) of this section, or upon 14643
the sentencing court's own motion made within the appropriate 14644

time specified in that division, the court may deny the motion 14645
without a hearing or schedule a hearing on the motion. The court 14646
may grant the motion without a hearing for an offender under 14647
consideration for judicial release as a state of emergency- 14648
qualifying offender, but the court shall not grant the motion 14649
without a hearing for an offender under consideration as an 14650
eligible offender. If a court denies a motion without a hearing, 14651
the court later may consider judicial release for that eligible 14652
offender or that state of emergency-qualifying offender on a 14653
subsequent motion ~~filed by that eligible offender unless.~~ For 14654
an offender under consideration for judicial release as an 14655
eligible offender, but not for one under consideration as a 14656
state of emergency-qualifying offender, the court denies may 14657
deny the motion with prejudice. If a court denies a motion with 14658
prejudice, the court may later consider judicial release on its 14659
own motion. ~~If~~ For an offender under consideration for judicial 14660
release as a state of emergency-qualifying offender, the court 14661
shall not deny a motion with prejudice. For an offender under 14662
consideration for judicial release as an eligible offender, but 14663
not for one under consideration as a state of emergency- 14664
qualifying offender, if a court denies a motion after a hearing, 14665
the court shall not consider a subsequent motion for that 14666
offender based on the offender's classification as an eligible 14667
offender. The court may hold multiple hearings for any offender 14668
under consideration for judicial release as a state of 14669
emergency-qualifying offender, but shall hold only one hearing 14670
for any offender under consideration as an eligible offender. 14671

~~A~~ (b) If an offender is under consideration for judicial 14672
release as an eligible offender and the motion is denied, and if 14673
the offender at that time also is or subsequently becomes a 14674
state of emergency-qualifying offender, the denial does not 14675

limit or affect any right of the offender to file a motion under 14676
this section for consideration for judicial release as a state 14677
of emergency-qualifying offender or for the court on its own 14678
motion to consider the offender for judicial release as a state 14679
of emergency-qualifying offender. 14680

If an offender is under consideration for judicial release 14681
as a state of emergency-qualifying offender and the motion is 14682
denied, and if the offender at that time also is or subsequently 14683
becomes an eligible offender, the denial does not limit or 14684
affect any right of the offender to file a motion under this 14685
section for consideration for judicial release as an eligible 14686
offender or for the court on its own motion to consider the 14687
offender for judicial release as an eligible offender. 14688

(2) (a) With respect to a motion for judicial release filed 14689
by an offender as an eligible offender or made by the court on 14690
its own motion for an offender as an eligible offender, a 14691
hearing under this section shall be conducted in open court not 14692
less than thirty or more than sixty days after the motion is 14693
filed, provided that the court may delay the hearing for one 14694
hundred eighty additional days. If the court holds a hearing, 14695
the court shall enter a ruling on the motion within ten days 14696
after the hearing. If the court denies the motion without a 14697
hearing, the court shall enter its ruling on the motion within 14698
sixty days after the motion is filed. 14699

(b) With respect to a motion for judicial release filed by 14700
an offender as a state of emergency-qualifying offender or made 14701
by the court on its own motion for an offender as a state of 14702
emergency-qualifying offender, the court shall notify the 14703
prosecuting attorney of the county in which the offender was 14704
indicted and may order the prosecuting attorney to respond to 14705

the motion in writing within ten days. The prosecuting attorney 14706
shall notify the victim pursuant to the Ohio Constitution. The 14707
prosecuting attorney shall include in the response any statement 14708
that the victim wants to be represented to the court. The court 14709
shall consider any response from the prosecuting attorney and 14710
any statement from the victim in its ruling on the motion. After 14711
receiving the response from the prosecuting attorney, the court 14712
either shall order a hearing consistent with divisions (E) to 14713
(I) of this section as soon as possible, or shall enter its 14714
ruling on the motion for judicial release as soon as possible. 14715
If the court conducts a hearing, the hearing shall be conducted 14716
in open court or by a virtual, telephonic, or other form of 14717
remote hearing. If the court holds a hearing, the court shall 14718
enter a ruling on the motion within ten days after the hearing. 14719
If the court denies the motion without a hearing, the court 14720
shall enter its ruling on the motion within ten days after the 14721
motion is filed or after it receives the response from the 14722
prosecuting attorney. 14723

(E) If a court schedules a hearing under ~~division (D)~~ 14724
divisions (D) (1) and (2) (a) of this section or under divisions 14725
(D) (1) and (2) (b) of this section, the court shall notify the 14726
subject eligible offender or state of emergency-qualifying 14727
offender and the head of the state correctional institution in 14728
which ~~the eligible~~ that subject offender is confined prior to 14729
the hearing. The head of the state correctional institution 14730
immediately shall notify the appropriate person at the 14731
department of rehabilitation and correction of the hearing, and 14732
the department within twenty-four hours after receipt of the 14733
notice, shall post on the database it maintains pursuant to 14734
section 5120.66 of the Revised Code the subject offender's name 14735
and all of the information specified in division (A) (1) (c) (i) of 14736

that section. If the court schedules a hearing for judicial 14737
release, the court promptly shall give notice of the hearing to 14738
the prosecuting attorney of the county in which the subject 14739
eligible offender or state of emergency-qualifying offender was 14740
indicted. Upon receipt of the notice from the court, the 14741
prosecuting attorney shall do whichever of the following is 14742
applicable: 14743

(1) Subject to division (E) (2) of this section, notify the 14744
victim of the offense or the victim's representative pursuant to 14745
the Ohio Constitution and division (B) of section 2930.16 of 14746
the Revised Code; 14747

(2) If the offense was an offense of violence that is a 14748
felony of the first, second, or third degree, except as 14749
otherwise provided in this division, pursuant to the Ohio 14750
Constitution, notify the victim or the victim's representative 14751
of the hearing regardless of whether the victim or victim's 14752
representative has requested the notification. ~~The Except when~~ 14753
notice to the victim is required under the Ohio Constitution, 14754
the notice of the hearing shall not be given under this division 14755
to a victim or victim's representative if the victim or victim's 14756
representative has requested pursuant to division (B) (2) of 14757
section 2930.03 of the Revised Code that the victim or the 14758
victim's representative not be provided the notice. If notice is 14759
to be provided to a victim or victim's representative under this 14760
division, the prosecuting attorney may give the notice by any 14761
reasonable means, including regular mail, telephone, and 14762
electronic mail, in accordance with division (D) (1) of section 14763
2930.16 of the Revised Code. If the notice is based on an 14764
offense committed prior to March 22, 2013, the notice also shall 14765
include the opt-out information described in division (D) (1) of 14766
section 2930.16 of the Revised Code. The prosecuting attorney, 14767

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. Division (E) (2) of this section, and the notice-related provisions of division (K) of this section, 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, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (E) (2) of this section was enacted, shall be known as "Roberta's Law."

(F) Upon an offender's successful completion of rehabilitative activities, the head of the state correctional institution may notify the sentencing court of the successful completion of the activities.

(G) Prior to the date of the hearing on a motion for judicial release made by an eligible offender, by a state of emergency-qualifying offender, or by a court on its own under this section, the head of the state correctional institution in which the ~~eligible-subject~~ offender is confined shall send to the court an institutional summary report on the ~~eligible-~~ offender's conduct in the institution and in any institution from which the ~~eligible-~~ offender may have been transferred. Upon the request of the prosecuting attorney of the county in which the ~~eligible-subject~~ offender was indicted or of any law enforcement agency, the head of the state correctional institution, at the same time the person sends the institutional summary report to the court, also shall send a copy of the report to the requesting prosecuting attorney and law enforcement agencies. The institutional summary report shall

cover the ~~eligible-subject~~ offender's participation in school, 14799
vocational training, work, treatment, and other rehabilitative 14800
activities and any disciplinary action taken against the 14801
~~eligible-subject~~ offender. The report shall be made part of the 14802
record of the hearing. A presentence investigation report is not 14803
required for judicial release. 14804

(H) If the court grants a hearing on a motion for judicial 14805
release made by an eligible offender, by a state of emergency- 14806
qualifying offender, or by a court on its own under this 14807
section, the ~~eligible-subject~~ offender shall attend the hearing 14808
if ordered to do so by the court. Upon receipt of a copy of the 14809
journal entry containing the order, the head of the state 14810
correctional institution in which the ~~eligible-subject~~ offender 14811
is incarcerated shall deliver the ~~eligible-subject~~ offender to 14812
the sheriff of the county in which the hearing is to be held. 14813
The sheriff shall convey the ~~eligible-subject~~ offender to and 14814
from the hearing. 14815

(I) At the hearing on a motion for judicial release under 14816
this section made by an eligible offender, by a state of 14817
emergency-qualifying offender, or by a court on its own, the 14818
court shall afford the ~~eligible-subject~~ offender and the 14819
~~eligible~~-offender's attorney an opportunity to present written 14820
and, if present, oral information relevant to the motion. The 14821
court shall afford a similar opportunity to the prosecuting 14822
attorney, the victim or the victim's representative, and any 14823
other person the court determines is likely to present 14824
additional relevant information. The court shall consider any 14825
statement of a victim made pursuant to section 2930.14 or 14826
2930.17 of the Revised Code, any victim impact statement 14827
prepared pursuant to section 2947.051 of the Revised Code, and 14828
any report made under division (G) of this section. The court 14829

may consider any written statement of any person submitted to 14830
the court pursuant to division (L) of this section. 14831

If the motion alleges that the offender who is the subject 14832
of the motion is an eligible offender and the court makes an 14833
initial determination that the offender satisfies the criteria 14834
for being an eligible offender, or if the motion alleges that 14835
the offender who is the subject of the motion is a state of 14836
emergency-qualifying offender and the court makes an initial 14837
determination that the offender satisfies the criteria for being 14838
a state of emergency-qualifying offender, the court shall 14839
determine whether to grant the motion. After ruling on the 14840
motion, the ~~court~~ prosecuting attorney shall notify the victim 14841
of the ruling in accordance with sections 2930.03 and 2930.16 of 14842
the Revised Code. 14843

(J) (1) A court shall not grant a judicial release under 14844
this section to an ~~eligible~~ offender who is imprisoned for a 14845
felony of the first or second degree and who is under 14846
consideration as an eligible offender, or to an ~~eligible~~ 14847
offender who committed an offense under Chapter 2925. or 3719. 14848
of the Revised Code, who is under consideration as an eligible 14849
offender, and for whom there was a presumption under section 14850
2929.13 of the Revised Code in favor of a prison term, unless 14851
the court, with reference to factors under section 2929.12 of 14852
the Revised Code, finds both of the following: 14853

(a) That a sanction other than a prison term would 14854
adequately punish the offender and protect the public from 14855
future criminal violations by the ~~eligible~~ offender because the 14856
applicable factors indicating a lesser likelihood of recidivism 14857
outweigh the applicable factors indicating a greater likelihood 14858
of recidivism; 14859

(b) That a sanction other than a prison term would not
demean the seriousness of the offense because factors indicating
that the ~~eligible~~ offender's conduct in committing the offense
was less serious than conduct normally constituting the offense
outweigh factors indicating that the eligible offender's conduct
was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release ~~to an eligible
offender~~ under division (J) (1) of this section to an offender
who is under consideration as an eligible offender shall specify
on the record both findings required in that division and also
shall list all the factors described in that division that were
presented at the hearing.

(3) (a) Subject to division (J) (3) (b) of this section, a
court shall grant a judicial release under this section to an
offender who is under consideration as a state of emergency-
qualifying offender if the court determines that the risks posed
by incarceration to the health and safety of the offender,
because of the nature of the declared state of emergency,
outweigh the risk to public safety if the offender were to be
released from incarceration.

(b) A court shall not grant a judicial release under this
section to an offender who is imprisoned for a felony of the
first or second degree and is under consideration for judicial
release as a state of emergency-qualifying offender unless the
court, with reference to the factors specified under section
2929.12 of the Revised Code, finds both of the criteria set
forth in divisions (J) (1) (a) and (b) of this section.

(K) If the court grants a motion for judicial release
under this section, the court shall order the release of the
eligible offender or state of emergency-qualifying offender,

shall place the ~~eligible~~-offender under an appropriate community 14890
control sanction, under appropriate conditions, and under the 14891
supervision of the department of probation serving the court and 14892
shall reserve the right to reimpose the sentence that it reduced 14893
if the offender violates the sanction. If the court reimposes 14894
the reduced sentence, it may do so either concurrently with, or 14895
consecutive to, any new sentence imposed ~~upon~~on the eligible 14896
offender or state of emergency-qualifying offender as a result 14897
of the violation that is a new offense. Except as provided in 14898
division ~~(R) (2)~~(N) (5) (b) of this section, the period of 14899
community control shall be no longer than five years. The court, 14900
in its discretion, may reduce the period of community control by 14901
the amount of time the ~~eligible~~-offender spent in jail or prison 14902
for the offense and in prison. If the court made any findings 14903
pursuant to division (J) (1) of this section, the court shall 14904
serve a copy of the findings upon counsel for the parties within 14905
fifteen days after the date on which the court grants the motion 14906
for judicial release. 14907

If the court grants a motion for judicial release, the 14908
court shall notify the appropriate person at the department of 14909
rehabilitation and correction, and the department shall post 14910
notice of the release on the database it maintains pursuant to 14911
section 5120.66 of the Revised Code. The court also shall notify 14912
the prosecuting attorney of the county in which the eligible 14913
offender or state of emergency-qualifying offender was indicted 14914
that the motion has been granted. ~~Unless~~When notice to the 14915
victim is required under the Ohio Constitution, the prosecuting 14916
attorney shall notify the victim of the judicial release. In all 14917
other cases, unless the victim or the victim's representative 14918
has requested pursuant to division (B) (2) of section 2930.03 of 14919
the Revised Code that the victim or victim's representative not 14920

be provided the notice, the prosecuting attorney shall notify 14921
the victim or the victim's representative of the judicial 14922
release in any manner, and in accordance with the same 14923
procedures, pursuant to which the prosecuting attorney is 14924
authorized to provide notice of the hearing pursuant to division 14925
(E) (2) of this section. If the notice is based on an offense 14926
committed prior to March 22, 2013, the notice to the victim or 14927
victim's representative also shall include the opt-out 14928
information described in division (D) (1) of section 2930.16 of 14929
the Revised Code. 14930

(L) In addition to and independent of the right of a 14931
victim to make a statement pursuant to section 2930.14, 2930.17, 14932
or 2946.051 of the Revised Code and any right of a person to 14933
present written information or make a statement pursuant to 14934
division (I) of this section, any person may submit to the 14935
court, at any time prior to the hearing on the ~~offender's~~ motion 14936
for judicial release of the eligible offender or state of 14937
emergency-qualifying offender, a written statement concerning 14938
the effects of the offender's crime or crimes, the circumstances 14939
surrounding the crime or crimes, the manner in which the crime 14940
or crimes were perpetrated, and the person's opinion as to 14941
whether the offender should be released. 14942

~~(M)~~ (M) (1) The changes to this section that are made on 14943
September 30, 2011, apply to any judicial release decision made 14944
on or after September 30, 2011, for any eligible offender, 14945
subject to division (M) (2) of this section. 14946

~~(N)~~ (2) The changes to this section that are made on the 14947
effective date of this amendment apply to any judicial release 14948
application, and any judicial release decision, made on or after 14949
the effective date of this amendment for any eligible offender 14950

or state of emergency-qualifying offender. 14951

(N) (1) Notwithstanding the eligibility requirements 14952
specified in ~~division (A)~~divisions (A) (1) and (2) of this 14953
section and the filing time frames specified in division (C) of 14954
this section and notwithstanding the findings required under 14955
division ~~(J)~~(J) (1) and the eligibility criteria specified in 14956
division (J) (3) of this section, the sentencing court, upon the 14957
court's own motion and after considering whether the release of 14958
the offender into society would create undue risk to public 14959
safety, may grant a judicial release to an offender who is not 14960
serving a life sentence at any time during the offender's 14961
imposed sentence when the director of rehabilitation and 14962
correction certifies to the sentencing court through the chief 14963
medical officer for the department of rehabilitation and 14964
correction that the offender is in imminent danger of death, is 14965
medically incapacitated, or is suffering from a terminal 14966
illness. 14967

~~(O)~~(2) The director of rehabilitation and correction shall 14968
not certify any offender under division ~~(N)~~(N) (1) of this 14969
section who is serving a death sentence. 14970

~~(P)~~(3) A motion made by the court under division ~~(N)~~(N) (1) 14971
of this section is subject to the notice, hearing, and other 14972
procedural requirements specified in divisions (D), (E), (G), 14973
(H), (I), (K), and (L) of this section, including notice to the 14974
victim, except for the following: 14975

~~(1)~~(a) The court may waive the offender's appearance at 14976
any hearing scheduled by the court if the offender's condition 14977
makes it impossible for the offender to participate meaningfully 14978
in the proceeding. 14979

~~(2)~~(b) The court may grant the motion without a hearing, 14980
provided that the prosecuting attorney and victim or victim's 14981
representative to whom notice of the hearing was provided under 14982
division (E) of this section indicate that they do not wish to 14983
participate in the hearing or present information relevant to 14984
the motion. 14985

~~(Q)~~(4) The court may request health care records from the 14986
department of rehabilitation and correction to verify the 14987
certification made under division ~~(N)~~(N) (1) of this section. 14988

~~(R)~~(1)(5) (a) If the court grants judicial release under 14989
division ~~(N)~~(N) (1) of this section, the court shall do all of 14990
the following: 14991

~~(a)~~(i) Order the release of the offender; 14992

~~(b)~~(ii) Place the offender under an appropriate community 14993
control sanction, under appropriate conditions; 14994

~~(c)~~(iii) Place the offender under the supervision of the 14995
department of probation serving the court or under the 14996
supervision of the adult parole authority. 14997

~~(2)~~(b) The court, in its discretion, may revoke the 14998
judicial release if the offender violates the community control 14999
sanction described in division ~~(R)~~(1)(N) (5) (a) of this section. 15000
The period of that community control is not subject to the five- 15001
year limitation described in division (K) of this section and 15002
shall not expire earlier than the date on which all of the 15003
offender's mandatory prison terms expire. 15004

~~(S)~~(6) If the health of an offender who is released under 15005
division ~~(N)~~(N) (1) of this section improves so that the offender 15006
is no longer terminally ill, medically incapacitated, or in 15007
imminent danger of death, the court shall, upon the court's own 15008

motion, revoke the judicial release. The court shall not grant 15009
the motion without a hearing unless the offender waives a 15010
hearing. If a hearing is held, the court shall afford the 15011
offender and the offender's attorney an opportunity to present 15012
written and, if the offender or the offender's attorney is 15013
present, oral information relevant to the motion. The court 15014
shall afford a similar opportunity to the prosecuting attorney, 15015
the victim or the victim's representative, and any other person 15016
the court determines is likely to present additional relevant 15017
information. If a hearing is held, the prosecuting attorney 15018
shall notify the victim pursuant to the Ohio Constitution. A 15019
court that grants a motion under this division shall specify its 15020
findings on the record. 15021

(O) (1) Separate from and independent of the provisions of 15022
divisions (A) to (N) of this section, the director of the 15023
department of rehabilitation and correction may recommend in 15024
writing to the sentencing court that the court consider 15025
releasing from prison, through a judicial release, any offender 15026
who is confined in a state correctional institution and who is 15027
an eighty per cent-qualifying offender. The director may file 15028
such a recommendation for judicial release by submitting to the 15029
sentencing court a notice, in writing, of the recommendation 15030
within the applicable period specified in division (A) (3) of 15031
this section for qualifying as an eighty per cent-qualifying 15032
offender. 15033

The director shall include with any notice submitted to 15034
the sentencing court under this division an institutional 15035
summary report that covers the offender's participation while 15036
confined in a state correctional institution in school, 15037
training, work, treatment, and other rehabilitative activities 15038
and any disciplinary action taken against the offender while so 15039

confined. The director shall include with the notice any other 15040
documentation requested by the court, if available. 15041

If the director submits a notice under this division 15042
recommending judicial release, the department promptly shall 15043
provide to the prosecuting attorney of the county in which the 15044
offender was indicted a copy of the written notice and 15045
recommendation, a copy of the institutional summary report, and 15046
any other information provided to the court, and shall provide a 15047
copy of the institutional summary report to any law enforcement 15048
agency that requests the report. The department also shall 15049
provide written notice of the submission of the director's 15050
notice to any victim of the offender or victim's representative, 15051
in the same manner as is specified in divisions (E)(1) and (2) 15052
of this section with respect to notices of hearings. 15053

(2) A recommendation for judicial release in a notice 15054
submitted by the director under division (O)(1) of this section 15055
is subject to the notice, hearing, and other procedural 15056
requirements specified in divisions (E), (H), (I), and (L) of 15057
this section, including notice to the victim pursuant to the 15058
Ohio Constitution, except as otherwise specified in divisions 15059
(O)(3) to (5) of this section, provided that references in 15060
divisions (E), (H), (I), (K), and (L) of this section to "the 15061
motion" shall be construed for purposes of division (O) of this 15062
section as being references to the notice and recommendation 15063
specified in division (O)(1) of this section. 15064

(3) The director's submission of a notice under division 15065
(O)(1) of this section constitutes a recommendation by the 15066
director that the court strongly consider a judicial release of 15067
the offender consistent with the purposes and principles of 15068
sentencing set forth in sections 2929.11 and 2929.13 of the 15069

Revised Code and establishes a rebuttable presumption that the offender shall be released through a judicial release in accordance with the recommendation. The presumption of release may be rebutted only as described in division (O)(6) of this section. Only an offender recommended by the director under division (O)(1) of this section may be considered for a judicial release under division (O) of this section. 15070
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(4) Upon receipt of a notice recommending judicial release submitted by the director under division (O)(1) of this section, the court shall schedule a hearing to consider the recommendation for the judicial release of the offender who is the subject of the notice. The hearing shall be conducted in open court not less than thirty or more than sixty days after the notice is submitted. The court shall inform the department and the prosecuting attorney of the county in which the offender who is the subject of the notice was indicted of the date, time, and location of the hearing. Upon receipt of the notice from the court, the prosecuting attorney shall comply with division (E) of this section, including providing notice to the victim pursuant to the Ohio Constitution, and the department shall post the information specified in that division. 15077
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(5) When a court schedules a hearing under division (O)(4) of this section, at the hearing, the court shall consider all of the following in determining whether to grant the offender judicial release under division (O) of this section: 15091
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(a) The institutional summary report submitted under division (O)(1) of this section; 15095
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(b) The inmate's academic, vocational education programs, or alcohol or drug treatment programs; or involvement in meaningful activity; 15097
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15099

<u>(c) The inmate's assignments and whether the inmate</u>	15100
<u>consistently performed each work assignment to the satisfaction</u>	15101
<u>of the department staff responsible for supervising the inmate's</u>	15102
<u>work;</u>	15103
<u>(d) The inmate transferred to and actively participated in</u>	15104
<u>core curriculum programming at a reintegration center prison;</u>	15105
<u>(e) The inmate's disciplinary history;</u>	15106
<u>(f) The inmate's security level;</u>	15107
<u>(g) All other information, statements, reports, and</u>	15108
<u>documentation described in division (I) of this section.</u>	15109
<u>(6) If the court that receives a notice recommending</u>	15110
<u>judicial release submitted by the director under division (O) (1)</u>	15111
<u>of this section makes an initial determination that the offender</u>	15112
<u>satisfies the criteria for being an eighty per cent-qualifying</u>	15113
<u>offender, the court then shall determine whether to grant the</u>	15114
<u>offender judicial release. In making the second determination,</u>	15115
<u>the court shall grant the offender judicial release unless the</u>	15116
<u>prosecuting attorney proves to the court, by a preponderance of</u>	15117
<u>the evidence, that the legitimate interests of the government in</u>	15118
<u>maintaining the offender's confinement outweigh the interests of</u>	15119
<u>the offender in being released from that confinement. If the</u>	15120
<u>court grants a judicial release under this division, division</u>	15121
<u>(K) of this section applies regarding the judicial release,</u>	15122
<u>including notice to the victim pursuant to the Ohio</u>	15123
<u>Constitution, provided that references in division (K) of this</u>	15124
<u>section to "the motion" shall be construed for purposes of the</u>	15125
<u>judicial release granted under this division as being references</u>	15126
<u>to the notice and recommendation specified in division (O) (1) of</u>	15127
<u>this section.</u>	15128

The court shall enter its ruling on the notice 15129
recommending judicial release submitted by the director under 15130
division (O)(1) of this section within ten days after the 15131
hearing is conducted. After ruling on whether to grant the 15132
offender judicial release under division (O) of this section, 15133
the court shall notify the offender, the prosecuting attorney, 15134
and the department of rehabilitation and correction of its 15135
decision, and shall notify the victim of its decision in 15136
accordance with the Ohio Constitution and sections 2930.03 and 15137
2930.16 of the Revised Code. If the court does not enter a 15138
ruling on the notice within ten days after the hearing is 15139
conducted as required under this division, the division of 15140
parole and community services of the department of 15141
rehabilitation and correction may release the offender. 15142

(P) All notices to a victim of an offense provided under 15143
division (D), (E), (K), (N), or (O) of this section shall be 15144
provided in accordance with the Ohio Constitution. 15145

Sec. 2929.24. (A) Except as provided in section 2929.22 or 15146
2929.23 of the Revised Code or division (E) ~~or (F)~~ of this 15147
section and unless another term is required or authorized 15148
pursuant to law, if the sentencing court imposing a sentence 15149
upon an offender for a misdemeanor elects or is required to 15150
impose a jail term on the offender pursuant to this chapter, the 15151
court shall impose a definite jail term that shall be one of the 15152
following: 15153

(1) For a misdemeanor of the first degree, not more than 15154
one hundred eighty days; 15155

(2) For a misdemeanor of the second degree, not more than 15156
ninety days; 15157

(3) For a misdemeanor of the third degree, not more than 15158
sixty days; 15159

(4) For a misdemeanor of the fourth degree, not more than 15160
thirty days. 15161

(B) (1) A court that sentences an offender to a jail term 15162
under this section may permit the offender to serve the sentence 15163
in intermittent confinement or may authorize a limited release 15164
of the offender as provided in division (B) of section 2929.26 15165
of the Revised Code. The court retains jurisdiction over every 15166
offender sentenced to jail to modify the jail sentence imposed 15167
at any time, but the court shall not reduce any mandatory jail 15168
term. 15169

(2) (a) If a prosecutor, as defined in section 2935.01 of 15170
the Revised Code, has filed a notice with the court that the 15171
prosecutor wants to be notified about a particular case and if 15172
the court is considering modifying the jail sentence of the 15173
offender in that case, the court shall notify the prosecutor 15174
that the court is considering modifying the jail sentence of the 15175
offender in that case. The prosecutor may request a hearing 15176
regarding the court's consideration of modifying the jail 15177
sentence of the offender in that case, and, if the prosecutor 15178
requests a hearing, the court shall notify the eligible offender 15179
of the hearing. 15180

(b) If the prosecutor requests a hearing regarding the 15181
court's consideration of modifying the jail sentence of the 15182
offender in that case, the court shall hold the hearing before 15183
considering whether or not to release the offender from the 15184
offender's jail sentence. 15185

(C) If a court sentences an offender to a jail term under 15186

this section and the court assigns the offender to a county jail 15187
that has established a county jail industry program pursuant to 15188
section 5147.30 of the Revised Code, the court shall specify, as 15189
part of the sentence, whether the offender may be considered for 15190
participation in the program. During the offender's term in the 15191
county jail, the court retains jurisdiction to modify its 15192
specification regarding the offender's participation in the 15193
county jail industry program. 15194

(D) If a person is sentenced to a jail term pursuant to 15195
this section, the court may impose as part of the sentence 15196
pursuant to section 2929.28 of the Revised Code a reimbursement 15197
sanction, and, if the local detention facility in which the term 15198
is to be served is covered by a policy adopted pursuant to 15199
section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 15200
753.16, 2301.56, or 2947.19 of the Revised Code and section 15201
2929.37 of the Revised Code, both of the following apply: 15202

(1) The court shall specify both of the following as part 15203
of the sentence: 15204

(a) If the person is presented with an itemized bill 15205
pursuant to section 2929.37 of the Revised Code for payment of 15206
the costs of confinement, the person is required to pay the bill 15207
in accordance with that section. 15208

(b) If the person does not dispute the bill described in 15209
division (D)(1)(a) of this section and does not pay the bill by 15210
the times specified in section 2929.37 of the Revised Code, the 15211
clerk of the court may issue a certificate of judgment against 15212
the person as described in that section. 15213

(2) The sentence automatically includes any certificate of 15214
judgment issued as described in division (D)(1)(b) of this 15215

section. 15216

~~(E) If an offender who is convicted of or pleads guilty to a violation of division (B) of section 4511.19 of the Revised Code also is convicted of or also pleads guilty to a specification of the type described in section 2941.1416 of the Revised Code and if the court imposes a jail term on the offender for the underlying offense, the court shall impose upon the offender an additional definite jail term of not more than six months. The additional jail term shall not be reduced pursuant to any provision of the Revised Code. The offender shall serve the additional jail term consecutively to and prior to the jail term imposed for the underlying offense and consecutively to any other mandatory term imposed in relation to the offense.~~ 15217
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~~(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: 15230
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(a) Subject to division ~~(F) (1) (b)~~ (E) (1) (b) of this section, an additional definite jail term of not more than sixty days; 15237
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(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 15240
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additional definite jail term of not more than one hundred 15246
twenty days. 15247

(2) In lieu of imposing an additional definite jail term 15248
under division ~~(F)(1)~~ (E)(1) of this section, the court may 15249
directly impose on the offender a sanction that requires the 15250
offender to wear a real-time processing, continual tracking 15251
electronic monitoring device during the period of time specified 15252
by the court. The period of time specified by the court shall 15253
equal the duration of an additional jail term that the court 15254
could have imposed upon the offender under division ~~(F)(1)~~ (E) 15255
(1) of this section. A sanction imposed under this division 15256
shall commence on the date specified by the court, provided that 15257
the sanction shall not commence until after the offender has 15258
served the jail term imposed for the misdemeanor violation of 15259
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 15260
Code and any residential sanction imposed for the violation 15261
under section 2929.26 of the Revised Code. A sanction imposed 15262
under this division shall be considered to be a community 15263
control sanction for purposes of section 2929.25 of the Revised 15264
Code, and all provisions of the Revised Code that pertain to 15265
community control sanctions shall apply to a sanction imposed 15266
under this division, except to the extent that they would by 15267
their nature be clearly inapplicable. The offender shall pay all 15268
costs associated with a sanction imposed under this division, 15269
including the cost of the use of the monitoring device. 15270

~~(G)~~ (F) If an offender is convicted of or pleads guilty to 15271
a misdemeanor violation of section 2903.13 of the Revised Code 15272
and also is convicted of or pleads guilty to a specification of 15273
the type described in section 2941.1423 of the Revised Code that 15274
charges that the victim of the violation was a woman whom the 15275
offender knew was pregnant at the time of the violation, the 15276

court shall impose on the offender a mandatory jail term that is 15277
a definite term of at least thirty days. 15278

~~(H)~~(G) If a court sentences an offender to a jail term 15279
under this section, the sentencing court retains jurisdiction 15280
over the offender and the jail term. Upon motion of either party 15281
or upon the court's own motion, the court, in the court's sole 15282
discretion and as the circumstances warrant, may substitute one 15283
or more community control sanctions under section 2929.26 or 15284
2929.27 of the Revised Code for any jail days that are not 15285
mandatory jail days. 15286

Sec. 2929.25. (A) (1) Except as provided in sections 15287
2929.22 and 2929.23 of the Revised Code or when a jail term is 15288
required by law, in sentencing an offender for a misdemeanor, 15289
other than a minor misdemeanor, the sentencing court may do 15290
either of the following: 15291

(a) Directly impose a sentence that consists of one or 15292
more community control sanctions authorized by section 2929.26, 15293
2929.27, or 2929.28 of the Revised Code. The court may impose 15294
any other conditions of release under a community control 15295
sanction that the court considers appropriate. If the court 15296
imposes a jail term upon the offender, the court may impose any 15297
community control sanction or combination of community control 15298
sanctions in addition to the jail term. 15299

(b) Impose a jail term under section 2929.24 of the 15300
Revised Code from the range of jail terms authorized under that 15301
section for the offense, suspend all or a portion of the jail 15302
term imposed, and place the offender under a community control 15303
sanction or combination of community control sanctions 15304
authorized under section 2929.26, 2929.27, or 2929.28 of the 15305
Revised Code. 15306

(2) The duration of all community control sanctions 15307
imposed upon an offender and in effect for an offender at any 15308
time shall not exceed five years. 15309

(3) At sentencing, if a court directly imposes a community 15310
control sanction or combination of community control sanctions 15311
pursuant to division (A) (1) (a) or (B) of this section, the court 15312
shall state the duration of the community control sanctions 15313
imposed and shall notify the offender that if any of the 15314
conditions of the community control sanctions are violated the 15315
court may do any of the following: 15316

(a) Impose a longer time under the same community control 15317
sanction if the total time under all of the offender's community 15318
control sanctions does not exceed the five-year limit specified 15319
in division (A) (2) of this section; 15320

(b) Impose a more restrictive community control sanction 15321
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 15322
but the court is not required to impose any particular sanction 15323
or sanctions; 15324

(c) Impose a definite jail term from the range of jail 15325
terms authorized for the offense under section 2929.24 of the 15326
Revised Code. 15327

(B) If a court sentences an offender to any community 15328
control sanction or combination of community control sanctions 15329
pursuant to division (A) (1) (a) of this section, the sentencing 15330
court retains jurisdiction over the offender and the period of 15331
community control for the duration of the period of community 15332
control. Upon the motion of either party or on the court's own 15333
motion, the court, in the court's sole discretion and as the 15334
circumstances warrant, may modify the community control 15335

sanctions or conditions of release previously imposed, 15336
substitute a community control sanction or condition of release 15337
for another community control sanction or condition of release 15338
previously imposed, or impose an additional community control 15339
sanction or condition of release. 15340

(C) (1) If a court sentences an offender to any community 15341
control sanction or combination of community control sanctions 15342
authorized under section 2929.26, 2929.27, or 2929.28 of the 15343
Revised Code, the court shall place the offender under the 15344
general control and supervision of the court or of a department 15345
of probation in the jurisdiction that serves the court for 15346
purposes of reporting to the court a violation of any of the 15347
conditions of the sanctions imposed. If the offender resides in 15348
another jurisdiction and a department of probation has been 15349
established to serve the municipal court or county court in that 15350
jurisdiction, the sentencing court may request the municipal 15351
court or the county court to receive the offender into the 15352
general control and supervision of that department of probation 15353
for purposes of reporting to the sentencing court a violation of 15354
any of the conditions of the sanctions imposed. The sentencing 15355
court retains jurisdiction over any offender whom it sentences 15356
for the duration of the sanction or sanctions imposed. 15357

(2) The sentencing court shall require as a condition of 15358
any community control sanction that the offender abide by the 15359
law and not leave the state without the permission of the court 15360
or the offender's probation officer. In the interests of doing 15361
justice, rehabilitating the offender, and ensuring the 15362
offender's good behavior, the court may impose additional 15363
requirements on the offender. The offender's compliance with the 15364
additional requirements also shall be a condition of the 15365
community control sanction imposed upon the offender. 15366

(D) (1) If the court imposing sentence upon an offender 15367
sentences the offender to any community control sanction or 15368
combination of community control sanctions authorized under 15369
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 15370
the offender violates any of the conditions of the sanctions, 15371
the public or private person or entity that supervises or 15372
administers the program or activity that comprises the sanction 15373
shall report the violation directly to the sentencing court or 15374
to the department of probation or probation officer with general 15375
control and supervision over the offender. If the public or 15376
private person or entity reports the violation to the department 15377
of probation or probation officer, the department or officer 15378
shall report the violation to the sentencing court. 15379

(2) ~~If~~ Except as provided in division (D) (3) of this 15380
section, if an offender violates any condition of a community 15381
control sanction, the sentencing court may impose upon the 15382
violator one or more of the following penalties: 15383

(a) A longer time under the same community control 15384
sanction if the total time under all of the community control 15385
sanctions imposed on the violator does not exceed the five-year 15386
limit specified in division (A) (2) of this section; 15387

(b) A more restrictive community control sanction; 15388

(c) A combination of community control sanctions, 15389
including a jail term. 15390

(3) If an offender was acting pursuant to division (B) (2) 15391
(b) of section 2925.11 or a related provision under section 15392
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 15393
doing violated the conditions of a community control sanction 15394
based on a minor drug possession offense, as defined in section 15395

2925.11 of the Revised Code, or violated section 2925.12, 15396
division (C) (1) of section 2925.14, or section 2925.141 of the 15397
Revised Code, the sentencing court ~~may consider the offender's~~ 15398
~~conduct in seeking or obtaining medical assistance for another~~ 15399
~~in good faith or for self or may consider the offender being the~~ 15400
~~subject of another person seeking or obtaining medical~~ 15401
~~assistance in accordance with that division as a mitigating~~ 15402
~~factor before imposing~~ shall not impose any of the penalties 15403
described in division (D) (2) of this section based on the 15404
violation. 15405

(4) If the court imposes a jail term upon a violator 15406
pursuant to division (D) (2) of this section, the total time 15407
spent in jail for the misdemeanor offense and the violation of a 15408
condition of the community control sanction shall not exceed the 15409
maximum jail term available for the offense for which the 15410
sanction that was violated was imposed. The court may reduce the 15411
longer period of time that the violator is required to spend 15412
under the longer sanction or the more restrictive sanction 15413
imposed under division (D) (2) of this section by all or part of 15414
the time the violator successfully spent under the sanction that 15415
was initially imposed. 15416

(E) Except as otherwise provided in this division, if an 15417
offender, for a significant period of time, fulfills the 15418
conditions of a community control sanction imposed pursuant to 15419
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 15420
exemplary manner, the court may reduce the period of time under 15421
the community control sanction or impose a less restrictive 15422
community control sanction. Fulfilling the conditions of a 15423
community control sanction does not relieve the offender of a 15424
duty to make restitution under section 2929.28 of the Revised 15425
Code. 15426

Sec. 2930.03. (A) A person or entity required or 15427
authorized under this chapter to give notice to a victim shall 15428
give the notice to the victim by any means reasonably calculated 15429
to provide prompt actual notice. Except when a provision 15430
requires that notice is to be given in a specific manner, a 15431
notice may be oral or written. 15432

(B) (1) Except for receipt of the initial information and 15433
notice required to be given to a victim under divisions (A) and 15434
(B) of section 2930.04, section 2930.05, and divisions (A) and 15435
(B) of section 2930.06 of the Revised Code and the notice 15436
required to be given to a victim under division (D) of section 15437
2930.16 of the Revised Code, a victim who wishes to receive any 15438
notice authorized by this chapter shall make a request for the 15439
notice to the prosecutor or the custodial agency that is to 15440
provide the notice, as specified in this chapter. If the victim 15441
does not make a request as described in this division, the 15442
prosecutor or custodial agency is not required to provide any 15443
notice described in this chapter other than the initial 15444
information and notice required to be given to a victim under 15445
divisions (A) and (B) of section 2930.04, section 2930.05, and 15446
divisions (A) and (B) of section 2930.06 of the Revised Code and 15447
the notice required to be given to a victim under division (D) 15448
of section 2930.16 of the Revised Code. 15449

(2) A victim who does not wish to receive any of the 15450
notices required to be given to a victim under division (E) (2) 15451
or (K) of section 2929.20, division (D) of section 2930.16, 15452
division (H) of section 2967.12, ~~division (E) (1) (b) of section~~ 15453
~~2967.19,~~ division (A) (3) (b) of section 2967.26, division (D) (1) 15454
of section 2967.28, or division (A) (2) of section 5149.101 of 15455
the Revised Code shall make a request to the prosecutor or 15456
custodial agency that is to provide the particular notice that 15457

the notice not be provided to the victim. Unless the victim
makes a request as described in this division, the prosecutor or
custodial agency shall provide the notices required to be given
to a victim under division (E) (2) or (K) of section 2929.20,
division (D) of section 2930.16, division (H) of section
2967.12, ~~division (E) (1) (b) of section 2967.19,~~ division (A) (3)
(b) of section 2967.26, division (D) (1) of section 2967.28, or
division (A) (2) of section 5149.101 of the Revised Code in any
manner, and in accordance with the procedures, specified in the
particular division. This division also applies to a victim's
representative or a member of a victim's immediate family that
is authorized to receive any of the notices specified in this
division.

(C) A person or agency that is required to furnish notice
under this chapter shall give the notice to the victim at the
address or telephone number provided to the person or agency by
the victim. A victim who requests to receive notice under this
chapter as described in division (B) of this section shall
inform the person or agency of the name, address, or telephone
number of the victim and of any change to that information.

(D) A person or agency that has furnished information to a
victim in accordance with any requirement or authorization under
this chapter shall notify the victim promptly of any significant
changes to that information.

(E) Divisions (A) to (D) of this section do not apply
regarding a notice that a prosecutor is required to provide
under section 2930.061 of the Revised Code. A prosecutor
required to provide notice under that section shall provide the
notice as specified in that section.

Sec. 2930.06. (A) The prosecutor in a case, to the extent

practicable, shall confer with the victim in the case before 15488
pretrial diversion is granted to the defendant or alleged 15489
juvenile offender in the case, before amending or dismissing an 15490
indictment, information, or complaint against that defendant or 15491
alleged juvenile offender, before agreeing to a negotiated plea 15492
for that defendant or alleged juvenile offender, before a trial 15493
of that defendant by judge or jury, or before the juvenile court 15494
conducts an adjudicatory hearing for that alleged juvenile 15495
offender. If the juvenile court disposes of a case prior to the 15496
prosecutor's involvement in the case, the court or a court 15497
employee shall notify the victim in the case that the alleged 15498
juvenile offender will be granted pretrial diversion, the 15499
complaint against that alleged juvenile offender will be amended 15500
or dismissed, or the court will conduct an adjudicatory hearing 15501
for that alleged juvenile offender. If the prosecutor fails to 15502
confer with the victim at any of those times, the court, if 15503
informed of the failure, shall note on the record the failure 15504
and the prosecutor's reasons for the failure. A prosecutor's 15505
failure to confer with a victim as required by this division and 15506
a court's failure to provide the notice as required by this 15507
division do not affect the validity of an agreement between the 15508
prosecutor and the defendant or alleged juvenile offender in the 15509
case, a pretrial diversion of the defendant or alleged juvenile 15510
offender, an amendment or dismissal of an indictment, 15511
information, or complaint filed against the defendant or alleged 15512
juvenile offender, a plea entered by the defendant or alleged 15513
juvenile defender, an admission entered by the defendant or 15514
alleged juvenile offender, or any other disposition in the case. 15515
A court shall not dismiss a criminal complaint, charge, 15516
information, or indictment or a delinquent child complaint 15517
solely at the request of the victim and over the objection of 15518
the prosecuting attorney, village solicitor, city director of 15519

law, or other chief legal officer responsible for the 15520
prosecution of the case. 15521

(B) After a prosecution in a case has been commenced, the 15522
prosecutor or a designee of the prosecutor other than a court or 15523
court employee, to the extent practicable, promptly shall give 15524
the victim all of the following information, except that, if the 15525
juvenile court disposes of a case prior to the prosecutor's 15526
involvement in the case, the court or a court employee, to the 15527
extent practicable, promptly shall give the victim all of the 15528
following information: 15529

(1) The name of the crime or specified delinquent act with 15530
which the defendant or alleged juvenile offender in the case has 15531
been charged and the name of the defendant or alleged juvenile 15532
offender; 15533

(2) The file number of the case; 15534

(3) A brief statement regarding the procedural steps in a 15535
criminal prosecution or delinquency proceeding involving a crime 15536
or specified delinquent act similar to the crime or specified 15537
delinquent act with which the defendant or alleged juvenile 15538
offender has been charged and the right of the victim to be 15539
present during all proceedings held throughout the prosecution 15540
of the case; 15541

(4) A summary of the rights of a victim under this 15542
chapter; 15543

(5) Procedures the victim or the prosecutor may follow if 15544
the victim becomes subject to threats or intimidation by the 15545
defendant, alleged juvenile offender, or any other person; 15546

(6) The name and business telephone number of a person to 15547
contact for further information with respect to the case; 15548

(7) The right of the victim to have a victim's representative exercise the victim's rights under this chapter in accordance with section 2930.02 of the Revised Code and the procedure by which a victim's representative may be designated;

(8) Notice that any notification under division (C) of this section, sections 2930.07 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim only if the victim asks to receive the notification and that notice under division (E) (2) or (K) of section 2929.20, division (D) of section 2930.16, division (H) of section 2967.12, ~~division (E) (1) (b) of section 2967.19,~~ division (A) (3) (b) of section 2967.26, division (D) (1) of section 2967.28, or division (A) (2) of section 5149.101 of the Revised Code will be given unless the victim asks that the notification not be provided.

(C) Upon the request of the victim, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim notice of the date, time, and place of any scheduled criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case.

(D) A victim who requests notice under division (C) of this section and who elects pursuant to division (B) of section 2930.03 of the Revised Code to receive any further notice from the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court under this chapter shall keep the prosecutor or the court informed of the victim's current address and telephone number until the case is dismissed or terminated, the defendant is acquitted or sentenced, the delinquent child complaint is dismissed, the

defendant is adjudicated a delinquent child, or the appellate 15579
process is completed, whichever is the final disposition in the 15580
case. 15581

(E) If a defendant is charged with the commission of a 15582
misdemeanor offense that is not identified in division (A) (2) of 15583
section 2930.01 of the Revised Code and if a police report or a 15584
complaint, indictment, or information that charges the 15585
commission of that offense and provides the basis for a criminal 15586
prosecution of that defendant identifies one or more individuals 15587
as individuals against whom that offense was committed, after a 15588
prosecution in the case has been commenced, the prosecutor or a 15589
designee of the prosecutor other than a court or court employee, 15590
to the extent practicable, promptly shall notify each of the 15591
individuals so identified in the report, complaint, indictment, 15592
or information that, if the defendant is convicted of or pleads 15593
guilty to the offense, the individual may make an oral or 15594
written statement to the court hearing the case regarding the 15595
sentence to be imposed upon the defendant and that the court 15596
must consider any statement so made that is relevant. Before 15597
imposing sentence in the case, the court shall permit the 15598
individuals so identified in the report, complaint, indictment, 15599
or information to make an oral or written statement. Division 15600
(A) of section 2930.14 of the Revised Code applies regarding any 15601
statement so made. The court shall consider a statement so made, 15602
in accordance with division (B) of that section and division (D) 15603
of section 2929.22 of the Revised Code. 15604

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 15605
in a case who has requested to receive notice under this section 15606
shall be given notice of the incarceration of the defendant. If 15607
an alleged juvenile offender is committed to the temporary 15608
custody of a school, camp, institution, or other facility 15609

operated for the care of delinquent children or to the legal 15610
custody of the department of youth services, a victim in a case 15611
who has requested to receive notice under this section shall be 15612
given notice of the commitment. Promptly after sentence is 15613
imposed upon the defendant or the commitment of the alleged 15614
juvenile offender is ordered, the prosecutor in the case shall 15615
notify the victim of the date on which the defendant will be 15616
released, or initially will be eligible for release, from 15617
confinement or the prosecutor's reasonable estimate of that date 15618
or the date on which the alleged juvenile offender will have 15619
served the minimum period of commitment or the prosecutor's 15620
reasonable estimate of that date. The prosecutor also shall 15621
notify the victim of the name of the custodial agency of the 15622
defendant or alleged juvenile offender and tell the victim how 15623
to contact that custodial agency. If the custodial agency is the 15624
department of rehabilitation and correction, the prosecutor 15625
shall notify the victim of the services offered by the office of 15626
victims' services pursuant to section 5120.60 of the Revised 15627
Code. If the custodial agency is the department of youth 15628
services, the prosecutor shall notify the victim of the services 15629
provided by the office of victims' services within the release 15630
authority of the department pursuant to section 5139.55 of the 15631
Revised Code and the victim's right pursuant to section 5139.56 15632
of the Revised Code to submit a written request to the release 15633
authority to be notified of actions the release authority takes 15634
with respect to the alleged juvenile offender. The victim shall 15635
keep the custodial agency informed of the victim's current 15636
address and telephone number. 15637

(B) (1) Upon the victim's request or in accordance with 15638
division (D) of this section, the prosecutor promptly shall 15639
notify the victim of any hearing for judicial release of the 15640

defendant pursuant to section 2929.20 of the Revised Code, ~~of~~ 15641
~~any hearing for release of the defendant pursuant to section~~ 15642
~~2967.19 of the Revised Code,~~ or of any hearing for judicial 15643
release or early release of the alleged juvenile offender 15644
pursuant to section 2151.38 of the Revised Code and of the 15645
victim's right to make a statement under those sections. The 15646
court shall notify the victim of its ruling in each of those 15647
hearings and on each of those applications. 15648

(2) If an offender is sentenced to a prison term pursuant 15649
to division (A) (3) or (B) of section 2971.03 of the Revised 15650
Code, upon the request of the victim of the crime or in 15651
accordance with division (D) of this section, the prosecutor 15652
promptly shall notify the victim of any hearing to be conducted 15653
pursuant to section 2971.05 of the Revised Code to determine 15654
whether to modify the requirement that the offender serve the 15655
entire prison term in a state correctional facility in 15656
accordance with division (C) of that section, whether to 15657
continue, revise, or revoke any existing modification of that 15658
requirement, or whether to terminate the prison term in 15659
accordance with division (D) of that section. The court shall 15660
notify the victim of any order issued at the conclusion of the 15661
hearing. 15662

(C) Upon the victim's request made at any time before the 15663
particular notice would be due or in accordance with division 15664
(D) of this section, the custodial agency of a defendant or 15665
alleged juvenile offender shall give the victim any of the 15666
following notices that is applicable: 15667

(1) At least sixty days before the adult parole authority 15668
recommends a pardon or commutation of sentence for the defendant 15669
or at least sixty days prior to a hearing before the adult 15670

parole authority regarding a grant of parole to the defendant, 15671
notice of the victim's right to submit a statement regarding the 15672
impact of the defendant's release in accordance with section 15673
2967.12 of the Revised Code and, if applicable, of the victim's 15674
right to appear at a full board hearing of the parole board to 15675
give testimony as authorized by section 5149.101 of the Revised 15676
Code; and at least sixty days prior to a hearing before the 15677
department regarding a determination of whether the inmate must 15678
be released under division (C) or (D) (2) of section 2967.271 of 15679
the Revised Code if the inmate is serving a non-life felony 15680
indefinite prison term, notice of the fact that the inmate will 15681
be having a hearing regarding a possible grant of release, the 15682
date of any hearing regarding a possible grant of release, and 15683
the right of any person to submit a written statement regarding 15684
the pending action; 15685

(2) At least sixty days before the defendant is 15686
transferred to transitional control under section 2967.26 of the 15687
Revised Code, notice of the pendency of the transfer and of the 15688
victim's right under that section to submit a statement 15689
regarding the impact of the transfer; 15690

(3) At least sixty days before the release authority of 15691
the department of youth services holds a release review, release 15692
hearing, or discharge review for the alleged juvenile offender, 15693
notice of the pendency of the review or hearing, of the victim's 15694
right to make an oral or written statement regarding the impact 15695
of the crime upon the victim or regarding the possible release 15696
or discharge, and, if the notice pertains to a hearing, of the 15697
victim's right to attend and make statements or comments at the 15698
hearing as authorized by section 5139.56 of the Revised Code; 15699

(4) Prompt notice of the defendant's or alleged juvenile 15700

offender's escape from a facility of the custodial agency in 15701
which the defendant was incarcerated or in which the alleged 15702
juvenile offender was placed after commitment, of the 15703
defendant's or alleged juvenile offender's absence without leave 15704
from a mental health or developmental disabilities facility or 15705
from other custody, and of the capture of the defendant or 15706
alleged juvenile offender after an escape or absence; 15707

(5) Notice of the defendant's or alleged juvenile 15708
offender's death while in confinement or custody; 15709

(6) Notice of the filing of a petition by the director of 15710
rehabilitation and correction pursuant to section ~~2967.19~~ 15711
2929.20 of the Revised Code requesting the early release of the 15712
defendant pursuant to a judicial release under that section ~~of~~ 15713
~~the defendant~~; 15714

(7) Notice of the defendant's or alleged juvenile 15715
offender's release from confinement or custody and the terms and 15716
conditions of the release. 15717

(D) (1) If a defendant is incarcerated for the commission 15718
of aggravated murder, murder, or an offense of violence that is 15719
a felony of the first, second, or third degree or is under a 15720
sentence of life imprisonment or if an alleged juvenile offender 15721
has been charged with the commission of an act that would be 15722
aggravated murder, murder, or an offense of violence that is a 15723
felony of the first, second, or third degree or be subject to a 15724
sentence of life imprisonment if committed by an adult, except 15725
as otherwise provided in this division, the notices described in 15726
divisions (B) and (C) of this section shall be given regardless 15727
of whether the victim has requested the notification. The 15728
notices described in divisions (B) and (C) of this section shall 15729
not be given under this division to a victim if the victim has 15730

requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim not be provided the notice. Regardless of whether the victim has requested that the notices described in division (C) of this section be provided or not be provided, the custodial agency shall give notice similar to those notices to the prosecutor in the case, to the sentencing court, to the law enforcement agency that arrested the defendant or alleged juvenile offender if any officer of that agency was a victim of the offense, and to any member of the victim's immediate family who requests notification. If the notice given under this division to the victim is based on an offense committed prior to March 22, 2013, and if the prosecutor or custodial agency has not previously successfully provided any notice to the victim under this division or division (B) or (C) of this section with respect to that offense and the offender who committed it, the notice also shall inform the victim that the victim may request that the victim not be provided any further notices with respect to that offense and the offender who committed it and shall describe the procedure for making that request. If the notice given under this division to the victim pertains to a hearing regarding a grant of a parole to the defendant, the notice also shall inform the victim that the victim, a member of the victim's immediate family, or the victim's representative may request a victim conference, as described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim under this division but the attempt is unsuccessful because the

prosecutor or custodial agency is unable to locate the victim, 15762
is unable to provide the notice by its chosen method because it 15763
cannot determine the mailing address, telephone number, or 15764
electronic mail address at which to provide the notice, or, if 15765
the notice is sent by mail, the notice is returned, the 15766
prosecutor or custodial agency shall make another attempt to 15767
provide the notice to the victim. If the second attempt is 15768
unsuccessful, the prosecutor or custodial agency shall make at 15769
least one more attempt to provide the notice. If the notice is 15770
based on an offense committed prior to March 22, 2013, in each 15771
attempt to provide the notice to the victim, the notice shall 15772
include the opt-out information described in the preceding 15773
paragraph. The prosecutor or custodial agency, in accordance 15774
with division (D) (2) of this section, shall keep a record of all 15775
attempts to provide the notice, and of all notices provided, 15776
under this division. 15777

Division (D) (1) of this section, and the notice-related 15778
provisions of divisions (E) (2) and (K) of section 2929.20, 15779
division (H) of section 2967.12, division (E) (1) (b) of section 15780
2967.19 as it existed prior to the effective date of this 15781
amendment, division (A) (3) (b) of section 2967.26, division (D) 15782
(1) of section 2967.28, and division (A) (2) of section 5149.101 15783
of the Revised Code enacted in the act in which division (D) (1) 15784
of this section was enacted, shall be known as "Roberta's Law." 15785

(2) Each prosecutor and custodial agency that attempts to 15786
give any notice to which division (D) (1) of this section applies 15787
shall keep a record of all attempts to give the notice. The 15788
record shall indicate the person who was to be the recipient of 15789
the notice, the date on which the attempt was made, the manner 15790
in which the attempt was made, and the person who made the 15791
attempt. If the attempt is successful and the notice is given, 15792

the record shall indicate that fact. The record shall be kept in 15793
a manner that allows public inspection of attempts and notices 15794
given to persons other than victims without revealing the names, 15795
addresses, or other identifying information relating to victims. 15796
The record of attempts and notices given to victims is not a 15797
public record, but the prosecutor or custodial agency shall 15798
provide upon request a copy of that record to a prosecuting 15799
attorney, judge, law enforcement agency, or member of the 15800
general assembly. The record of attempts and notices given to 15801
persons other than victims is a public record. A record kept 15802
under this division may be indexed by offender name, or in any 15803
other manner determined by the prosecutor or the custodial 15804
agency. Each prosecutor or custodial agency that is required to 15805
keep a record under this division shall determine the procedures 15806
for keeping the record and the manner in which it is to be kept, 15807
subject to the requirements of this division. 15808

(E) The adult parole authority shall adopt rules under 15809
Chapter 119. of the Revised Code providing for a victim 15810
conference, upon request of the victim, a member of the victim's 15811
immediate family, or the victim's representative, prior to a 15812
parole hearing in the case of a prisoner who is incarcerated for 15813
the commission of aggravated murder, murder, or an offense of 15814
violence that is a felony of the first, second, or third degree 15815
or is under a sentence of life imprisonment. The rules shall 15816
provide for, but not be limited to, all of the following: 15817

(1) Subject to division (E) (3) of this section, attendance 15818
by the victim, members of the victim's immediate family, the 15819
victim's representative, and, if practicable, other individuals; 15820

(2) Allotment of up to one hour for the conference; 15821

(3) A specification of the number of persons specified in 15822

division (E) (1) of this section who may be present at any single 15823
victim conference, if limited by the department pursuant to 15824
division (F) of this section. 15825

(F) The department may limit the number of persons 15826
specified in division (E) (1) of this section who may be present 15827
at any single victim conference, provided that the department 15828
shall not limit the number of persons who may be present at any 15829
single conference to fewer than three. If the department limits 15830
the number of persons who may be present at any single victim 15831
conference, the department shall permit and schedule, upon 15832
request of the victim, a member of the victim's immediate 15833
family, or the victim's representative, multiple victim 15834
conferences for the persons specified in division (E) (1) of this 15835
section. 15836

(G) As used in this section, "victim's immediate family" 15837
has the same meaning as in section 2967.12 of the Revised Code. 15838

Sec. 2930.17. (A) In determining whether to grant a 15839
judicial release to a defendant from a prison term pursuant to 15840
section 2929.20 of the Revised Code at a time before the 15841
defendant's stated prison term expires, ~~in determining whether~~ 15842
~~to grant a release to an offender from a prison term pursuant to~~ 15843
~~section 2967.19 of the Revised Code at a time before the~~ 15844
~~offender's stated prison term expires,~~ or in determining whether 15845
to grant a judicial release or early release to an alleged 15846
juvenile offender from a commitment to the department of youth 15847
services pursuant to section 2151.38 of the Revised Code, the 15848
court shall permit a victim of a crime or specified delinquent 15849
act for which the defendant or alleged juvenile offender was 15850
incarcerated or committed to make a statement, in addition to 15851
any other statement made under this chapter, concerning the 15852

effects of that crime or specified delinquent act on the victim, 15853
the circumstances surrounding the crime or specified delinquent 15854
act, the manner in which the crime or specified delinquent act 15855
was perpetrated, and the victim's opinion whether the defendant 15856
or alleged juvenile offender should be released. The victim may 15857
make the statement in writing or orally, at the court's 15858
discretion. The court shall give the defendant or alleged 15859
juvenile offender and either the adult parole authority or the 15860
department of youth services, whichever is applicable, a copy of 15861
any written impact statement made by the victim under this 15862
division. 15863

(B) In deciding whether to grant a judicial release or 15864
early release to the defendant or alleged juvenile offender, the 15865
court shall consider a statement made by the victim under 15866
division (A) of this section or section 2930.14 or 2947.051 of 15867
the Revised Code. 15868

Sec. 2930.20. No victim of rape, attempted rape, domestic 15869
violence, dating violence, abuse, or a sexually oriented offense 15870
or any owner of property where such a victim resides shall be 15871
required to pay reimbursement, either fully or partially, for 15872
the cost of any assistance that a law enforcement officer 15873
provides in relation to the rape, attempted rape, domestic 15874
violence, dating violence, abuse, or sexually oriented offense. 15875

Sec. 2933.82. (A) As used in this section: 15876

(1) (a) "Biological evidence" means any of the following: 15877

(i) The contents of a sexual assault examination kit; 15878

(ii) Any item that contains blood, semen, hair, saliva, 15879
skin tissue, fingernail scrapings, bone, bodily fluids, or any 15880
other identifiable biological material that was collected as 15881

part of a criminal investigation or delinquent child 15882
investigation and that reasonably may be used to incriminate or 15883
exculpate any person for an offense or delinquent act. 15884

(b) The definition of "biological evidence" set forth in 15885
division (A)(1)(a) of this section applies whether the material 15886
in question is cataloged separately, such as on a slide or swab 15887
or in a test tube, or is present on other evidence, including, 15888
but not limited to, clothing, ligatures, bedding or other 15889
household material, drinking cups or containers, or cigarettes. 15890

(2) "Biological material" has the same meaning as in 15891
section 2953.71 of the Revised Code. 15892

(3) "DNA," "DNA analysis," "DNA database," "DNA record," 15893
and "DNA specimen" have the same meanings as in section 109.573 15894
of the Revised Code. 15895

(4) "Prosecutor" has the same meaning as in section 15896
2935.01 of the Revised Code. 15897

(5) "Governmental evidence-retention entity" means all of 15898
the following: 15899

(a) Any law enforcement agency, prosecutor's office, 15900
court, public hospital, crime laboratory, or other governmental 15901
or public entity or individual within this state that is charged 15902
with the collection, storage, or retrieval of biological 15903
evidence; 15904

(b) Any official or employee of any entity or individual 15905
described in division (A)(5)(a) of this section. 15906

(B)(1) Each governmental evidence-retention entity that 15907
secures any sexual assault examination kit in relation to an 15908
investigation or prosecution of a criminal offense or delinquent 15909

act that is a violation of section 2905.32 of the Revised Code, 15910
or any biological evidence in relation to an investigation or 15911
prosecution of a criminal offense or delinquent act that is a 15912
violation of section 2903.01, 2903.02, or 2903.03, a violation 15913
of section 2903.04 or 2903.06 that is a felony of the first or 15914
second degree, a violation of section 2907.02 or 2907.03 or 15915
division (A) (4) or (B) of section 2907.05 of the Revised Code, 15916
or an attempt to commit a violation of section 2907.02 of the 15917
Revised Code shall secure the biological evidence for whichever 15918
of the following periods of time is applicable: 15919

(a) For a violation of section 2903.01 or 2903.02 of the 15920
Revised Code, for the period of time that the offense or act 15921
remains unsolved; 15922

(b) For a violation of section 2903.03 or 2905.32, a 15923
violation of section 2903.04 or 2903.06 that is a felony of the 15924
first or second degree, a violation of section 2907.02 or 15925
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 15926
Revised Code, or an attempt to commit a violation of section 15927
2907.02 of the Revised Code, for a period of thirty years if the 15928
offense or act remains unsolved; 15929

(c) If any person is convicted of or pleads guilty to the 15930
offense, or is adjudicated a delinquent child for committing the 15931
delinquent act, for the earlier of the following: (i) the 15932
expiration of the latest of the following periods of time that 15933
apply to the person: the period of time that the person is 15934
incarcerated, is in a department of youth services institution 15935
or other juvenile facility, is under a community control 15936
sanction for that offense, is under any order of disposition for 15937
that act, is on probation or parole for that offense, is under 15938
judicial release or supervised release for that act, is under 15939

post-release control for that offense, is involved in civil 15940
litigation in connection with that offense or act, or is subject 15941
to registration and other duties imposed for that offense or act 15942
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 15943
Revised Code or (ii) thirty years. If after the period of thirty 15944
years the person remains incarcerated, then the governmental 15945
evidence-retention entity shall secure the biological evidence 15946
until the person is released from incarceration or dies. 15947

(2) (a) A law enforcement agency shall review all of its 15948
records and reports pertaining to its investigation of any 15949
offense specified in division (B) (1) of this section, except a 15950
violation of section 2905.32 of the Revised Code, as soon as 15951
possible after March 23, 2015. A law enforcement agency shall 15952
review all of its records and reports pertaining to its 15953
investigation of any violation of section 2905.32 of the Revised 15954
Code as soon as possible after the effective date of this 15955
amendment. If the law enforcement agency's review determines 15956
that one or more persons may have committed or participated in 15957
an offense specified in division (B) (1) of this section or 15958
another offense committed during the course of an offense 15959
specified in division (B) (1) of this section and the agency is 15960
in possession of a sexual assault examination kit secured during 15961
the course of the agency's investigation, as soon as possible, 15962
but not later than one year after March 23, 2015, or, in the 15963
case of a violation of section 2905.32 of the Revised Code, not 15964
later than one year after the effective date of this amendment, 15965
the agency shall forward the contents of the kit to the bureau 15966
of criminal identification and investigation or another crime 15967
laboratory for a DNA analysis of the contents of the kit if a 15968
DNA analysis has not previously been performed on the contents 15969
of the kit. The law enforcement agency shall consider the period 15970

of time remaining under section 2901.13 of the Revised Code for 15971
commencing the prosecution of a criminal offense related to the 15972
DNA specimens from the kit as well as other relevant factors in 15973
prioritizing the forwarding of the contents of sexual assault 15974
examination kits. 15975

(b) If an investigation is initiated on or after March 23, 15976
2015, or, in the case of a violation of section 2905.32 of the 15977
Revised Code, on or after the effective date of this amendment, 15978
and if a law enforcement agency investigating an offense 15979
specified in division (B) (1) of this section determines that one 15980
or more persons may have committed or participated in an offense 15981
specified in division (B) (1) of this section or another offense 15982
committed during the course of an offense specified in division 15983
(B) (1) of this section, the law enforcement agency shall forward 15984
the contents of a sexual assault examination kit in the agency's 15985
possession to the bureau or another crime laboratory within 15986
thirty days for a DNA analysis of the contents of the kit. 15987

(c) A law enforcement agency shall be considered in the 15988
possession of a sexual assault examination kit that is not in 15989
the law enforcement agency's possession for purposes of 15990
divisions (B) (2) (a) and (b) of this section if the sexual 15991
assault examination kit contains biological evidence related to 15992
the law enforcement agency's investigation of an offense 15993
specified in division (B) (1) of this section and is in the 15994
possession of another government evidence-retention entity. The 15995
law enforcement agency shall be responsible for retrieving the 15996
sexual assault examination kit from the government evidence- 15997
retention entity and forwarding the contents of the kit to the 15998
bureau or another crime laboratory as required under divisions 15999
(B) (2) (a) and (b) of this section. 16000

(d) (i) The bureau or a laboratory under contract with the bureau pursuant to division (B) (5) of section 109.573 of the Revised Code shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the bureau pursuant to division (B) (2) (a) or (b) of this section as soon as possible after the bureau receives the contents of the kit. The bureau shall enter the resulting DNA record into a DNA database. If the DNA analysis is performed by a laboratory under contract with the bureau, the laboratory shall forward the biological evidence to the bureau immediately after the laboratory performs the DNA analysis. A crime laboratory shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the crime laboratory pursuant to division (B) (2) (a) or (b) of this section as soon as possible after the crime laboratory receives the contents of the kit and shall enter the resulting DNA record into a DNA database subject to the applicable DNA index system standards.

(ii) Upon the completion of the DNA analysis by the bureau or a crime laboratory under contract with the bureau under this division, the bureau shall return the contents of the sexual assault examination kit to the law enforcement agency. The law enforcement agency shall secure the contents of the sexual assault examination kit in accordance with division (B) (1) of this section, as applicable.

(e) The failure of any law enforcement agency to comply with any time limit specified in this section shall not create, and shall not be construed as creating, any basis or right to appeal, claim for or right to postconviction relief, or claim for or right to a new trial or any other claim or right to relief by any person.

(3) This section applies to sexual assault examination kits in the possession of any governmental evidence-retention entity during an investigation or prosecution of a criminal offense or delinquent act that is a violation of section 2905.32 of the Revised Code, and any evidence likely to contain biological material that was in the possession of any governmental evidence-retention entity during the investigation and prosecution of a criminal case or delinquent child case involving a violation of section 2903.01, 2903.02, or 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or of division (A) (4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code. 16031
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(4) A governmental evidence-retention entity that possesses biological evidence shall retain the biological evidence in the amount and manner sufficient to develop a DNA record from the biological material contained in or included on the evidence. 16045
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(5) Upon written request by the defendant in a criminal case or the alleged delinquent child in a delinquent child case involving a violation of section 2903.01, 2903.02, ~~or~~ 2903.03, or 2905.32, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or of division (A) (4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code, a governmental evidence-retention entity that possesses biological evidence shall prepare an inventory of the biological evidence that has been preserved in connection with the defendant's criminal case or the alleged delinquent child's delinquent child case. 16050
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(6) Except as otherwise provided in division (B) (8) of 16062
this section, a governmental evidence-retention entity that 16063
possesses biological evidence that includes biological material 16064
may destroy the evidence before the expiration of the applicable 16065
period of time specified in division (B) (1) of this section if 16066
all of the following apply: 16067

(a) No other provision of federal or state law requires 16068
the state to preserve the evidence. 16069

(b) The governmental evidence-retention entity, by 16070
certified mail, return receipt requested, provides notice of 16071
intent to destroy the evidence to all of the following: 16072

(i) All persons who remain in custody, incarcerated, in a 16073
department of youth services institution or other juvenile 16074
facility, under a community control sanction, under any order of 16075
disposition, on probation or parole, under judicial release or 16076
supervised release, under post-release control, involved in 16077
civil litigation, or subject to registration and other duties 16078
imposed for that offense or act under sections 2950.04, 16079
2950.041, 2950.05, and 2950.06 of the Revised Code as a result 16080
of a criminal conviction, delinquency adjudication, or 16081
commitment related to the evidence in question; 16082

(ii) The attorney of record for each person who is in 16083
custody in any circumstance described in division (B) (6) (b) (i) 16084
of this section if the attorney of record can be located; 16085

(iii) The state public defender; 16086

(iv) The office of the prosecutor of record in the case 16087
that resulted in the custody of the person in custody in any 16088
circumstance described in division (B) (6) (b) (i) of this section; 16089

(v) The attorney general. 16090

(c) No person who is notified under division (B) (6) (b) of this section does either of the following within one year after the date on which the person receives the notice:

(i) Files a motion for testing of evidence under sections 2953.71 to 2953.81 or section 2953.82 of the Revised Code;

(ii) Submits a written request for retention of evidence to the governmental evidence-retention entity that provided notice of its intent to destroy evidence under division (B) (6) (b) of this section.

(7) Except as otherwise provided in division (B) (8) of this section, if, after providing notice under division (B) (6) (b) of this section of its intent to destroy evidence, a governmental evidence-retention entity receives a written request for retention of the evidence from any person to whom the notice is provided, the governmental evidence-retention entity shall retain the evidence while the person referred to in division (B) (6) (b) (i) of this section remains in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release control, involved in civil litigation, or subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as a result of a criminal conviction, delinquency adjudication, or commitment related to the evidence in question.

(8) A governmental evidence-retention entity that possesses biological evidence that includes biological material may destroy the evidence five years after a person pleads guilty or no contest to a violation of section 2903.01, 2903.02, ~~or~~

2903.03, or 2905.32, a violation of section 2903.04 or 2903.06 16121
that is a felony of the first or second degree, a violation of 16122
section 2907.02, 2907.03, division (A) (4) or (B) of section 16123
2907.05, or an attempt to commit a violation of section 2907.02 16124
of the Revised Code and all appeals have been exhausted unless, 16125
upon a motion to the court by the person who pleaded guilty or 16126
no contest or the person's attorney and notice to those persons 16127
described in division (B) (6) (b) of this section requesting that 16128
the evidence not be destroyed, the court finds good cause as to 16129
why that evidence must be retained. 16130

(9) A governmental evidence-retention entity shall not be 16131
required to preserve physical evidence pursuant to this section 16132
that is of such a size, bulk, or physical character as to render 16133
retention impracticable. When retention of physical evidence 16134
that otherwise would be required to be retained pursuant to this 16135
section is impracticable as described in this division, the 16136
governmental evidence-retention entity that otherwise would be 16137
required to retain the physical evidence shall remove and 16138
preserve portions of the material evidence likely to contain 16139
biological evidence related to the offense, in a quantity 16140
sufficient to permit future DNA testing before returning or 16141
disposing of that physical evidence. 16142

(C) The office of the attorney general shall administer 16143
and conduct training programs for law enforcement officers and 16144
other relevant employees who are charged with preserving and 16145
cataloging biological evidence regarding the methods and 16146
procedures referenced in this section. 16147

Sec. 2935.01. As used in this chapter: 16148

(A) "Magistrate" has the same meaning as in section 16149
2931.01 of the Revised Code. 16150

(B) "Peace officer" includes, except as provided in 16151
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 16152
marshal; deputy marshal; member of the organized police 16153
department of any municipal corporation, including a member of 16154
the organized police department of a municipal corporation in an 16155
adjoining state serving in Ohio under a contract pursuant to 16156
section 737.04 of the Revised Code; member of a police force 16157
employed by a metropolitan housing authority under division (D) 16158
of section 3735.31 of the Revised Code; member of a police force 16159
employed by a regional transit authority under division (Y) of 16160
section ~~306.05~~306.35 of the Revised Code; state university law 16161
enforcement officer appointed under section 3345.04 of the 16162
Revised Code; enforcement agent of the department of public 16163
safety designated under section 5502.14 of the Revised Code; 16164
employee of the department of taxation to whom investigation 16165
powers have been delegated under section 5743.45 of the Revised 16166
Code; employee of the department of natural resources who is a 16167
natural resources law enforcement staff officer designated 16168
pursuant to section 1501.013 of the Revised Code, a forest-fire 16169
investigator appointed pursuant to section 1503.09 of the 16170
Revised Code, a natural resources officer appointed pursuant to 16171
section 1501.24 of the Revised Code, or a wildlife officer 16172
designated pursuant to section 1531.13 of the Revised Code; 16173
individual designated to perform law enforcement duties under 16174
section 511.232, 1545.13, or 6101.75 of the Revised Code; 16175
veterans' home police officer appointed under section 5907.02 of 16176
the Revised Code; special police officer employed by a port 16177
authority under section 4582.04 or 4582.28 of the Revised Code; 16178
police constable of any township; police officer of a township 16179
or joint police district; a special police officer employed by a 16180
municipal corporation at a municipal airport, or other municipal 16181
air navigation facility, that has scheduled operations, as 16182

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 training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A) (23) of section 109.71 of the Revised Code; a gaming agent, as defined in section 3772.01 of the Revised Code; and, for the purpose of arrests within those areas, for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, the superintendent and troopers of the state highway patrol.

(C) "Prosecutor" includes the county prosecuting attorney and any assistant prosecutor designated to assist the county

prosecuting attorney, and, in the case of courts inferior to 16214
courts of common pleas, includes the village solicitor, city 16215
director of law, or similar chief legal officer of a municipal 16216
corporation, any such officer's assistants, or any attorney 16217
designated by the prosecuting attorney of the county to appear 16218
for the prosecution of a given case. 16219

(D) "Offense," except where the context specifically 16220
indicates otherwise, includes felonies, misdemeanors, and 16221
violations of ordinances of municipal corporations and other 16222
public bodies authorized by law to adopt penal regulations. 16223

(E) "Tier one offense" means a violation of section 16224
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 16225
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 16226
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 16227
2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 16228
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 16229
Code. 16230

Sec. 2935.10. (A) Upon the filing of an affidavit or 16231
complaint as provided by section 2935.09 of the Revised Code, if 16232
it charges the commission of a felony, such judge, clerk, or 16233
magistrate, ~~unless~~ he the judge, clerk, or magistrate has reason 16234
to believe that it was not filed in good faith, or the claim is 16235
not meritorious, shall forthwith issue a warrant for the arrest 16236
of the person charged in the affidavit, and directed to a peace 16237
officer; ~~otherwise~~ he the judge, clerk, or magistrate shall 16238
forthwith refer the matter to the prosecuting attorney or other 16239
attorney charged by law with prosecution for investigation prior 16240
to the issuance of warrant. 16241

(B) If the offense charged is a misdemeanor or violation 16242
of a municipal ordinance, such judge, clerk, or magistrate may: 16243

(1) Issue a warrant for the arrest of such person, 16244
directed to any officer named in section 2935.03 of the Revised 16245
Code but in cases of ordinance violation only to a police 16246
officer or marshal or deputy marshal of the municipal 16247
corporation; 16248

(2) Issue summons, to be served by a peace officer, 16249
bailiff, or court constable, commanding the person against whom 16250
the affidavit or complaint was filed to appear forthwith, or at 16251
a fixed time in the future, before such court or magistrate. 16252
Such summons shall be served in the same manner as in civil 16253
cases. 16254

(C) If the affidavit is filed by, or the complaint is 16255
filed pursuant to an affidavit executed by, a peace officer who 16256
has, at ~~his~~ the officer's discretion, at the time of commission 16257
of the alleged offense, notified the person to appear before the 16258
court or magistrate at a specific time set by such officer, no 16259
process need be issued unless the defendant fails to appear at 16260
the scheduled time. 16261

(D) Any person charged with a misdemeanor or violation of 16262
a municipal ordinance may give bail as provided in sections 16263
2937.22 to 2937.46 of the Revised Code, for ~~his~~ the person's 16264
appearance, regardless of whether a warrant, summons, or notice 16265
to appear has been issued. 16266

(E) Any warrant, summons, or any notice issued by the 16267
peace officer shall state the substance of the charge against 16268
the person arrested or directed to appear. 16269

(F) When the offense charged is a misdemeanor, and the 16270
warrant or summons issued pursuant to this section is not served 16271
within two years of the date of issue, a judge or magistrate may 16272

order such warrant or summons withdrawn and the case closed, 16273
when it does not appear that the ends of justice require keeping 16274
the case open. 16275

(G)(1) Any warrant issued for a tier one offense shall be 16276
entered, by the law enforcement agency requesting the warrant 16277
and within forty-eight hours of receipt of the warrant, into the 16278
law enforcement automated data system created by section 5503.10 16279
of the Revised Code, and known as LEADS, and the appropriate 16280
database of the national crime information center (NCIC) 16281
maintained by the federal bureau of investigation. 16282

(2) All warrants issued for tier one offenses shall be 16283
entered, by the law enforcement agency that receives the warrant 16284
with a nationwide extradition radius, into the law enforcement 16285
automated data system created by section 5503.10 of the Revised 16286
Code, and known as LEADS. 16287

(3) If a law enforcement agency discovers that a warrant 16288
entered pursuant to section (G)(1) of this section into the law 16289
enforcement automated data system and the appropriate database 16290
of the national crime information center (NCIC) maintained by 16291
the federal bureau of investigation was entered in error, the 16292
law enforcement agency shall remove the warrant from the law 16293
enforcement automated data system and the appropriate database 16294
of the national crime information center (NCIC) maintained by 16295
the federal bureau of investigation within forty-eight hours 16296
following the discovery of the error. 16297

(4) A law enforcement agency shall remove a warrant from 16298
the law enforcement automated data system and the national crime 16299
information center (NCIC) maintained by the federal bureau of 16300
investigation within forty-eight hours of warrant service or 16301
dismissal or recall by the issuing court. 16302

Sec. 2939.21. (A) Once every three months, the grand 16303
jurors shall visit the county jail, examine its condition, and 16304
inquire into the discipline and treatment of the prisoners, 16305
their habits, diet, and accommodations. ~~They~~ 16306

(B) (1) If a multicounty correctional center or 16307
multicounty-municipal correctional center is established as 16308
described in section 307.93 of the Revised Code to serve two or 16309
more counties, once every three months, the grand jurors of any 16310
or all of the counties served by the center may visit the 16311
facility, examine its contents, and inquire into the discipline 16312
and treatment of the prisoners, their habits, diet, and 16313
accommodations. Only one visit by grand jurors may be made under 16314
this division during any three-month period. 16315

(2) If a municipal-county correctional center is 16316
established as described in section 307.93 of the Revised Code 16317
to serve a county, once every three months, the grand jurors of 16318
the county may visit the facility, examine its contents, and 16319
inquire into the discipline and treatment of the prisoners, 16320
their habits, diet, and accommodations. 16321

(C) When grand jurors visit a jail under division (A), (B) 16322
(1), or (B) (2) of this section, they shall report on ~~these~~ ~~the~~ 16323
matters specified in the particular division to the court of 16324
common pleas of the county served by the grand jurors in 16325
writing. The clerk of the court of common pleas shall forward a 16326
copy of the report to the department of rehabilitation and 16327
correction. 16328

Sec. 2941.1413. (A) Imposition of a mandatory additional 16329
prison term of one, two, three, four, or five years upon an 16330
offender under division (G) (2) of section 2929.13 of the Revised 16331
Code is precluded unless the indictment, count in the 16332

indictment, or information charging a felony violation of 16333
division (A) of section 4511.19 of the Revised Code specifies 16334
that ~~the~~ either: 16335

(1) The offender, within twenty years of the offense, 16336
previously has been convicted of or pleaded guilty to five or 16337
more equivalent offenses; 16338

(2) The offender previously has been convicted of or 16339
pleaded guilty to a specification of the type described in this 16340
section. The 16341

(B) The specification shall be stated at the end of the 16342
body of the indictment, count, or information and shall be 16343
stated in substantially the following form: 16344

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16345
Grand Jurors (or insert the person's or the prosecuting 16346
attorney's name when appropriate) further find and specify that 16347
(set forth that the offender, within twenty years of committing 16348
the offense, previously had been convicted of or pleaded guilty 16349
to five or more equivalent offenses or previously has been 16350
convicted of or pleaded guilty to a specification of the type 16351
described in section 2941.1413 of the Revised Code)." 16352

~~(B)~~ (C) As used in ~~division (A) of this section,~~ 16353
"equivalent offense" has the same meaning as in section 4511.181 16354
of the Revised Code. 16355

Sec. 2941.1414. (A) Imposition of a five-year mandatory 16356
prison term upon an offender under division (B) (5) of section 16357
2929.14 of the Revised Code is precluded unless the offender is 16358
convicted of or pleads guilty to violating division (A) (1) or 16359
(2) of section 2903.06 of the Revised Code and unless the 16360
indictment, count in the indictment, or information charging the 16361

offense specifies that the victim of the offense is a peace 16362
officer ~~or,~~ an investigator of the bureau of criminal 16363
identification and investigation, a firefighter, or an emergency 16364
medical worker. The specification shall be stated at the end of 16365
the body of the indictment, count, or information and shall be 16366
stated in substantially the following form: 16367

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16368
Grand Jurors (or insert the person's or the prosecuting 16369
attorney's name when appropriate) further find and specify that 16370
(set forth that the victim of the offense is a peace officer ~~or,~~ 16371
an investigator of the bureau of criminal identification and 16372
investigation, a firefighter, or an emergency medical worker)." 16373

(B) The specification described in division (A) of this 16374
section may be used in a delinquent child proceeding in the 16375
manner and for the purpose described in section 2152.17 of the 16376
Revised Code. 16377

(C) As used in this section: 16378

(1) "Peace officer" has the same meaning as in section 16379
2935.01 of the Revised Code. 16380

(2) "Investigator of the bureau of criminal identification 16381
and investigation" has the same meaning as in section 2903.11 of 16382
the Revised Code. 16383

(3) "Firefighter" and "emergency medical worker" have the 16384
same meanings as in section 4123.026 of the Revised Code. 16385

Sec. 2941.1415. (A) Imposition of a three-year mandatory 16386
prison term upon an offender under division (B) (6) of section 16387
2929.14 of the Revised Code is precluded unless the offender is 16388
convicted of or pleads guilty to violating division (A) (1) or 16389
(2) of section 2903.06 of the Revised Code and unless the 16390

indictment, count in the indictment, or information charging the offense specifies 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, or three or more violations of any combination of those ~~divisions and~~ offenses. 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 the prosecuting attorney's name when appropriate) further find and specify that (set forth 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, or three or more violations of any combination of those ~~divisions and~~ offenses)."

(B) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code.

(C) As used in this section, "equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.

Sec. 2941.1421. (A) Imposition of an additional prison term of one, two, three, four, five, or six months under division (H) (2) (a) (i) of section 2929.14 of the Revised Code, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months under division (H) (2) (a) (ii) of section 2929.14 of the Revised Code, an additional definite jail term of not more than sixty days under

division ~~(F)(1)(a)~~ (E)(1)(a) of section 2929.24 of the Revised 16421
Code, or an additional definite jail term of not more than one 16422
hundred twenty days under division ~~(F)(1)(b)~~ (E)(1)(b) of 16423
section 2929.24 of the Revised Code is precluded unless the 16424
indictment, count in the indictment, or information charging a 16425
felony violation of section 2907.22, 2907.24, 2907.241, or 16426
2907.25 of the Revised Code or a misdemeanor violation of 16427
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 16428
Code, whichever is applicable, specifies that the violation was 16429
committed in proximity to a school. The specification shall be 16430
stated at the end of the body of the indictment, count, or 16431
information and shall be in substantially the following form: 16432

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16433
Grand Jurors (or insert the person's or the prosecuting 16434
attorney's name when appropriate) further find and specify that 16435
(set forth that the specified offense was committed in proximity 16436
to a school). 16437

(B) As used in this section, "committed in proximity to a 16438
school" has the same meaning as in section 2929.01 of the 16439
Revised Code. 16440

Sec. 2941.1423. Imposition of a mandatory prison term 16441
under division (B) (8) of section 2929.14 of the Revised Code or 16442
a mandatory jail term under division ~~(F)~~ (E) of section 2929.24 16443
of the Revised Code is precluded unless the offender is 16444
convicted of or pleads guilty to a violation of section 2903.11, 16445
2903.12, or 2903.13 of the Revised Code and unless the 16446
indictment, count in the indictment, or information charging the 16447
offense specifies the victim of the offense was a woman whom the 16448
offender knew was pregnant at the time of the offense. The 16449
specification shall be stated at the end of the body of the 16450

indictment, count, or information and shall be stated in 16451
substantially the following form: 16452

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16453
Grand Jurors (or insert the person's or prosecuting attorney's 16454
name when appropriate) further find and specify that (set forth 16455
that the victim of the offense was a woman whom the defendant 16456
knew was pregnant at the time of the offense)." 16457

Sec. 2945.71. (A) Subject to division (D) of this section, 16458
a person against whom a charge is pending in a court not of 16459
record, or against whom a charge of minor misdemeanor is pending 16460
in a court of record, shall be brought to trial within thirty 16461
days after the person's arrest or the service of summons. 16462

(B) Subject to division (D) of this section, a person 16463
against whom a charge of misdemeanor, other than a minor 16464
misdemeanor, is pending in a court of record, shall be brought 16465
to trial as follows: 16466

(1) Within forty-five days after the person's arrest or 16467
the service of summons, if the offense charged is a misdemeanor 16468
of the third or fourth degree, or other misdemeanor for which 16469
the maximum penalty is imprisonment for not more than sixty 16470
days; 16471

(2) Within ninety days after the person's arrest or the 16472
service of summons, if the offense charged is a misdemeanor of 16473
the first or second degree, or other misdemeanor for which the 16474
maximum penalty is imprisonment for more than sixty days. 16475

(C) A person against whom a charge of felony is pending: 16476

(1) Notwithstanding any provisions to the contrary in 16477
Criminal Rule 5(B), shall be accorded a preliminary hearing 16478
within fifteen consecutive days after the person's arrest if the 16479

accused is not held in jail in lieu of bail on the pending 16480
charge or within ten consecutive days after the person's arrest 16481
if the accused is held in jail in lieu of bail on the pending 16482
charge; 16483

(2) ~~Shall~~ Except as provided in division (C) of section 16484
2945.73 of the Revised Code, shall be brought to trial within 16485
two hundred seventy days after the person's arrest. 16486

(D) A person against whom one or more charges of different 16487
degrees, whether felonies, misdemeanors, or combinations of 16488
felonies and misdemeanors, all of which arose out of the same 16489
act or transaction, are pending shall be brought to trial on all 16490
of the charges within the time period required for the highest 16491
degree of offense charged, as determined under divisions (A), 16492
(B), and (C) of this section. 16493

(E) For purposes of computing time under divisions (A), 16494
(B), (C) (2), and (D) of this section, each day during which the 16495
accused is held in jail in lieu of bail on the pending charge 16496
shall be counted as three days. This division does not apply for 16497
purposes of computing time under division (C) (1) of this section 16498
or for purposes of computing the fourteen-day period specified 16499
in section 2945.73 of the Revised Code. 16500

(F) This section shall not be construed to modify in any 16501
way section 2941.401 or sections 2963.30 to 2963.35 of the 16502
Revised Code. 16503

Sec. 2945.73. (A) A charge of felony shall be dismissed if 16504
the accused is not accorded a preliminary hearing within the 16505
time required by sections 2945.71 and 2945.72 of the Revised 16506
Code. Such a dismissal has the same effect as a nolle prosequi. 16507

(B) (1) Upon motion made at or prior to the commencement of 16508

trial, a person charged with ~~an offense~~ a misdemeanor shall be 16509
discharged if ~~he~~ the person is not brought to trial within the 16510
time required by sections 2945.71 and 2945.72 of the Revised 16511
Code. Such a discharge is a bar to any further criminal 16512
proceedings against the person based on the same conduct. 16513

~~(C)(2)~~ Regardless of whether a longer time limit may be 16514
provided by sections 2945.71 and 2945.72 of the Revised Code, a 16515
person charged with misdemeanor shall be discharged if ~~he~~ the 16516
person is held in jail in lieu of bond awaiting trial on the 16517
pending charge: 16518

~~(1)(a)~~ For a total period equal to the maximum term of 16519
imprisonment which may be imposed for the most serious 16520
misdemeanor charged; 16521

~~(2)(b)~~ For a total period equal to the term of 16522
imprisonment allowed in lieu of payment of the maximum fine 16523
which may be imposed for the most serious misdemeanor charged, 16524
when the offense or offenses charged constitute minor 16525
misdemeanors. 16526

~~(D) When a charge of~~ (3) A discharge under division (B) (2) 16527
of this section is a bar to any further criminal proceedings 16528
against the person based on the same conduct. 16529

(C) (1) A person charged with a felony is dismissed 16530
pursuant to division (A) of this section, such dismissal has the 16531
same effect as a nolle prosequi. When an accused is discharged 16532
pursuant to division (B) or (C) of this section, such discharge 16533
is a bar to any further criminal proceedings against him based 16534
on the same conduct, who is not brought to trial within the time 16535
required by sections 2945.71 and 2945.72 of the Revised Code, is 16536
eligible for release from detention. The court may release the 16537

person from any detention in connection with the charges pending 16538
trial and may impose any terms or conditions on the release that 16539
the court considers appropriate. 16540

(2) Upon motion made at or before the commencement of 16541
trial, but not sooner than fourteen days before the day the 16542
person would become eligible for release pursuant to division 16543
(C) (1) of this section, the charges shall be dismissed with 16544
prejudice unless the person is brought to trial on those charges 16545
within fourteen days after the motion is filed and served on the 16546
prosecuting attorney. If no motion is filed, the charges shall 16547
be dismissed with prejudice unless the person is brought to 16548
trial on those charges within fourteen days after it is 16549
determined by the court that the time for trial required by 16550
sections 2945.71 and 2945.72 of the Revised Code has expired. If 16551
it is determined by the court that the time for trial required 16552
by sections 2945.71 and 2945.72 of the Revised Code has expired, 16553
no additional charges arising from the same facts and 16554
circumstances as the original charges may be added during the 16555
fourteen-day period specified under this division. The fourteen- 16556
day period specified under this division may be extended at the 16557
request of the accused or on account of the fault or misconduct 16558
of the accused. 16559

Sec. 2950.151. (A) As used in this section, "eligible 16560
offender" means either of the following: 16561

(1) An offender who was convicted of or pleaded guilty to 16562
a violation of section 2907.04 of the Revised Code to whom all 16563
of the following apply: 16564

(a) The sentencing court found the offender to be at low 16565
risk of reoffending based on a presentence investigation report 16566
that included a risk assessment, assessed by the single 16567

validated risk assessment tool selected by the department of 16568
rehabilitation and correction under section 5120.114 of the 16569
Revised Code; 16570

(b) The sentencing court imposed a community control 16571
sanction or combination of community control sanctions instead 16572
of a prison term and the offender has fulfilled every condition 16573
of every community control sanction imposed by the sentencing 16574
court; 16575

(c) The offender was under twenty-one years of age at the 16576
time of committing the offense; 16577

(d) The offender has not otherwise been convicted of or 16578
pleaded guilty to another violation of section 2907.04 of the 16579
Revised Code or any sexually oriented offense or child-victim 16580
oriented offense other than the violation of section 2907.04 of 16581
the Revised Code; 16582

(e) The minor with whom the offender engaged in sexual 16583
conduct was at least fourteen years of age at the time of the 16584
offense and consented to the sexual conduct, with no evidence of 16585
coercion, force, or threat of force; 16586

(f) The offender was not in a position of authority, 16587
including a position of a type described in divisions (A) (5) to 16588
(13) of section 2907.03 of the Revised Code, over the minor with 16589
whom the offender engaged in sexual conduct. 16590

(2) An offender who was convicted of or pleaded guilty to 16591
a violation of any former law of this state, any existing or 16592
former municipal ordinance or law of another state or the United 16593
States, any existing or former law applicable in a military 16594
court or in an Indian trial court, or any existing or former law 16595
of any nation other than the United States that is or was 16596

substantially equivalent to a violation of section 2907.04 of 16597
the Revised Code and to whom all of the factors described in 16598
divisions (A) (1) (a) to (f) of this section apply. For purposes 16599
of this division: 16600

(a) The reference in division (A) (1) (b) of this section to 16601
a community control sanction shall be construed as including ~~non-~~ 16602
~~prison~~ nonprison sanctions under the law of the jurisdiction in 16603
which the offender was convicted of or pleaded guilty to the 16604
violation that is or was substantially equivalent to a violation 16605
of section 2907.04 of the Revised Code; 16606

(b) The reference in division (A) (1) (d) of this section to 16607
the violations specified in that division shall be construed as 16608
including substantially equivalent violations under the law of 16609
the jurisdiction in which the offender was convicted of or 16610
pleaded guilty to the violation that is or was substantially 16611
equivalent to a violation of section 2907.04 of the Revised 16612
Code. 16613

(B) Upon completion of all community control sanctions 16614
imposed by the sentencing court for the violation of section 16615
2907.04 of the Revised Code or the violation of the 16616
substantially equivalent law or ordinance, whichever is 16617
applicable, an eligible offender may petition the appropriate 16618
court specified in division (C) of this section to review the 16619
effectiveness of the offender's participation in community 16620
control sanctions and to determine whether to terminate the 16621
offender's duty to comply with sections 2950.04, 2950.05, and 16622
2950.06 of the Revised Code, reclassify the offender as a tier I 16623
sex offender/child-victim offender, or continue the offender's 16624
current classification. 16625

(C) Except as otherwise provided in this division, the 16626

eligible offender shall file the petition described in division 16627
(B) of this section in the court in which the eligible offender 16628
was convicted of or pleaded guilty to the offense. If the 16629
eligible offender was convicted of or pleaded guilty to the 16630
offense in a jurisdiction other than this state, the eligible 16631
offender shall file the petition in whichever of the following 16632
courts is applicable: 16633

(1) If the eligible offender is a resident of this state, 16634
in the court of common pleas of the county in which the offender 16635
resides; 16636

(2) If the eligible offender is not a resident of this 16637
state, in the court of common pleas of the county in which the 16638
offender has registered pursuant to section 2950.04 of the 16639
Revised Code. If the offender has registered addresses of that 16640
nature in more than one county, the offender may file a petition 16641
in the court of only one of those counties. 16642

(D) An eligible offender who files a petition under 16643
division (B) of this section shall include all of the following 16644
with the petition: 16645

(1) A certified copy of the judgment entry and any other 16646
documentation of the sentence given for the offense for which 16647
the eligible offender was convicted or pleaded guilty; 16648

(2) Documentation of the date of discharge from probation 16649
supervision or other supervision, if applicable; 16650

(3) Evidence that the eligible offender has completed a 16651
sex offender treatment program certified by the department of 16652
rehabilitation and correction pursuant to section 2950.16 of the 16653
Revised Code in the county where the offender was sentenced if 16654
the completion of such a program is ordered by the court, or, if 16655

completion of such a program is ordered by the court and such a 16656
program is not available in the county of sentencing, in another 16657
county; 16658

(4) Any other evidence necessary to show that the offender 16659
meets the qualifications listed in division (A) of this section; 16660

(5) Evidence that the eligible offender has been 16661
rehabilitated to a satisfactory degree by successful completion 16662
of community control sanctions. 16663

(E) An eligible offender may obtain, at the offender's 16664
expense, a risk assessment or professional opinion, recommending 16665
relief under this section, from a licensed clinical 16666
psychologist, social worker, or other professional certified in 16667
sex offender treatment. The professional opinion or risk 16668
assessment may be submitted with the petition as additional 16669
evidence of rehabilitation. 16670

(F) Upon the filing of a petition under division (B) of 16671
this section, the court shall schedule a hearing to review the 16672
eligible offender's petition and all evidence of rehabilitation 16673
accompanying the petition. The court shall notify the offender 16674
and the prosecutor of the county in which the petition is filed 16675
of the date, time, and place of the hearing. Upon receipt of the 16676
notice, the prosecutor shall notify the victim of the date, 16677
time, and place of the hearing. The victim may submit a written 16678
statement to the prosecutor regarding any knowledge the victim 16679
has of the eligible offender's conduct while subject to the 16680
duties imposed by sections 2950.04, 2950.05, and 2950.06 of the 16681
Revised Code. At least seven days before the hearing date, the 16682
prosecutor may file an objection to the petition with the court 16683
and serve a copy of the objection to the petition on the 16684
eligible offender or the eligible offender's attorney. In 16685

addition to considering the evidence and information included 16686
with the petition as described in division (D) of this section 16687
and any risk assessment or professional opinion submitted as 16688
described in division (E) of this section, in determining the 16689
type of order to enter in response to the petition, the court 16690
shall consider any objections submitted by the prosecutor and 16691
any written statement submitted by the victim. After the 16692
hearing, the court shall enter one of the following orders: 16693

(1) An order to terminate the offender's duty to comply 16694
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 16695

(2) If the offender is classified a tier II sex 16696
offender/child-victim offender, an order to reclassify the 16697
offender from a tier II sex offender/child-victim offender 16698
classification to a tier I sex offender/child-victim offender 16699
classification; 16700

(3) If the offender is classified a tier I sex 16701
offender/child-victim offender or a tier II sex offender/child- 16702
victim offender, an order to continue the offender's 16703
classification as a tier I sex offender/child-victim offender or 16704
tier II sex offender/child-victim offender, whichever is 16705
applicable, required to comply with sections 2950.04, 2950.05, 16706
and 2950.06 of the Revised Code. 16707

(G) After issuing an order pursuant to division (F) of 16708
this section, the court shall provide a copy of the order to the 16709
eligible offender and the bureau of criminal identification and 16710
investigation. The bureau, upon receipt of the copy, shall 16711
promptly notify the sheriff with whom the offender most recently 16712
registered under section 2950.04 or 2950.05 of the Revised Code 16713
of the court's order. 16714

(H) (1) An order issued under division (F) (2) or (3) of this section shall remain in effect for the duration of the eligible offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code under the reclassification or continuation, whichever is applicable, as specified in section 2950.07 of the Revised Code, except that an eligible offender may refile a petition under this section at the time prescribed under division (H) (2) of this section. An order issued under division (F) (2) or (3) of this section shall not increase the duration of the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(2) After the eligible offender's initial petition filed under this section, if the court entered an order continuing the offender's classification or reclassifying the offender, the offender may file a second petition not earlier than three years after the court entered the first order. After the second petition, the offender may file one subsequent petition not earlier than five years after the most recent order continuing the offender's classification or reclassifying the offender. A petition filed under this division shall comply with the requirements described in divisions (C), (D), and (E) of this section.

(3) Upon the filing of a second or subsequent petition by an eligible offender pursuant to division (H) (2) of this section, the court shall schedule a hearing to review any previous order entered under this section, consider all of the documents previously submitted, and evaluate any new evidence of rehabilitation presented with 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 16746
victim may submit a written statement to the prosecutor 16747
regarding any knowledge the victim has of the eligible 16748
offender's conduct while subject to the duties imposed by 16749
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At 16750
least seven days before the hearing date, the prosecutor may 16751
file an objection to the petition with the court and serve a 16752
copy of the objection to the petition on the eligible offender 16753
or the eligible offender's attorney. In addition to reviewing 16754
any previous order, considering the documents previously 16755
submitted, and evaluating any new evidence of rehabilitation 16756
presented with the petition as described in this division, in 16757
determining whether to deny the petition or the type of order to 16758
enter in response to the petition, the court shall consider any 16759
objections submitted by the prosecutor and any written statement 16760
submitted by the victim. After the hearing on the petition, the 16761
court may deny the petition or enter either of the following 16762
orders: 16763

(a) If the previous order continued the offender's 16764
classification as a tier II sex offender/child-victim offender, 16765
an order to reclassify the offender as a tier I sex 16766
offender/child-victim offender or terminate the offender's duty 16767
to comply with sections 2950.04, 2950.05, and 2950.06 of the 16768
Revised Code; 16769

(b) If the previous order reclassified the offender as a 16770
tier I sex offender/child-victim offender or continued the 16771
offender's classification as a tier I sex offender/child-victim 16772
offender, an order to terminate the offender's duty to comply 16773
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 16774

Sec. 2950.99. (A) (1) (a) Except as otherwise provided in 16775

division (A) (1) (b) of this section, whoever violates a 16776
prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of 16777
the Revised Code shall be punished as follows: 16778

(i) If the most serious sexually oriented offense that was 16779
the basis of the registration, notice of intent to reside, 16780
change of address notification, or address verification 16781
requirement that was violated under the prohibition is 16782
aggravated murder or murder if committed by an adult or a 16783
comparable category of offense committed in another 16784
jurisdiction, the offender is guilty of a felony of the first 16785
degree. 16786

(ii) If the most serious sexually oriented offense or 16787
child-victim oriented offense that was the basis of the 16788
registration, notice of intent to reside, change of address 16789
notification, or address verification requirement that was 16790
violated under the prohibition is a felony of the first, second, 16791
third, or fourth degree if committed by an adult or a comparable 16792
category of offense committed in another jurisdiction, the 16793
offender is guilty of a felony of the same degree as the most 16794
serious sexually oriented offense or child-victim oriented 16795
offense that was the basis of the registration, notice of intent 16796
to reside, change of address, or address verification 16797
requirement that was violated under the prohibition, or, if the 16798
most serious sexually oriented offense or child-victim oriented 16799
offense that was the basis of the registration, notice of intent 16800
to reside, change of address, or address verification 16801
requirement that was violated under the prohibition is a 16802
comparable category of offense committed in another 16803
jurisdiction, the offender is guilty of a felony of the same 16804
degree as that offense committed in the other jurisdiction would 16805
constitute if committed in this state. 16806

(iii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the fifth degree or a misdemeanor if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the fourth degree.

(b) If the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, whoever violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall be punished as follows:

(i) If the most serious sexually oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is aggravated murder or murder if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the first degree.

(ii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the first, second, or third degree if committed by an adult or a comparable category of offense committed in another jurisdiction, the

offender is guilty of a felony of the same degree as the most 16837
serious sexually oriented offense or child-victim oriented 16838
offense that was the basis of the registration, notice of intent 16839
to reside, change of address, or address verification 16840
requirement that was violated under the prohibition, or, if the 16841
most serious sexually oriented offense or child-victim oriented 16842
offense that was the basis of the registration, notice of intent 16843
to reside, change of address, or address verification 16844
requirement that was violated under the prohibition is a 16845
comparable category of offense committed in another 16846
jurisdiction, the offender is guilty of a felony of the same 16847
degree as that offense committed in the other jurisdiction would 16848
constitute if committed in this state. 16849

(iii) If the most serious sexually oriented offense or 16850
child-victim oriented offense that was the basis of the 16851
registration, notice of intent to reside, change of address 16852
notification, or address verification requirement that was 16853
violated under the prohibition is a felony of the fourth or 16854
fifth degree if committed by an adult or a comparable category 16855
of offense committed in another jurisdiction, the offender is 16856
guilty of a felony of the third degree. 16857

(iv) If the most serious sexually oriented offense or 16858
child-victim oriented offense that was the basis of the 16859
registration, notice of intent to reside, change of address 16860
notification, or address verification requirement that was 16861
violated under the prohibition is a misdemeanor if committed by 16862
an adult or a comparable category of offense committed in 16863
another jurisdiction, the offender is guilty of a felony of the 16864
fourth degree. 16865

(2) (a) In addition to any penalty or sanction imposed 16866

under division (A) (1) of this section or any other provision of 16867
law for a violation of a prohibition in section 2950.04, 16868
2950.041, 2950.05, or 2950.06 of the Revised Code, if the 16869
offender or delinquent child is subject to a community control 16870
sanction, is on parole, is subject to one or more post-release 16871
control sanctions, or is subject to any other type of supervised 16872
release at the time of the violation, the violation shall 16873
constitute a violation of the terms and conditions of the 16874
community control sanction, parole, post-release control 16875
sanction, or other type of supervised release. 16876

(b) In addition to any penalty or sanction imposed under 16877
division (A) (1) (b) (i), (ii), or (iii) of this section or any 16878
other provision of law for a violation of a prohibition in 16879
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 16880
Code, if the offender previously has been convicted of or 16881
pleaded guilty to, or previously has been adjudicated a 16882
delinquent child for committing, a violation of a prohibition in 16883
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 16884
Code when the most serious sexually oriented offense or child- 16885
victim oriented offense that was the basis of the requirement 16886
that was violated under the prohibition is a felony if committed 16887
by an adult or a comparable category of offense committed in 16888
another jurisdiction, the court imposing a sentence upon the 16889
offender shall impose a definite prison term of no less than 16890
three years. The definite prison term imposed under this 16891
section, ~~subject to divisions (C) to (I) of section 2967.19 of~~ 16892
~~the Revised Code,~~ shall not be reduced to less than three years 16893
pursuant to any provision of Chapter 2967. or any other 16894
provision of the Revised Code. 16895

(3) As used in division (A) (1) of this section, 16896
"comparable category of offense committed in another 16897

jurisdiction" means a sexually oriented offense or child-victim
oriented offense that was the basis of the registration, notice
of intent to reside, change of address notification, or address
verification requirement that was violated, that is a violation
of an existing or former law of another state or the United
States, an existing or former law applicable in a military court
or in an Indian tribal court, or an existing or former law of
any nation other than the United States, and that, if it had
been committed in this state, would constitute or would have
constituted aggravated murder or murder for purposes of division
(A) (1) (a) (i) of this section, a felony of the first, second,
third, or fourth degree for purposes of division (A) (1) (a) (ii)
of this section, a felony of the fifth degree or a misdemeanor
for purposes of division (A) (1) (a) (iii) of this section,
aggravated murder or murder for purposes of division (A) (1) (b)
(i) of this section, a felony of the first, second, or third
degree for purposes of division (A) (1) (b) (ii) of this section, a
felony of the fourth or fifth degree for purposes of division
(A) (1) (b) (iii) of this section, or a misdemeanor for purposes of
division (A) (1) (b) (iv) of this section.

(B) If a person violates a prohibition in section 2950.04,
2950.041, 2950.05, or 2950.06 of the Revised Code that applies
to the person as a result of the person being adjudicated a
delinquent child and being classified a juvenile offender
registrant or an out-of-state juvenile offender registrant, both
of the following apply:

(1) If the violation occurs while the person is under
eighteen years of age, the person is subject to proceedings
under Chapter 2152. of the Revised Code based on the violation.

(2) If the violation occurs while the person is eighteen

years of age or older, the person is subject to criminal 16928
prosecution based on the violation. 16929

(C) Whoever violates division (C) of section 2950.13 of 16930
the Revised Code is guilty of a misdemeanor of the first degree. 16931

Sec. 2951.02. ~~(A)~~ (A) (1) During the period of a misdemeanor 16932
offender's community control sanction or during the period of a 16933
felony offender's nonresidential sanction, authorized probation 16934
officers who are engaged within the scope of their supervisory 16935
duties or responsibilities may search, with or without a 16936
warrant, the person of the offender, the place of residence of 16937
the offender, and a motor vehicle, another item of tangible or 16938
intangible personal property, or other real property in which 16939
the offender has a right, title, or interest or for which the 16940
offender has the express or implied permission of a person with 16941
a right, title, or interest to use, occupy, or possess if ~~the~~ 16942
any of the following apply: 16943

(a) The probation officers have reasonable grounds to 16944
believe that the offender is not abiding by the law or otherwise 16945
is not complying with the conditions of the misdemeanor 16946
offender's community control sanction or the conditions of the 16947
felony offender's nonresidential sanction. ~~If~~ 16948

(b) If the offender is a felony offender, the court 16949
requires the offender's consent to searches as part of the terms 16950
and conditions of community control, and the offender agreed to 16951
those terms and conditions. 16952

(c) If the offender is a felony offender, the offender 16953
otherwise provides consent for the search. 16954

(2) If a felony offender who is sentenced to a 16955
nonresidential sanction is under the general control and 16956

supervision of the adult parole authority, as described in 16957
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 16958
parole authority field officers with supervisory 16959
responsibilities over the felony offender shall have the same 16960
search authority relative to the felony offender during the 16961
period of the sanction that is described under ~~this~~ division (A) 16962
(1) of this section for probation officers. ~~The court that~~ 16963
~~places the~~ 16964

(3) If a misdemeanor offender is placed under a community 16965
control sanction pursuant to section 2929.25 of the Revised Code 16966
or ~~that sentences the~~ if a felony offender is sentenced to a 16967
nonresidential sanction pursuant to section 2929.17 of the 16968
Revised Code, the court that places the misdemeanor offender 16969
under the sanction or sentences the felony offender to the 16970
sanction shall provide the offender with a written notice that 16971
informs the offender that authorized probation officers or adult 16972
parole authority field officers with supervisory 16973
responsibilities over the offender who are engaged within the 16974
scope of their supervisory duties or responsibilities may 16975
conduct ~~those~~ the types of searches described in divisions (A) 16976
(1) and (2) of this section during the period of community 16977
control sanction or the nonresidential sanction if ~~they~~ any of 16978
the following apply: 16979

(a) The officers have reasonable grounds to believe that 16980
the offender is not abiding by the law or otherwise is not 16981
complying with the conditions of the offender's community 16982
control sanction or nonresidential sanction. 16983

(b) If the offender is a felony offender, the court 16984
requires the offender's consent to searches as part of the terms 16985
and conditions of community control, and the offender agreed to 16986

those terms and conditions. 16987

(c) If the offender is a felony offender, the offender
otherwise provides consent for the search. 16988
16989

(B) If an offender is convicted of or pleads guilty to a 16990
misdemeanor, the court may require the offender, as a condition 16991
of the offender's sentence of a community control sanction, to 16992
perform supervised community service work in accordance with 16993
this division. If an offender is convicted of or pleads guilty 16994
to a felony, the court, pursuant to sections 2929.15 and 2929.17 16995
of the Revised Code, may impose a sanction that requires the 16996
offender to perform supervised community service work in 16997
accordance with this division. The supervised community service 16998
work shall be under the authority of health districts, park 16999
districts, counties, municipal corporations, townships, other 17000
political subdivisions of the state, or agencies of the state or 17001
any of its political subdivisions, or under the authority of 17002
charitable organizations that render services to the community 17003
or its citizens, in accordance with this division. The court may 17004
require an offender who is ordered to perform the work to pay to 17005
it a reasonable fee to cover the costs of the offender's 17006
participation in the work, including, but not limited to, the 17007
costs of procuring a policy or policies of liability insurance 17008
to cover the period during which the offender will perform the 17009
work. 17010

A court may permit any offender convicted of a felony or a 17011
misdemeanor to satisfy the payment of a fine imposed for the 17012
offense pursuant to section 2929.18 or 2929.28 of the Revised 17013
Code by performing supervised community service work as 17014
described in this division if the offender requests an 17015
opportunity to satisfy the payment by this means and if the 17016

court determines that the offender is financially unable to pay 17017
the fine. 17018

After imposing a term of community service, the court may 17019
modify the sentence to authorize a reasonable contribution to 17020
the appropriate general fund as provided in division (B) of 17021
section 2929.27 of the Revised Code. 17022

The supervised community service work that may be imposed 17023
under this division shall be subject to the following 17024
limitations: 17025

(1) The court shall fix the period of the work and, if 17026
necessary, shall distribute it over weekends or over other 17027
appropriate times that will allow the offender to continue at 17028
the offender's occupation or to care for the offender's family. 17029
The period of the work as fixed by the court shall not exceed in 17030
the aggregate the number of hours of community service imposed 17031
by the court pursuant to section 2929.17 or 2929.27 of the 17032
Revised Code. 17033

(2) An agency, political subdivision, or charitable 17034
organization must agree to accept the offender for the work 17035
before the court requires the offender to perform the work for 17036
the entity. A court shall not require an offender to perform 17037
supervised community service work for an agency, political 17038
subdivision, or charitable organization at a location that is an 17039
unreasonable distance from the offender's residence or domicile, 17040
unless the offender is provided with transportation to the 17041
location where the work is to be performed. 17042

(3) A court may enter into an agreement with a county 17043
department of job and family services for the management, 17044
placement, and supervision of offenders eligible for community 17045

service work in work activities, developmental activities, and 17046
alternative work activities under sections 5107.40 to 5107.69 of 17047
the Revised Code. If a court and a county department of job and 17048
family services have entered into an agreement of that nature, 17049
the clerk of that court is authorized to pay directly to the 17050
county department all or a portion of the fees collected by the 17051
court pursuant to this division in accordance with the terms of 17052
its agreement. 17053

(4) Community service work that a court requires under 17054
this division shall be supervised by an official of the agency, 17055
political subdivision, or charitable organization for which the 17056
work is performed or by a person designated by the agency, 17057
political subdivision, or charitable organization. The official 17058
or designated person shall be qualified for the supervision by 17059
education, training, or experience, and periodically shall 17060
report, in writing, to the court and to the offender's probation 17061
officer concerning the conduct of the offender in performing the 17062
work. 17063

(5) The total of any period of supervised community 17064
service work imposed on an offender under division (B) of this 17065
section plus the period of all other sanctions imposed pursuant 17066
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 17067
Revised Code for a felony, or pursuant to sections 2929.25, 17068
2929.26, 2929.27, and 2929.28 of the Revised Code for a 17069
misdemeanor, shall not exceed five years. 17070

(C) (1) If an offender is convicted of a violation of 17071
section 4511.19 of the Revised Code or a substantially similar 17072
municipal ordinance, the court may require, as a condition of a 17073
community control sanction, that the offender operate only a 17074
motor vehicle equipped with an ignition interlock device that is 17075

certified pursuant to section 4510.43 of the Revised Code. 17076

(2) If a court requires an offender, as a condition of a 17077
community control sanction pursuant to division (C)(1) of this 17078
section, to operate only a motor vehicle equipped with an 17079
ignition interlock device that is certified pursuant to section 17080
4510.43 of the Revised Code, the offender immediately shall 17081
surrender the offender's driver's or commercial driver's license 17082
or permit to the court. Upon the receipt of the offender's 17083
license or permit, the court shall issue an order authorizing 17084
the offender to operate a motor vehicle equipped with a 17085
certified ignition interlock device and deliver the offender's 17086
license or permit to the registrar of motor vehicles. The court 17087
also shall give the offender a copy of its order for purposes of 17088
obtaining a restricted license. 17089

(3) An offender shall present to the registrar or to a 17090
deputy registrar the copy of the order issued under division (C) 17091
of this section and a certificate affirming the installation of 17092
an ignition interlock device that is in a form established by 17093
the director of public safety and that is signed by the person 17094
who installed the device. Upon presentation of the order and 17095
certificate, the registrar or deputy registrar shall issue a 17096
restricted license to the offender, unless the offender's 17097
driver's license or commercial driver's license or permit is 17098
suspended under any other provision of law and limited driving 17099
privileges have not been granted with regard to that suspension. 17100
The restricted license shall be identical to the surrendered 17101
license, except that it shall have printed on its face a 17102
statement that the offender is prohibited from operating a motor 17103
vehicle that is not equipped with an ignition interlock device 17104
that is certified pursuant to section 4510.43 of the Revised 17105
Code. The registrar shall deliver the offender's surrendered 17106

license or permit to the court upon receipt of a court order 171107
requiring it to do so, or reissue the offender's license or 171108
permit under section 4510.52 of the Revised Code if the 171109
registrar destroyed the offender's license or permit under that 171110
section. The offender shall surrender the restricted license to 171111
the court upon receipt of the offender's surrendered license or 171112
permit. 171113

(4) If an offender violates a requirement of the court 171114
imposed under division (C) (1) of this section, the court may 171115
impose a class seven suspension of the offender's driver's or 171116
commercial driver's license or permit or nonresident operating 171117
privilege from the range specified in division (A) (7) of section 171118
4510.02 of the Revised Code. On a second or subsequent 171119
violation, the court may impose a class four suspension of the 171120
offender's driver's or commercial driver's license or permit or 171121
nonresident operating privilege from the range specified in 171122
division (A) (4) of section 4510.02 of the Revised Code. 171123

Sec. 2951.041. (A) (1) If an offender is charged with a 171124
criminal offense, including but not limited to a violation of 171125
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 171126
of the Revised Code, and the court has reason to believe that 171127
drug or alcohol usage by the offender was a factor leading to 171128
the criminal offense with which the offender is charged or that, 171129
at the time of committing that offense, the offender had a 171130
mental illness, was a person with an intellectual disability, or 171131
was a victim of a violation of section 2905.32 or 2907.21 of the 171132
Revised Code and that the mental illness, status as a person 171133
with an intellectual disability, or fact that the offender was a 171134
victim of a violation of section 2905.32 or 2907.21 of the 171135
Revised Code was a factor leading to the offender's criminal 171136
behavior, the court may accept, prior to the entry of a guilty 171137

plea, the offender's request for intervention in lieu of 17138
conviction. The request shall include a statement from the 17139
offender as to whether the offender is alleging that drug or 17140
alcohol usage by the offender was a factor leading to the 17141
criminal offense with which the offender is charged or is 17142
alleging that, at the time of committing that offense, the 17143
offender had a mental illness, was a person with an intellectual 17144
disability, or was a victim of a violation of section 2905.32 or 17145
2907.21 of the Revised Code and that the mental illness, status 17146
as a person with an intellectual disability, or fact that the 17147
offender was a victim of a violation of section 2905.32 or 17148
2907.21 of the Revised Code was a factor leading to the criminal 17149
offense with which the offender is charged. The request also 17150
shall include a waiver of the defendant's right to a speedy 17151
trial, the preliminary hearing, the time period within which the 17152
grand jury may consider an indictment against the offender, and 17153
arraignment, unless the hearing, indictment, or arraignment has 17154
already occurred. Unless an offender alleges that drug or 17155
alcohol usage by the offender was a factor leading to the 17156
criminal offense with which the offender is charged, the court 17157
may reject an offender's request without a hearing. If the court 17158
elects to consider an offender's request or the offender alleges 17159
that drug or alcohol usage by the offender was a factor leading 17160
to the criminal offense with which the offender is charged, the 17161
court shall conduct a hearing to determine whether the offender 17162
is eligible under this section for intervention in lieu of 17163
conviction and shall stay all criminal proceedings pending the 17164
outcome of the hearing. If the court schedules a hearing, the 17165
court shall order an assessment of the offender for the purpose 17166
of determining the offender's program eligibility for 17167
intervention in lieu of conviction and recommending an 17168
appropriate intervention plan. 17169

If the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may order that the offender be assessed by a community addiction services provider or a properly credentialed professional for the purpose of determining the offender's program eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. The community addiction services provider or the properly credentialed professional shall provide a written assessment of the offender to the court.

(2) The victim notification provisions of division (C) of section 2930.06 of the Revised Code apply in relation to any hearing held under division (A) (1) of this section.

(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following:

(1) The offender previously has not been convicted of or pleaded guilty to any felony offense of violence.

(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a felony sex offense, is not a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A) (1) of section 2903.08 of the Revised Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term.

(3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03 of the Revised Code

that is a felony of the first, second, third, or fourth degree, 17199
and is not charged with a violation of section 2925.11 of the 17200
Revised Code that is a felony of the first or second degree. 17201

(4) If an offender alleges that drug or alcohol usage by 17202
the offender was a factor leading to the criminal offense with 17203
which the offender is charged, the court has ordered that the 17204
offender be assessed by a community addiction services provider 17205
or a properly credentialed professional for the purpose of 17206
determining the offender's program eligibility for intervention 17207
in lieu of conviction and recommending an appropriate 17208
intervention plan, the offender has been assessed by a community 17209
addiction services provider of that nature or a properly 17210
credentialed professional in accordance with the court's order, 17211
and the community addiction services provider or properly 17212
credentialed professional has filed the written assessment of 17213
the offender with the court. 17214

(5) If an offender alleges that, at the time of committing 17215
the criminal offense with which the offender is charged, the 17216
offender had a mental illness, was a person with an intellectual 17217
disability, or was a victim of a violation of section 2905.32 or 17218
2907.21 of the Revised Code and that the mental illness, status 17219
as a person with an intellectual disability, or fact that the 17220
offender was a victim of a violation of section 2905.32 or 17221
2907.21 of the Revised Code was a factor leading to that 17222
offense, the offender has been assessed by a psychiatrist, 17223
psychologist, independent social worker, licensed professional 17224
clinical counselor, or independent marriage and family therapist 17225
for the purpose of determining the offender's program 17226
eligibility for intervention in lieu of conviction and 17227
recommending an appropriate intervention plan. 17228

(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. 17229
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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. 17238
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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. 17242
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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. 17245
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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. 17248
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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 17253
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finds under this division and division (B) of this section that 17258
the offender is eligible for intervention in lieu of conviction, 17259
the court shall grant the offender's request unless the court 17260
finds specific reasons to believe that the candidate's 17261
participation in intervention in lieu of conviction would be 17262
inappropriate. 17263

If the court denies an eligible offender's request for 17264
intervention in lieu of conviction, the court shall state the 17265
reasons for the denial, with particularity, in a written entry. 17266

If the court grants the offender's request, the court 17267
shall accept the offender's plea of guilty and waiver of the 17268
defendant's right to a speedy trial, the preliminary hearing, 17269
the time period within which the grand jury may consider an 17270
indictment against the offender, and arraignment, unless the 17271
hearing, indictment, or arraignment has already occurred. In 17272
addition, the court then may stay all criminal proceedings and 17273
order the offender to comply with all terms and conditions 17274
imposed by the court pursuant to division (D) of this section. 17275
If the court finds that the offender is not eligible or does not 17276
grant the offender's request, the criminal proceedings against 17277
the offender shall proceed as if the offender's request for 17278
intervention in lieu of conviction had not been made. 17279

(D) If the court grants an offender's request for 17280
intervention in lieu of conviction, ~~the~~ all of the following 17281
apply: 17282

(1) The court shall place the offender under the general 17283
control and supervision of ~~the county probation department, the~~ 17284
~~adult parole authority, or another appropriate local probation~~ 17285
~~or court services agency, if one exists~~ one of the following, as 17286
if the offender was subject to a community control sanction 17287

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 17317
treatment and recovery support services, and all other terms and 17318
conditions ordered by the court, the court shall dismiss the 17319
proceedings against the offender. Successful completion of the 17320
intervention plan and period of abstinence under this section 17321
shall be without adjudication of guilt and is not a criminal 17322
conviction for purposes of any disqualification or disability 17323
imposed by law and upon conviction of a crime, and the court may 17324
order the sealing or expungement of records related to the 17325
offense in question, as a dismissal of the charges, in the 17326
manner provided in sections ~~2953.51 to 2953.56~~ 2953.31, 2953.33, 17327
2953.37, and 2953.521 of the Revised Code and divisions (H), 17328
(K), and (L) of section 2953.34 of the Revised Code. 17329

(F) If the court grants an offender's request for 17330
intervention in lieu of conviction and the offender fails to 17331
comply with any term or condition imposed as part of the 17332
intervention plan for the offender, the supervising authority 17333
for the offender promptly shall advise the court of this 17334
failure, and the court shall hold a hearing to determine whether 17335
the offender failed to comply with any term or condition imposed 17336
as part of the plan. If the court determines that the offender 17337
has failed to comply with any of those terms and conditions, it 17338
may continue the offender on intervention in lieu of conviction, 17339
continue the offender on intervention in lieu of conviction with 17340
additional terms, conditions, and sanctions, or enter a finding 17341
of guilty and impose an appropriate sanction under Chapter 2929. 17342
of the Revised Code. If the court sentences the offender to a 17343
prison term, the court, after consulting with the department of 17344
rehabilitation and correction regarding the availability of 17345
services, may order continued court-supervised activity and 17346
treatment of the offender during the prison term and, upon 17347

consideration of reports received from the department concerning 17348
the offender's progress in the program of activity and 17349
treatment, may consider judicial release under section 2929.20 17350
of the Revised Code. 17351

(G) As used in this section: 17352

(1) "Community addiction services provider" has the same 17353
meaning as in section 5119.01 of the Revised Code. 17354

(2) "Community control sanction" has the same meaning as 17355
in section 2929.01 of the Revised Code. 17356

(3) "Intervention in lieu of conviction" means any court- 17357
supervised activity that complies with this section. 17358

(4) "Intellectual disability" has the same meaning as in 17359
section 5123.01 of the Revised Code. 17360

(5) "Peace officer" has the same meaning as in section 17361
2935.01 of the Revised Code. 17362

(6) "Mental illness" and "psychiatrist" have the same 17363
meanings as in section 5122.01 of the Revised Code. 17364

(7) "Psychologist" has the same meaning as in section 17365
4732.01 of the Revised Code. 17366

(8) "Felony sex offense" means a violation of a section 17367
contained in Chapter 2907. of the Revised Code that is a felony. 17368

Sec. 2953.25. (A) As used in this section: 17369

(1) "Collateral sanction" means a penalty, disability, or 17370
disadvantage that is related to employment or occupational 17371
licensing, however denominated, as a result of the individual's 17372
conviction of or plea of guilty to an offense and that applies 17373
by operation of law in this state whether or not the penalty, 17374

disability, or disadvantage is included in the sentence or 17375
judgment imposed. 17376

"Collateral sanction" does not include imprisonment, 17377
probation, parole, supervised release, forfeiture, restitution, 17378
fine, assessment, or costs of prosecution. 17379

(2) "Decision-maker" includes, but is not limited to, the 17380
state acting through a department, agency, board, commission, or 17381
instrumentality established by the law of this state for the 17382
exercise of any function of government, a political subdivision, 17383
an educational institution, or a government contractor or 17384
subcontractor made subject to this section by contract, law, or 17385
ordinance. 17386

(3) "Department-funded program" means a residential or 17387
nonresidential program that is not a term in a state 17388
correctional institution, that is funded in whole or part by the 17389
department of rehabilitation and correction, and that is imposed 17390
as a sanction for an offense, as part of a sanction that is 17391
imposed for an offense, or as a term or condition of any 17392
sanction that is imposed for an offense. 17393

(4) "Designee" means the person designated by the deputy 17394
director of the division of parole and community services to 17395
perform the duties designated in division (B) of this section. 17396

(5) "Division of parole and community services" means the 17397
division of parole and community services of the department of 17398
rehabilitation and correction. 17399

(6) "Offense" means any felony or misdemeanor under the 17400
laws of this state. 17401

(7) "Political subdivision" has the same meaning as in 17402
section 2969.21 of the Revised Code. 17403

(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 17433
this section, shall contain all of the information described in 17434
division (F) of this section, and, except as provided in 17435
division (B) (6) of this section, shall be accompanied by an 17436
application fee of not more than fifty dollars, including local 17437
court fees. 17438

(4) (a) Except as provided in division (B) (4) (b) of this 17439
section, an individual may file a petition under division (B) (1) 17440
or (2) of this section at any time after the expiration of 17441
whichever of the following is applicable: 17442

(i) If the offense that resulted in the collateral 17443
sanction from which the individual seeks relief is a felony, at 17444
any time after the expiration of one year from the date of 17445
release of the individual from any period of incarceration in a 17446
state or local correctional facility that was imposed for that 17447
offense and all periods of supervision imposed after release 17448
from the period of incarceration or, if the individual was not 17449
incarcerated for that offense, at any time after the expiration 17450
of one year from the date of the individual's final release from 17451
all other sanctions imposed for that offense. 17452

(ii) If the offense that resulted in the collateral 17453
sanction from which the individual seeks relief is a 17454
misdemeanor, at any time after the expiration of six months from 17455
the date of release of the individual from any period of 17456
incarceration in a local correctional facility that was imposed 17457
for that offense and all periods of supervision imposed after 17458
release from the period of incarceration or, if the individual 17459
was not incarcerated for that offense, at any time after the 17460
expiration of six months from the date of the final release of 17461
the individual from all sanctions imposed for that offense 17462

including any period of supervision. 17463

(b) The department of rehabilitation and correction may 17464
establish criteria by rule adopted under Chapter 119. of the 17465
Revised Code that, if satisfied by an individual, would allow 17466
the individual to file a petition before the expiration of six 17467
months or one year from the date of final release, whichever is 17468
applicable under division (B) (4) (a) of this section. 17469

(5) (a) A designee that receives a petition for a 17470
certificate of qualification for employment from an individual 17471
under division (B) (1) or (2) of this section shall review the 17472
petition to determine whether it is complete. If the petition is 17473
complete, the designee shall forward the petition, the 17474
application fee, and any other information the designee 17475
possesses that relates to the petition, to the court of common 17476
pleas of the county in which the individual resides if the 17477
individual submitting the petition resides in this state or, if 17478
the individual resides outside of this state, to the court of 17479
common pleas of the county in which the conviction or plea of 17480
guilty from which the individual seeks relief was entered. 17481

(b) A court of common pleas that receives a petition for a 17482
certificate of qualification for employment from an individual 17483
under division (B) (2) of this section, or that is forwarded a 17484
petition for such a certificate under division (B) (5) (a) of this 17485
section, shall attempt to determine all other courts in this 17486
state in which the individual was convicted of or pleaded guilty 17487
to an offense other than the offense from which the individual 17488
is seeking relief. The court that receives or is forwarded the 17489
petition shall notify all other courts in this state that it 17490
determines under this division were courts in which the 17491
individual was convicted of or pleaded guilty to an offense 17492

other than the offense from which the individual is seeking 17493
relief that the individual has filed the petition and that the 17494
court may send comments regarding the possible issuance of the 17495
certificate. 17496

A court of common pleas that receives a petition for a 17497
certificate of qualification for employment under division (B) 17498
(2) of this section shall notify the county's prosecuting 17499
attorney that the individual has filed the petition. 17500

A court of common pleas that receives a petition for a 17501
certificate of qualification for employment under division (B) 17502
(2) of this section, or that is forwarded a petition for 17503
qualification under division (B) (5) (a) of this section may 17504
direct the clerk of court to process and record all notices 17505
required in or under this section. Except as provided in 17506
division (B) (6) of this section, the court shall pay thirty 17507
dollars of the application fee into the state treasury and 17508
twenty dollars of the application fee into the county general 17509
revenue fund. 17510

(6) Upon receiving a petition for a certificate of 17511
qualification for employment filed by an individual under 17512
division (B) (1) or (2) of this section, a court of common pleas 17513
or the designee of the deputy director of the division of parole 17514
and community services who receives the petition may waive all 17515
or part of the ~~fifty-dollar~~ filing fee of not more than fifty 17516
dollars described in division (B) (3) of this section, for an 17517
applicant who presents a poverty affidavit showing that the 17518
applicant is indigent. If an applicant pays an application fee 17519
~~is partially waived,~~ the first twenty dollars or two-fifths of 17520
the fee, whichever is greater, that is collected shall be paid 17521
into the county general revenue fund. ~~Any partial fee~~ If an 17522

applicant pays an application fee, the amount collected in 17523
excess of ~~twenty dollars~~ the amount to be paid into the county 17524
general revenue fund shall be paid into the state treasury. 17525

(C) (1) Upon receiving a petition for a certificate of 17526
qualification for employment filed by an individual under 17527
division (B) (2) of this section or being forwarded a petition 17528
for such a certificate under division (B) (5) (a) of this section, 17529
the court shall review the individual's petition, the 17530
individual's criminal history, except for information contained 17531
in any record that has been sealed under section 2953.32 of the 17532
Revised Code, all filings submitted by the prosecutor or by the 17533
victim in accordance with rules adopted by the division of 17534
parole and community services, the applicant's military service 17535
record, if applicable, and whether the applicant has an 17536
emotional, mental, or physical condition that is traceable to 17537
the applicant's military service in the armed forces of the 17538
United States and that was a contributing factor in the 17539
commission of the offense or offenses, and all other relevant 17540
evidence. The court may order any report, investigation, or 17541
disclosure by the individual that the court believes is 17542
necessary for the court to reach a decision on whether to 17543
approve the individual's petition for a certificate of 17544
qualification for employment, except that the court shall not 17545
require an individual to disclose information about any record 17546
sealed under section 2953.32 of the Revised Code. 17547

(2) Upon receiving a petition for a certificate of 17548
qualification for employment filed by an individual under 17549
division (B) (2) of this section or being forwarded a petition 17550
for such a certificate under division (B) (5) (a) of this section, 17551
except as otherwise provided in this division, the court shall 17552
decide whether to issue the certificate within sixty days after 17553

the court receives or is forwarded the completed petition and 17554
all information requested for the court to make that decision. 17555
Upon request of the individual who filed the petition, the court 17556
may extend the sixty-day period specified in this division. 17557

(3) Except as provided in division (C) (5) of this section 17558
and subject to division (C) (7) of this section, a court that 17559
receives an individual's petition for a certificate of 17560
qualification for employment under division (B) (2) of this 17561
section or that is forwarded a petition for such a certificate 17562
under division (B) (5) (a) of this section may issue a certificate 17563
of qualification for employment, at the court's discretion, if 17564
the court finds that the individual has established all of the 17565
following by a preponderance of the evidence: 17566

(a) Granting the petition will materially assist the 17567
individual in obtaining employment or occupational licensing. 17568

(b) The individual has a substantial need for the relief 17569
requested in order to live a law-abiding life. 17570

(c) Granting the petition would not pose an unreasonable 17571
risk to the safety of the public or any individual. 17572

(4) The submission of an incomplete petition by an 17573
individual shall not be grounds for the designee or court to 17574
deny the petition. 17575

(5) Subject to division (C) (6) of this section, an 17576
individual is rebuttably presumed to be eligible for a 17577
certificate of qualification for employment if the court that 17578
receives the individual's petition under division (B) (2) of this 17579
section or that is forwarded a petition under division (B) (5) (a) 17580
of this section finds all of the following: 17581

(a) The application was filed after the expiration of the 17582

applicable waiting period prescribed in division (B) (4) of this section; 17583
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(b) If the offense that resulted in the collateral 17585
sanction from which the individual seeks relief is a felony, at 17586
least three years have elapsed since the date of release of the 17587
individual from any period of incarceration in a state or local 17588
correctional facility that was imposed for that offense and all 17589
periods of supervision imposed after release from the period of 17590
incarceration or, if the individual was not incarcerated for 17591
that offense, at least three years have elapsed since the date 17592
of the individual's final release from all other sanctions 17593
imposed for that offense; 17594

(c) If the offense that resulted in the collateral 17595
sanction from which the individual seeks relief is a 17596
misdemeanor, at least one year has elapsed since the date of 17597
release of the individual from any period of incarceration in a 17598
local correctional facility that was imposed for that offense 17599
and all periods of supervision imposed after release from the 17600
period of incarceration or, if the individual was not 17601
incarcerated for that offense, at least one year has elapsed 17602
since the date of the final release of the individual from all 17603
sanctions imposed for that offense including any period of 17604
supervision. 17605

(6) An application that meets all of the requirements for 17606
the presumption under division (C) (5) of this section shall be 17607
denied only if the court that receives the petition finds that 17608
the evidence reviewed under division (C) (1) of this section 17609
rebutts the presumption of eligibility for issuance by 17610
establishing, by clear and convincing evidence, that the 17611
applicant has not been rehabilitated. 17612

(7) A certificate of qualification for employment shall 17613
not create relief from any of the following collateral 17614
sanctions: 17615

(a) Requirements imposed by Chapter 2950. of the Revised 17616
Code and rules adopted under sections 2950.13 and 2950.132 of 17617
the Revised Code; 17618

(b) A driver's license, commercial driver's license, or 17619
probationary license suspension, cancellation, or revocation 17620
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 17621
the Revised Code if the relief sought is available pursuant to 17622
section 4510.021 or division (B) of section 4510.13 of the 17623
Revised Code; 17624

(c) Restrictions on employment as a prosecutor or law 17625
enforcement officer; 17626

(d) The denial, ineligibility, or automatic suspension of 17627
a license that is imposed upon an individual applying for or 17628
holding a license as a health care professional under Title 17629
XLVII of the Revised Code if the individual is convicted of, 17630
pleads guilty to, is subject to a judicial finding of 17631
eligibility for intervention in lieu of conviction in this state 17632
under section 2951.041 of the Revised Code, or is subject to 17633
treatment or intervention in lieu of conviction for a violation 17634
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 17635
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 17636
2919.124 of the Revised Code; 17637

(e) The immediate suspension of a license, certificate, or 17638
evidence of registration that is imposed upon an individual 17639
holding a license as a health care professional under Title 17640
XLVII of the Revised Code pursuant to division (C) of section 17641

3719.121 of the Revised Code; 17642

(f) The denial or ineligibility for employment in a pain 17643
clinic under division (B) (4) of section 4729.552 of the Revised 17644
Code; 17645

(g) The mandatory suspension of a license that is imposed 17646
on an individual applying for or holding a license as a health 17647
care professional under Title XLVII of the Revised Code pursuant 17648
to section 3123.43 of the Revised Code. 17649

(8) If a court that receives an individual's petition for 17650
a certificate of qualification for employment under division (B) 17651
(2) of this section or that is forwarded a petition for such a 17652
certificate under division (B) (5) (a) of this section denies the 17653
petition, the court shall provide written notice to the 17654
individual of the court's denial. The court may place conditions 17655
on the individual regarding the individual's filing of any 17656
subsequent petition for a certificate of qualification for 17657
employment. The written notice must notify the individual of any 17658
conditions placed on the individual's filing of a subsequent 17659
petition for a certificate of qualification for employment. 17660

If a court of common pleas that receives an individual's 17661
petition for a certificate of qualification for employment under 17662
division (B) (2) of this section or that is forwarded a petition 17663
for such a certificate under division (B) (5) (a) of this section 17664
denies the petition, the individual may appeal the decision to 17665
the court of appeals only if the individual alleges that the 17666
denial was an abuse of discretion on the part of the court of 17667
common pleas. 17668

(D) (1) A certificate of qualification for employment 17669
issued to an individual lifts the automatic bar of a collateral 17670

sanction, and a decision-maker shall consider on a case-by-case 17671
basis whether to grant or deny the issuance or restoration of an 17672
occupational license or an employment opportunity, 17673
notwithstanding the individual's possession of the certificate, 17674
without, however, reconsidering or rejecting any finding made by 17675
a designee or court under division (C) (3) of this section. 17676

(2) The certificate constitutes a rebuttable presumption 17677
that the person's criminal convictions are insufficient evidence 17678
that the person is unfit for the license, employment 17679
opportunity, or certification in question. Notwithstanding the 17680
presumption established under this division, the agency may deny 17681
the license or certification for the person if it determines 17682
that the person is unfit for issuance of the license. 17683

(3) If an employer that has hired a person who has been 17684
issued a certificate of qualification for employment applies to 17685
a licensing agency for a license or certification and the person 17686
has a conviction or guilty plea that otherwise would bar the 17687
person's employment with the employer or licensure for the 17688
employer because of a mandatory civil impact, the agency shall 17689
give the person individualized consideration, notwithstanding 17690
the mandatory civil impact, the mandatory civil impact shall be 17691
considered for all purposes to be a discretionary civil impact, 17692
and the certificate constitutes a rebuttable presumption that 17693
the person's criminal convictions are insufficient evidence that 17694
the person is unfit for the employment, or that the employer is 17695
unfit for the license or certification, in question. 17696

(E) A certificate of qualification for employment does not 17697
grant the individual to whom the certificate was issued relief 17698
from the mandatory civil impacts identified in division (A) (1) 17699
of section 2961.01 or division (B) of section 2961.02 of the 17700

Revised Code.	17701
(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following:	17702 17703 17704
(1) The individual's name, date of birth, and social security number;	17705 17706
(2) All aliases of the individual and all social security numbers associated with those aliases;	17707 17708
(3) The individual's residence address, including the city, county, and state of residence and zip code;	17709 17710
(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;	17711 17712 17713
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	17714 17715 17716
(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed <u>or expunged</u> under section 2953.32 <u>or 2953.39</u> of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	17717 17718 17719 17720 17721 17722 17723
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	17724 17725 17726
(8) Verifiable references and endorsements;	17727

(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; 17728
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(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 17731
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(11) Any other information required by rule by the department of rehabilitation and correction. 17733
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(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. 17735
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(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. 17745
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(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 17750
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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 17788
adopt rules in accordance with Chapter 119. of the Revised Code 17789
for the implementation and administration of this section and 17790
shall prescribe the form for the petition to be used under 17791
division (B) (1) or (2) of this section. The form for the 17792
petition shall include places for all of the information 17793
specified in division (F) of this section. 17794

(K) The department of rehabilitation and correction shall 17795
maintain a database that identifies granted certificates and 17796
revoked certificates and tracks the number of certificates 17797
granted and revoked, the industries, occupations, and 17798
professions with respect to which the certificates have been 17799
most applicable, and the types of employers that have accepted 17800
the certificates. The department shall annually create a report 17801
that summarizes the information maintained in the database and 17802
shall make the report available to the public on its internet 17803
web site. 17804

Sec. 2953.31. ~~(A) As used in sections 2953.31 to 2953.36-~~ 17805
~~2953.521~~ of the Revised Code: 17806

~~(A) (1) "Eligible offender" means either of the following:~~ 17807

~~(a) Anyone who has been convicted of one or more offenses~~ 17808
~~in this state or any other jurisdiction, if all of the offenses~~ 17809
~~in this state are felonies of the fourth or fifth degree or~~ 17810
~~misdemeanors and none of those offenses are an offense of~~ 17811
~~violence or a felony sex offense and all of the offenses in~~ 17812
~~another jurisdiction, if committed in this state, would be~~ 17813
~~felonies of the fourth or fifth degree or misdemeanors and none~~ 17814
~~of those offenses would be an offense of violence or a felony~~ 17815
~~sex offense;~~ 17816

~~(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.~~

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~~(2) For purposes of, and except as otherwise provided in, division (A) (1) (b) of this section, a conviction for a minor misdemeanor, for a violation of any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of~~

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~~section 4510.11 or 4510.14 of the Revised Code that is based~~ 17848
~~upon the offender's operation of a vehicle during a suspension~~ 17849
~~imposed under section 4511.191 or 4511.196 of the Revised Code,~~ 17850
~~for a violation of a substantially equivalent municipal~~ 17851
~~ordinance, for a felony violation of Title XLV of the Revised~~ 17852
~~Code, or for a violation of a substantially equivalent former~~ 17853
~~law of this state or former municipal ordinance shall be~~ 17854
~~considered a conviction.~~ 17855

~~(B)~~ (1) "Prosecutor" means the county prosecuting 17856
attorney, city director of law, village solicitor, or similar 17857
chief legal officer, who has the authority to prosecute a 17858
criminal case in the court in which the case is filed. 17859

~~(C)~~ (2) "Bail forfeiture" means the forfeiture of bail by 17860
a defendant who is arrested for the commission of a misdemeanor, 17861
other than a defendant in a traffic case as defined in Traffic 17862
Rule 2, if the forfeiture is pursuant to an agreement with the 17863
court and prosecutor in the case. 17864

~~(D)~~ (3) "Official records" ~~has the same meaning as in~~ 17865
~~division (D) of section 2953.51 of the Revised Code, except that~~ 17866
~~it also includes~~ means all records that are possessed by any 17867
public office or agency that relate to a criminal case, 17868
including, but not limited to: the notation to the case in the 17869
criminal docket; all subpoenas issued in the case; all papers 17870
and documents filed by the defendant or the prosecutor in the 17871
case; all records of all testimony and evidence presented in all 17872
proceedings in the case; all court files, papers, documents, 17873
folders, entries, affidavits, or writs that pertain to the case; 17874
all computer, microfilm, microfiche, or microdot records, 17875
indices, or references to the case; all index references to the 17876
case; all fingerprints and photographs; all DNA specimens, DNA 17877

records, and DNA profiles; all records and investigative reports 17878
pertaining to the case that are possessed by any law enforcement 17879
officer or agency, except that any records or reports that are 17880
the specific investigatory work product of a law enforcement 17881
officer or agency are not and shall not be considered to be 17882
official records when they are in the possession of that officer 17883
or agency; all investigative records and reports other than 17884
those possessed by a law enforcement officer or agency 17885
pertaining to the case; and all records that are possessed by 17886
any public office or agency that relate to an application for, 17887
or the issuance or denial of, a certificate of qualification for 17888
employment under section 2953.25 of the Revised Code. 17889

~~(E)~~ "Official records" does not include any of the 17890
following: 17891

(a) Records or reports maintained pursuant to section 17892
2151.421 of the Revised Code by a public children services 17893
agency or the department of job and family services; 17894

(b) Any report of an investigation maintained by the 17895
inspector general pursuant to section 121.42 of the Revised 17896
Code, to the extent that the report contains information that 17897
pertains to an individual who was convicted of or pleaded guilty 17898
to an offense discovered in or related to the investigation and 17899
whose conviction or guilty plea was not overturned on appeal; 17900

(c) Records, reports, or audits maintained by the auditor 17901
of state pursuant to Chapter 117. of the Revised Code. 17902

(4) "Official proceeding" has the same meaning as in 17903
section 2921.01 of the Revised Code. 17904

~~(F)~~ (5) "Community control sanction" has the same meaning 17905
as in section 2929.01 of the Revised Code. 17906

~~(G)~~ (6) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. 17907
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~~(H)~~ (7) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code. 17910
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~~(I)~~ (8) "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. 17913
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(9) "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. 17917
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(10) "Law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision. 17928
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(11) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 17931
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(12) "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 17933
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violation of that section or of any other section for 17936
victimizing the person. 17937

(13) "No bill" means a report by the foreperson or deputy 17938
foreperson of a grand jury that an indictment is not found by 17939
the grand jury against a person who has been held to answer 17940
before the grand jury for the commission of an offense. 17941

(14) "Court" means the court in which a case is pending at 17942
the time a finding of not guilty in the case or a dismissal of 17943
the complaint, indictment, or information in the case is entered 17944
on the minutes or journal of the court, or the court to which 17945
the foreperson or deputy foreperson of a grand jury reports, 17946
pursuant to section 2939.23 of the Revised Code, that the grand 17947
jury has returned a no bill. 17948

(B) (1) As used in section 2953.32 of the Revised Code, 17949
"expunge" means the expungement process described in section 17950
2953.32 of the Revised Code. 17951

(2) As used in sections 2953.33 to 2953.521 of the Revised 17952
Code, "expunge" means both of the following: 17953

(a) The expungement process described in sections 2953.35, 17954
2953.36, 2953.39, and 2953.521 of the Revised Code; 17955

(b) To destroy, delete, and erase a record as appropriate 17956
for the record's physical or electronic form or characteristic 17957
so that the record is permanently irretrievable. 17958

Sec. 2953.32. ~~(A)(1)~~ (A) Sections 2953.32 to 2953.34 of 17959
the Revised Code do not apply to any of the following: 17960

(1) Convictions under Chapter 4506., 4507., 4510., 4511., 17961
or 4549. of the Revised Code, or a conviction for a violation of 17962
a municipal ordinance that is substantially similar to any 17963

<u>section contained in any of those chapters;</u>	17964
<u>(2) Convictions of a felony offense of violence that is not a sexually oriented offense;</u>	17965
<u>(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;</u>	17966
<u>(4) Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code;</u>	17967
<u>(5) Convictions of a felony of the first or second degree or of more than two felonies of the third degree;</u>	17968
<u>(6) Convictions for a violation of section 2919.25 or 2919.27 of the Revised Code or a conviction for a violation of a municipal ordinance that is substantially similar to either section.</u>	17969
<u>(B) (1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (A) (1) (d) (B) (1) (a) (iii) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed under in division (A) of this section-2953.36 of the Revised Code. Application may be made at one-whichever of the following times is applicable regarding the offense:</u>	17970
<u>(a) At-An application for sealing under this section may be made at whichever of the following times is applicable</u>	17971
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regarding the offense: 17993

(i) Except as otherwise provided in division (B)(1)(a)(iv) 17994
of this section, at the expiration of three years after the 17995
offender's final discharge if convicted of a ~~felony~~ one or two 17996
~~felonies~~ of the third degree, so long as none of the offenses is 17997
a violation of section 2921.43 of the Revised Code; 17998

~~(b) At~~ (ii) Except as otherwise provided in division (B) 17999
(1)(a)(iv) of this section, at the expiration of one year after 18000
the offender's final discharge if convicted of a ~~felony~~ one or 18001
~~more felonies~~ of the fourth or fifth degree or a ~~misdemeanor~~ one 18002
~~or more misdemeanors~~, so long as none of the offenses is a 18003
violation of section 2921.43 of the Revised Code ~~or a felony~~ 18004
~~offense of violence~~; 18005

~~(e)~~ (iii) At the expiration of seven years after the 18006
offender's final discharge if the record includes a ~~conviction~~ 18007
~~one or more convictions~~ of soliciting improper compensation in 18008
violation of section 2921.43 of the Revised Code ~~;~~ 18009

(iv) If the offender was subject to the requirements of 18010
Chapter 2950. of the Revised Code or Chapter 2950. of the 18011
Revised Code as it existed prior to January 1, 2008, at the 18012
expiration of five years after the requirements have ended under 18013
section 2950.07 of the Revised Code or section 2950.07 of the 18014
Revised Code as it existed prior to January 1, 2008, or are 18015
terminated under section 2950.15 or 2950.151 of the Revised 18016
Code; 18017

(v) At the expiration of six months after the offender's 18018
final discharge if convicted of a minor misdemeanor. 18019

(b) An application for expungement under this section may 18020
be made at whichever of the following times is applicable 18021

regarding the offense: 18022

(i) Except as otherwise provided in division (B)(1)(b)(ii) 18023
of this section, if the offense is a misdemeanor, at the 18024
expiration of one year after the offender's final discharge; 18025

(ii) If the offense is a minor misdemeanor, at the 18026
expiration of six months after the offender's final discharge; 18027

(iii) If the offense is a felony, at the expiration of ten 18028
years after the time specified in division (B)(1)(a) of this 18029
section at which the person may file an application for sealing 18030
with respect to that felony offense. 18031

(2) Any person who has been arrested for any misdemeanor 18032
offense and who has effected a bail forfeiture for the offense 18033
charged may apply to the court in which the misdemeanor criminal 18034
case was pending when bail was forfeited for the sealing or 18035
expungement of the record of the case that pertains to the 18036
charge. Except as provided in section 2953.61 of the Revised 18037
Code, the application may be filed at any-whichever of the 18038
following times is applicable regarding the offense: 18039

(a) An application for sealing may be made at any time 18040
after ~~the expiration of one year from~~ the date on which the bail 18041
forfeiture was entered upon the minutes of the court or the 18042
journal, whichever entry occurs first. 18043

(b) An application for expungement may be made at any time 18044
after the expiration of three years from the date on which the 18045
bail forfeiture was entered upon the minutes of the court or the 18046
journal, whichever entry occurs first. 18047

~~(B)~~-(C) Upon the filing of an application under this 18048
section, the court shall set a date for a hearing and shall 18049
notify the prosecutor for the case of the hearing on the 18050

application. The court shall hold the hearing not less than 18051
forty-five days and not more than ninety days from the date of 18052
the filing of the application. The prosecutor may object to the 18053
granting of the application by filing ~~an~~ a written objection 18054
with the court not later than thirty days prior to the date set 18055
for the hearing. The prosecutor shall specify in the objection 18056
the reasons for believing a denial of the application is 18057
justified. The prosecutor shall provide notice of the 18058
application and the date and time of the hearing to the victim 18059
of the offense in the case pursuant to the Ohio Constitution. 18060
The court shall direct its regular probation officer, a state 18061
probation officer, or the department of probation of the county 18062
in which the applicant resides to make inquiries and written 18063
reports as the court requires concerning the applicant. The 18064
probation officer or county department of probation that the 18065
court directs to make inquiries and written reports as the court 18066
requires concerning the applicant shall determine whether or not 18067
the applicant was fingerprinted at the time of arrest or under 18068
section 109.60 of the Revised Code. If the applicant was so 18069
fingerprinted, the probation officer or county department of 18070
probation shall include with the written report a record of the 18071
applicant's fingerprints. If the applicant was convicted of or 18072
pleaded guilty to a violation of division (A) (2) or (B) of 18073
section 2919.21 of the Revised Code, the probation officer or 18074
county department of probation that the court directed to make 18075
inquiries concerning the applicant shall contact the child 18076
support enforcement agency enforcing the applicant's obligations 18077
under the child support order to inquire about the offender's 18078
compliance with the child support order. 18079

~~(C) (1) The~~ (D) (1) At the hearing held under division (C) 18080
of this section, the court shall do each of the following: 18081

(a) Determine whether the applicant is ~~an eligible~~ 18082
~~offender pursuing sealing or expunging a conviction of an~~ 18083
~~offense that is prohibited under division (A) of this section or~~ 18084
whether the forfeiture of bail was agreed to by the applicant 18085
and the prosecutor in the case. ~~If the applicant applies as an~~ 18086
~~eligible offender pursuant to division (A)(1) of this section~~ 18087
~~and has two or three convictions that result from the same~~ 18088
~~indictment, information, or complaint, from the same plea of~~ 18089
~~guilty, or from the same official proceeding, and result from~~ 18090
~~related criminal acts that were committed within a three-month~~ 18091
~~period but do not result from the same act or from offenses~~ 18092
~~committed at the same time, in making its determination under~~ 18093
~~this division, the court initially shall determine whether it is~~ 18094
~~not in the public interest for the two or three convictions to~~ 18095
~~be counted as one conviction. If the court determines that it is~~ 18096
~~not in the public interest for the two or three convictions to~~ 18097
~~be counted as one conviction, the court shall determine that the~~ 18098
~~applicant is not an eligible offender; if the court does not~~ 18099
~~make that determination, the court shall determine that the~~ 18100
~~offender is an eligible offender., and determine whether the~~ 18101
application was made at the time specified in division (B) (1) (a) 18102
or (b) or division (B) (2) (a) or (b) of this section that is 18103
applicable with respect to the application and the subject 18104
offense; 18105

(b) Determine whether criminal proceedings are pending 18106
against the applicant; 18107

(c) ~~If the applicant is an eligible offender who applies~~ 18108
~~pursuant to division (A) (1) of this section, determine~~ Determine 18109
whether the applicant has been rehabilitated to the satisfaction 18110
of the court; 18111

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

(e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;

(f) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records;

~~(f)~~(g) If the applicant ~~is~~was an eligible offender of the type described in division (A) (3) of section 2953.36 of the Revised Code as it existed prior to the effective date of this amendment, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

- (i) The age of the offender;
- (ii) The facts and circumstances of the offense;
- (iii) The cessation or continuation of criminal behavior;
- (iv) The education and employment of the offender;
- (v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division ~~(C)~~(1)~~(D)~~(1) of this section, ~~that the applicant is an eligible offender or the subject of a bail forfeiture,~~ that the offender is not pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or that

the forfeiture of bail was agreed to by the applicant and the 18140
prosecutor in the case, that the application was made at the 18141
time specified in division (B) (1) (a) or (b) or division (B) (2) 18142
(a) or (b) of this section that is applicable with respect to 18143
the application and the subject offense, that no criminal 18144
proceeding is pending against the applicant, that the interests 18145
of the applicant in having the records pertaining to the 18146
applicant's conviction or bail forfeiture sealed or expunged are 18147
not outweighed by any legitimate governmental needs to maintain 18148
those records, and that the rehabilitation of ~~an~~ the applicant 18149
~~who is an eligible offender applying pursuant to division (A) (1)~~ 18150
~~of this section~~ has been attained to the satisfaction of the 18151
court, ~~the~~ both of the following apply: 18152

(a) The court, except as provided in division ~~(C) (4), (G),~~ 18153
~~(H), or (I)~~ (D) (4) or (5) of this section or division (D), (F), 18154
or (G) of section 2953.34 of the Revised Code, shall order all 18155
official records of the case that pertain to the conviction or 18156
bail forfeiture sealed if the application was for sealing or 18157
expunged if the application was for expungement and, except as 18158
provided in division ~~(F)~~ (C) of this section 2953.34 of the 18159
Revised Code, all index references to the case that pertain to 18160
the conviction or bail forfeiture deleted and, in the case of 18161
bail forfeitures, shall dismiss the charges in the case. ~~The~~ 18162

(b) The proceedings in the case that pertain to the 18163
conviction or bail forfeiture shall be considered not to have 18164
occurred and the conviction or bail forfeiture of the person who 18165
is the subject of the proceedings shall be sealed if the 18166
application was for sealing or expunged if the application was 18167
for expungement, except that upon conviction of a subsequent 18168
offense, ~~the~~ a sealed record of prior conviction or bail 18169
forfeiture may be considered by the court in determining the 18170

sentence or other appropriate disposition, including the relief 18171
provided for in sections 2953.31 ~~to 2953.33~~, 2953.32, and 18172
2953.34 of the Revised Code. 18173

(3) An applicant may request the sealing or expungement of 18174
the records of more than one case in a single application under 18175
this section. Upon the filing of an application under this 18176
section, the applicant, unless the applicant presents a poverty 18177
affidavit showing that the applicant is indigent, shall pay a 18178
fee of not more than fifty dollars, including local court fees, 18179
regardless of the number of records the application requests to 18180
have sealed or expunged. ~~The~~ If the applicant pays a fee, the 18181
court shall pay ~~thirty dollars~~ three-fifths of the fee collected 18182
into the state treasury, with ~~fifteen dollars~~ half of that 18183
amount credited to the attorney general reimbursement fund 18184
created by section 109.11 of the Revised Code. ~~It~~ If the 18185
applicant pays a fee, the court shall pay ~~twenty dollars~~ two- 18186
fifths of the fee collected into the county general revenue fund 18187
if the sealed or expunged conviction or bail forfeiture was 18188
pursuant to a state statute, or into the general revenue fund of 18189
the municipal corporation involved if the sealed or expunged 18190
conviction or bail forfeiture was pursuant to a municipal 18191
ordinance. 18192

(4) If the court orders the official records pertaining to 18193
the case sealed or expunged, the court shall do one of the 18194
following: 18195

(a) If the applicant was fingerprinted at the time of 18196
arrest or under section 109.60 of the Revised Code and the 18197
record of the applicant's fingerprints was provided to the court 18198
under division ~~(B)~~ (C) of this section, forward a copy of the 18199
sealing or expungement order and the record of the applicant's 18200

fingerprints to the bureau of criminal identification and 18201
investigation. 18202

(b) If the applicant was not fingerprinted at the time of 18203
arrest or under section 109.60 of the Revised Code, or the 18204
record of the applicant's fingerprints was not provided to the 18205
court under division ~~(B)~~ (C) of this section, but fingerprinting 18206
was required for the offense, order the applicant to appear 18207
before a sheriff to have the applicant's fingerprints taken 18208
according to the fingerprint system of identification on the 18209
forms furnished by the superintendent of the bureau of criminal 18210
identification and investigation. The sheriff shall forward the 18211
applicant's fingerprints to the court. The court shall forward 18212
the applicant's fingerprints and a copy of the sealing or 18213
expungement order to the bureau of criminal identification and 18214
investigation. 18215

Failure of the court to order fingerprints at the time of 18216
sealing or expungement does not constitute a reversible error. 18217

~~(D) Inspection of the sealed records included in the order~~ 18218
~~may be made only by the following persons or for the following~~ 18219
~~purposes:—~~ 18220

~~(1) By a law enforcement officer or prosecutor, or the~~ 18221
~~assistants of either, to determine whether the nature and~~ 18222
~~character of the offense with which a person is to be charged~~ 18223
~~would be affected by virtue of the person's previously having~~ 18224
~~been convicted of a crime;—~~ 18225

~~(2) By the parole or probation officer of the person who~~ 18226
~~is the subject of the records, for the exclusive use of the~~ 18227
~~officer in supervising the person while on parole or under a~~ 18228
~~community control sanction or a post-release control sanction,—~~ 18229

~~and in making inquiries and written reports as requested by the court or adult parole authority;~~ 18230
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~~(3) Upon application by the person who is the subject of the records, by the persons named in the application;~~ 18232
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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;~~ 18234
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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;~~ 18237
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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;~~ 18241
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~~(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;~~ 18246
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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;~~ 18250
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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;~~ 18254
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~~(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B) (1) of that section;~~ 18259
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~~(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;~~ 18265
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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;~~ 18270
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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.~~ 18274
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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.~~ 18279
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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.~~ 18283
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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 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.~~

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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~~

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~~division and sections 3301.121 and 3313.662 of the Revised Code, 18319
any school employee in possession of or having access to the 18320
sealed conviction records of an individual that were the basis 18321
of a permanent exclusion of the individual is subject to section 18322
2953.35 of the Revised Code. 18323~~

~~(H) Notwithstanding any provision of this section or 18324
section 2953.33 of the Revised Code that requires otherwise, if 18325
the auditor of state or a prosecutor maintains records, reports, 18326
or audits of an individual who has been forever disqualified 18327
from holding public office, employment, or position of trust in 18328
this state under sections 2921.41 and 2921.43 of the Revised 18329
Code, or has otherwise been convicted of an offense based upon 18330
the records, reports, or audits of the auditor of state, the 18331
auditor of state or prosecutor is permitted to maintain those 18332
records to the extent they were used as the basis for the 18333
individual's disqualification or conviction, and shall not be 18334
compelled by court order to seal those records. 18335~~

~~(I) For purposes of sections 2953.31 to 2953.36 of the 18336
Revised Code, DNA records collected in the DNA database and 18337
fingerprints filed for record by the superintendent of the 18338
bureau of criminal identification and investigation shall not be 18339
sealed unless the superintendent receives a certified copy of a 18340
final court order establishing that the offender's conviction 18341
has been overturned. For purposes of this section, a court order 18342
is not "final" if time remains for an appeal or application for 18343
discretionary review with respect to the order. 18344~~

~~(J) The sealing of a record under this section does not 18345
affect the assessment of points under section 4510.036 of the 18346
Revised Code and does not erase points assessed against a person 18347
as a result of the sealed record. 18348~~

(5) Notwithstanding any other provision of the Revised Code to the contrary, when the bureau of criminal identification and investigation receives notice from a court that a conviction has been expunged under this section, the bureau of criminal identification and investigation shall maintain a record of the expunged conviction record for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement. The bureau of criminal identification and investigation shall not be compelled by the court to expunge those records. These records may only be disclosed or provided to law enforcement for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement.

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 dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first.

(2) Any person, against whom a no bill is entered by a grand jury, may apply to the court for an order to seal ~~his~~ 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 expiration of two years after the date on which the foreperson or deputy foreperson of the grand jury reports to the court that the grand jury has reported a no bill.

(3) Any person who is granted by the governor under 18380
division (B) of section 2967.02 of the Revised Code an absolute 18381
and entire pardon, a partial pardon, or a pardon upon conditions 18382
precedent or subsequent may apply to the court for an order to 18383
seal the person's official records in the case in which the 18384
person was convicted of the offense for which any of those types 18385
of pardons are granted. The application may be filed at any time 18386
after an absolute and entire pardon or a partial pardon is 18387
granted or at any time after all of the conditions precedent or 18388
subsequent to the pardon are met. 18389

(B) (1) Upon the filing of an application pursuant to 18390
division (A) of this section, the court shall set a date for a 18391
hearing and shall notify the prosecutor in the case of the 18392
hearing on the application. The court shall hold the hearing not 18393
less than forty-five days and not more than ninety days from the 18394
date of the filing of the application. The prosecutor may object 18395
to the granting of the application by filing ~~an~~ a written 18396
objection with the court not later than thirty days prior to the 18397
date set for the hearing. The prosecutor shall specify in the 18398
objection the reasons the prosecutor believes justify a denial 18399
of the application. 18400

(2) The court shall do each of the following, except as 18401
provided in division (B) (3) of this section: 18402

(a) (i) Determine whether the person was found not guilty 18403
in the case, or the complaint, indictment, or information in the 18404
case was dismissed, or a no bill was returned in the case and a 18405
period of two years or a longer period as required by section 18406
2953.61 of the Revised Code has expired from the date of the 18407
report to the court of that no bill by the foreperson or deputy 18408
foreperson of the grand jury; 18409

(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 records.

(3) If the court determines after complying with division (B)(2)(a) of this section that the person was found not guilty in the case, that the complaint, indictment, or information in the case was dismissed with prejudice, ~~or~~ that the complaint, indictment, or information in the case was dismissed without prejudice and that the relevant statute of limitations has expired, or the individual was granted by the governor an absolute and entire pardon, a partial pardon, or a pardon upon conditions precedent or subsequent that have been met, the court shall issue an order to the superintendent of the bureau of

criminal identification and investigation directing that the 18439
superintendent seal or cause to be sealed the official records 18440
in the case consisting of DNA specimens that are in the 18441
possession of the bureau and all DNA records and DNA profiles. 18442
The determinations and considerations described in divisions (B) 18443
(2) (b), (c), and ~~(d)~~ (e) of this section do not apply with 18444
respect to a determination of the court described in this 18445
division. 18446

(4) The determinations described in this division are 18447
separate from the determination described in division (B) (3) of 18448
this section. If the court determines, after complying with 18449
division (B) (2) of this section, that the person was found not 18450
guilty in the case, that the complaint, indictment, or 18451
information in the case was dismissed, the individual was 18452
granted by the governor an absolute and entire pardon, a partial 18453
pardon, or a pardon upon conditions precedent or subsequent that 18454
have been met, or that a no bill was returned in the case and 18455
that the appropriate period of time has expired from the date of 18456
the report to the court of the no bill by the foreperson or 18457
deputy foreperson of the grand jury; that no criminal 18458
proceedings are pending against the person; and the interests of 18459
the person in having the records pertaining to the case sealed 18460
are not outweighed by any legitimate governmental needs to 18461
maintain such records, or if division (E) (2) (b) of section 18462
4301.69 of the Revised Code applies, in addition to the order 18463
required under division (B) (3) of this section, the court shall 18464
issue an order directing that all official records pertaining to 18465
the case be sealed and that, except as provided in section 18466
~~2953.53~~ 2953.34 of the Revised Code, the proceedings in the case 18467
be deemed not to have occurred. 18468

(5) Any DNA specimens, DNA records, and DNA profiles 18469

ordered to be sealed under this section shall not be sealed if 18470
the person with respect to whom the order applies is otherwise 18471
eligible to have DNA records or a DNA profile in the national 18472
DNA index system. 18473

Sec. 2953.34. (A) Inspection of the sealed records 18474
included in a sealing order may be made only by the following 18475
persons or for the following purposes: 18476

(1) By a law enforcement officer or prosecutor, or the 18477
assistants of either, to determine whether the nature and 18478
character of the offense with which a person is to be charged 18479
would be affected by virtue of the person's previously having 18480
been convicted of a crime; 18481

(2) By the parole or probation officer of the person who 18482
is the subject of the records, for the exclusive use of the 18483
officer in supervising the person while on parole or under a 18484
community control sanction or a post-release control sanction, 18485
and in making inquiries and written reports as requested by the 18486
court or adult parole authority; 18487

(3) Upon application by the person who is the subject of 18488
the records, by the persons named in the application; 18489

(4) By a law enforcement officer who was involved in the 18490
case, for use in the officer's defense of a civil action arising 18491
out of the officer's involvement in that case; 18492

(5) By a prosecuting attorney or the prosecuting 18493
attorney's assistants, to determine a defendant's eligibility to 18494
enter a pre-trial diversion program established pursuant to 18495
section 2935.36 of the Revised Code; 18496

(6) By any law enforcement agency or any authorized 18497
employee of a law enforcement agency or by the department of 18498

rehabilitation and correction or department of youth services as 18499
part of a background investigation of a person who applies for 18500
employment with the agency or with the department; 18501

(7) By any law enforcement agency or any authorized 18502
employee of a law enforcement agency, for the purposes set forth 18503
in, and in the manner provided in, division (I) of section 18504
2953.34 of the Revised Code; 18505

(8) By the bureau of criminal identification and 18506
investigation or any authorized employee of the bureau for the 18507
purpose of providing information to a board or person pursuant 18508
to division (F) or (G) of section 109.57 of the Revised Code; 18509

(9) By the bureau of criminal identification and 18510
investigation or any authorized employee of the bureau for the 18511
purpose of performing a criminal history records check on a 18512
person to whom a certificate as prescribed in section 109.77 of 18513
the Revised Code is to be awarded; 18514

(10) By the bureau of criminal identification and 18515
investigation or any authorized employee of the bureau for the 18516
purpose of conducting a criminal records check of an individual 18517
pursuant to division (B) of section 109.572 of the Revised Code 18518
that was requested pursuant to any of the sections identified in 18519
division (B) (1) of that section; 18520

(11) By the bureau of criminal identification and 18521
investigation, an authorized employee of the bureau, a sheriff, 18522
or an authorized employee of a sheriff in connection with a 18523
criminal records check described in section 311.41 of the 18524
Revised Code; 18525

(12) By the attorney general or an authorized employee of 18526
the attorney general or a court for purposes of determining a 18527

person's classification pursuant to Chapter 2950. of the Revised 18528
Code; 18529

(13) By a court, the registrar of motor vehicles, a 18530
prosecuting attorney or the prosecuting attorney's assistants, 18531
or a law enforcement officer for the purpose of assessing points 18532
against a person under section 4510.036 of the Revised Code or 18533
for taking action with regard to points assessed. 18534

When the nature and character of the offense with which a 18535
person is to be charged would be affected by the information, it 18536
may be used for the purpose of charging the person with an 18537
offense. 18538

(B) In any criminal proceeding, proof of any otherwise 18539
admissible prior conviction may be introduced and proved, 18540
notwithstanding the fact that for any such prior conviction an 18541
order of sealing or expungement previously was issued pursuant 18542
to sections 2953.31 to 2953.34 of the Revised Code. 18543

(C) The person or governmental agency, office, or 18544
department that maintains sealed records pertaining to 18545
convictions or bail forfeitures that have been sealed pursuant 18546
to section 2953.32 of the Revised Code may maintain a manual or 18547
computerized index to the sealed records. The index shall 18548
contain only the name of, and alphanumeric identifiers that 18549
relate to, the persons who are the subject of the sealed 18550
records, the word "sealed," and the name of the person, agency, 18551
office, or department that has custody of the sealed records, 18552
and shall not contain the name of the crime committed. The index 18553
shall be made available by the person who has custody of the 18554
sealed records only for the purposes set forth in divisions (A), 18555
(B), and (D) of this section. 18556

(D) Notwithstanding any provision of this section or 18557
section 2953.32 of the Revised Code that requires otherwise, a 18558
board of education of a city, local, exempted village, or joint 18559
vocational school district that maintains records of an 18560
individual who has been permanently excluded under sections 18561
3301.121 and 3313.662 of the Revised Code is permitted to 18562
maintain records regarding a conviction that was used as the 18563
basis for the individual's permanent exclusion, regardless of a 18564
court order to seal or expunge the record. An order issued under 18565
this section to seal or expunge the record of a conviction does 18566
not revoke the adjudication order of the superintendent of 18567
public instruction to permanently exclude the individual who is 18568
the subject of the sealing or expungement order. An order issued 18569
under this section to seal or expunge the record of a conviction 18570
of an individual may be presented to a district superintendent 18571
as evidence to support the contention that the superintendent 18572
should recommend that the permanent exclusion of the individual 18573
who is the subject of the sealing or expungement order be 18574
revoked. Except as otherwise authorized by this division and 18575
sections 3301.121 and 3313.662 of the Revised Code, any school 18576
employee in possession of or having access to the sealed or 18577
expunged conviction records of an individual that were the basis 18578
of a permanent exclusion of the individual is subject to 18579
division (J) of this section. 18580

(E) Notwithstanding any provision of this section or 18581
section 2953.32 of the Revised Code that requires otherwise, if 18582
the auditor of state or a prosecutor maintains records, reports, 18583
or audits of an individual who has been forever disqualified 18584
from holding public office, employment, or a position of trust 18585
in this state under sections 2921.41 and 2921.43 of the Revised 18586
Code, or has otherwise been convicted of an offense based upon 18587

the records, reports, or audits of the auditor of state, the 18588
auditor of state or prosecutor is permitted to maintain those 18589
records to the extent they were used as the basis for the 18590
individual's disqualification or conviction, and shall not be 18591
compelled by court order to seal or expunge those records. 18592

(F) For purposes of sections 2953.31 and 2953.34 of the 18593
Revised Code, DNA records collected in the DNA database and 18594
fingerprints filed for record by the superintendent of the 18595
bureau of criminal identification and investigation shall not be 18596
sealed or expunged unless the superintendent receives a 18597
certified copy of a final court order establishing that the 18598
offender's conviction has been overturned. For purposes of this 18599
section, a court order is not "final" if time remains for an 18600
appeal or application for discretionary review with respect to 18601
the order. 18602

(G) The sealing of a record under this section does not 18603
affect the assessment of points under section 4510.036 of the 18604
Revised Code and does not erase points assessed against a person 18605
as a result of the sealed record. 18606

(H) (1) The court shall send notice of any order to seal 18607
official records issued pursuant to division (B)(3) of section 18608
2953.33 of the Revised Code to the bureau of criminal 18609
identification and investigation and shall send notice of any 18610
order issued pursuant to division (B)(4) of that section to any 18611
public office or agency that the court knows or has reason to 18612
believe may have any record of the case, whether or not it is an 18613
official record, that is the subject of the order. 18614

(2) A person whose official records have been sealed 18615
pursuant to an order issued pursuant to section 2953.33 of the 18616
Revised Code may present a copy of that order and a written 18617

request to comply with it, to a public office or agency that has 18618
a record of the case that is the subject of the order. 18619

(3) An order to seal official records issued pursuant to 18620
section 2953.33 of the Revised Code applies to every public 18621
office or agency that has a record of the case that is the 18622
subject of the order, regardless of whether it receives notice 18623
of the hearing on the application for the order to seal the 18624
official records or receives a copy of the order to seal the 18625
official records pursuant to division (H) (1) or (2) of this 18626
section. 18627

(4) Upon receiving a copy of an order to seal official 18628
records pursuant to division (H) (1) or (2) of this section or 18629
upon otherwise becoming aware of an applicable order to seal 18630
official records issued pursuant to section 2953.33 of the 18631
Revised Code, a public office or agency shall comply with the 18632
order and, if applicable, with division (K) of this section, 18633
except that it may maintain a record of the case that is the 18634
subject of the order if the record is maintained for the purpose 18635
of compiling statistical data only and does not contain any 18636
reference to the person who is the subject of the case and the 18637
order. 18638

(5) A public office or agency also may maintain an index 18639
of sealed official records, in a form similar to that for sealed 18640
records of conviction as set forth in division (C) of this 18641
section, access to which may not be afforded to any person other 18642
than the person who has custody of the sealed official records. 18643
The sealed official records to which such an index pertains 18644
shall not be available to any person, except that the official 18645
records of a case that have been sealed may be made available to 18646
the following persons for the following purposes: 18647

(a) To the person who is the subject of the records upon written application, and to any other person named in the application, for any purpose; 18648
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(b) To 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; 18651
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(c) To 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; 18654
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(d) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E) (2) (b) of section 4301.69 of the Revised Code. 18658
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(I) (1) Upon the issuance of an order by a court pursuant to division (D) (2) of section 2953.32 of the Revised Code directing that all official records of a case pertaining to a conviction or bail forfeiture be sealed or expunged or an order by a court pursuant to division (E) of section 2151.358, division (C) (2) of section 2953.35, or division (E) of section 2953.36 of the Revised Code directing that all official records of a case pertaining to a conviction or delinquent child adjudication be expunged; 18662
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(a) Every law enforcement officer who possesses investigatory work product immediately shall deliver that work product to the law enforcement officer's employing law enforcement agency. 18671
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(b) Except as provided in divisions (I) (1) (c) and (d) of this section, every law enforcement agency that possesses 18675
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investigatory work product shall close that work product to all 18677
persons who are not directly employed by the law enforcement 18678
agency and shall treat that work product, in relation to all 18679
persons other than those who are directly employed by the law 18680
enforcement agency, as if it did not exist and never had 18681
existed. 18682

(c) A law enforcement agency that possesses investigatory 18683
work product may permit another law enforcement agency to use 18684
that work product in the investigation of another offense if the 18685
facts incident to the offense being investigated by the other 18686
law enforcement agency and the facts incident to an offense that 18687
is the subject of the case are reasonably similar. The agency 18688
that permits the use of investigatory work product may provide 18689
the other agency with the name of the person who is the subject 18690
of the case if it believes that the name of the person is 18691
necessary to the conduct of the investigation by the other 18692
agency. 18693

(d) The auditor of state may provide to or discuss with 18694
other parties investigatory work product maintained pursuant to 18695
Chapter 117. of the Revised Code by the auditor of state. 18696

(2) (a) Except as provided in divisions (I) (1) (c) and (d) 18697
of this section, no law enforcement officer or other person 18698
employed by a law enforcement agency shall knowingly release, 18699
disseminate, or otherwise make the investigatory work product or 18700
any information contained in that work product available to, or 18701
discuss any information contained in it with, any person not 18702
employed by the employing law enforcement agency. 18703

(b) No law enforcement agency, or person employed by a law 18704
enforcement agency, that receives investigatory work product 18705
pursuant to divisions (I) (1) (c) and (d) of this section shall 18706

use that work product for any purpose other than the 18707
investigation of the offense for which it was obtained from the 18708
other law enforcement agency, or disclose the name of the person 18709
who is the subject of the work product except when necessary for 18710
the conduct of the investigation of the offense, or the 18711
prosecution of the person for committing the offense, for which 18712
it was obtained from the other law enforcement agency. 18713

(3) Whoever violates division (I) (2) (a) or (b) of this 18714
section is guilty of divulging confidential investigatory work 18715
product, a misdemeanor of the fourth degree. 18716

(J) (1) Except as authorized by divisions (A) to (C) of 18717
this section or by Chapter 2950. of the Revised Code and subject 18718
to division (J) (2) of this section, any officer or employee of 18719
the state, or a political subdivision of the state, who releases 18720
or otherwise disseminates or makes available for any purpose 18721
involving employment, bonding, or licensing in connection with 18722
any business, trade, or profession to any person, or to any 18723
department, agency, or other instrumentality of the state, or 18724
any political subdivision of the state, any information or other 18725
data concerning any law enforcement or justice system matter the 18726
records with respect to which the officer or employee had 18727
knowledge of were sealed by an existing order issued pursuant to 18728
section 2953.32 of the Revised Code, division (E) of section 18729
2151.358, section 2953.35, or section 2953.36 of the Revised 18730
Code, or were expunged by an order issued pursuant to section 18731
2953.42 of the Revised Code as it existed prior to June 29, 18732
1988, is guilty of divulging confidential information, a 18733
misdemeanor of the fourth degree. 18734

(2) Division (J) (1) of this section does not apply to an 18735
officer or employee of the state, or a political subdivision of 18736

the state, who releases or otherwise disseminates or makes 18737
available for any purpose specified in that division any 18738
information or other data concerning a law enforcement or 18739
justice system matter the records of which the officer had 18740
knowledge were sealed or expunged by an order of a type 18741
described in that division, if all of the following apply: 18742

(a) The officer or employee released, disseminated, or 18743
made available the information or data from the sealed or 18744
expunged records together with information or data concerning 18745
another law enforcement or justice system matter. 18746

(b) The records of the other law enforcement or justice 18747
system matter were not sealed or expunged by any order of a type 18748
described in division (J) (1) of this section. 18749

(c) The law enforcement or justice system matter covered 18750
by the information or data from the sealed or expunged records 18751
and the other law enforcement or justice system matter covered 18752
by the information or data from the records that were not sealed 18753
or expunged resulted from or were connected to the same act. 18754

(d) The officer or employee made a good faith effort to 18755
not release, disseminate, or make available any information or 18756
other data concerning any law enforcement or justice system 18757
matter from the sealed or expunged records, and the officer or 18758
employee did not release, disseminate, or make available the 18759
information or other data from the sealed or expunged records 18760
with malicious purpose, in bad faith, or in a wanton or reckless 18761
manner. 18762

(3) Any person who, in violation of this section, uses, 18763
disseminates, or otherwise makes available any index prepared 18764
pursuant to division (C) of this section is guilty of a 18765

misdemeanor of the fourth degree. 18766

(K) (1) Except as otherwise provided in Chapter 2950. of 18767
the Revised Code, upon the issuance of an order by a court under 18768
division (B) of section 2953.33 of the Revised Code directing 18769
that all official records pertaining to a case be sealed and 18770
that the proceedings in the case be deemed not to have occurred: 18771

(a) Every law enforcement officer possessing records or 18772
reports pertaining to the case that are the officer's specific 18773
investigatory work product and that are excepted from the 18774
definition of official records shall immediately deliver the 18775
records and reports to the officer's employing law enforcement 18776
agency. Except as provided in division (K) (1) (c) or (d) of this 18777
section, no such officer shall knowingly release, disseminate, 18778
or otherwise make the records and reports or any information 18779
contained in them available to, or discuss any information 18780
contained in them with, any person not employed by the officer's 18781
employing law enforcement agency. 18782

(b) Every law enforcement agency that possesses records or 18783
reports pertaining to the case that are its specific 18784
investigatory work product and that are excepted from the 18785
definition of official records, or that are the specific 18786
investigatory work product of a law enforcement officer it 18787
employs and that were delivered to it under division (K) (1) (a) 18788
of this section shall, except as provided in division (K) (1) (c) 18789
or (d) of this section, close the records and reports to all 18790
persons who are not directly employed by the law enforcement 18791
agency and shall, except as provided in division (K) (1) (c) or 18792
(d) of this section, treat the records and reports, in relation 18793
to all persons other than those who are directly employed by the 18794
law enforcement agency, as if they did not exist and had never 18795

existed. Except as provided in division (K)(1)(c) or (d) of this 18796
section, no person who is employed by the law enforcement agency 18797
shall knowingly release, disseminate, or otherwise make the 18798
records and reports in the possession of the employing law 18799
enforcement agency or any information contained in them 18800
available to, or discuss any information contained in them with, 18801
any person not employed by the employing law enforcement agency. 18802

(c) A law enforcement agency that possesses records or 18803
reports pertaining to the case that are its specific 18804
investigatory work product and that are excepted from the 18805
definition of official records, or that are the specific 18806
investigatory work product of a law enforcement officer it 18807
employs and that were delivered to it under division (K)(1)(a) 18808
of this section may permit another law enforcement agency to use 18809
the records or reports in the investigation of another offense, 18810
if the facts incident to the offense being investigated by the 18811
other law enforcement agency and the facts incident to an 18812
offense that is the subject of the case are reasonably similar. 18813
The agency that provides the records and reports may provide the 18814
other agency with the name of the person who is the subject of 18815
the case, if it believes that the name of the person is 18816
necessary to the conduct of the investigation by the other 18817
agency. 18818

No law enforcement agency, or person employed by a law 18819
enforcement agency, that receives from another law enforcement 18820
agency records or reports pertaining to a case the records of 18821
which have been ordered sealed pursuant to division (B) of 18822
section 2953.33 of the Revised Code shall use the records and 18823
reports for any purpose other than the investigation of the 18824
offense for which they were obtained from the other law 18825
enforcement agency, or disclose the name of the person who is 18826

the subject of the records or reports except when necessary for 18827
the conduct of the investigation of the offense, or the 18828
prosecution of the person for committing the offense, for which 18829
they were obtained from the other law enforcement agency. 18830

(d) The auditor of state may provide to or discuss with 18831
other parties records, reports, or audits maintained by the 18832
auditor of state pursuant to Chapter 117. of the Revised Code 18833
pertaining to the case that are the auditor of state's specific 18834
investigatory work product and that are excepted from the 18835
definition of "official records" contained in division (C) of 18836
section 2953.31 of the Revised Code, or that are the specific 18837
investigatory work product of a law enforcement officer the 18838
auditor of state employs and that were delivered to the auditor 18839
of state under division (K) (1) (a) of this section. 18840

(2) Whoever violates division (K) (1) of this section is 18841
guilty of divulging confidential information, a misdemeanor of 18842
the fourth degree. 18843

(L) (1) In any application for employment, license, or any 18844
other right or privilege, any appearance as a witness, or any 18845
other inquiry, a person may not be questioned with respect to 18846
any record that has been sealed pursuant to section 2953.33 of 18847
the Revised Code. If an inquiry is made in violation of this 18848
division, the person whose official record was sealed may 18849
respond as if the arrest underlying the case to which the sealed 18850
official records pertain and all other proceedings in that case 18851
did not occur, and the person whose official record was sealed 18852
shall not be subject to any adverse action because of the 18853
arrest, the proceedings, or the person's response. 18854

(2) An officer or employee of the state or any of its 18855
political subdivisions who knowingly releases, disseminates, or 18856

makes available for any purpose involving employment, bonding, 18857
licensing, or education to any person or to any department, 18858
agency, or other instrumentality of the state, or of any of its 18859
political subdivisions, any information or other data concerning 18860
any arrest, complaint, indictment, information, trial, 18861
adjudication, or correctional supervision, knowing the records 18862
of which have been sealed pursuant to section 2953.33 of the 18863
Revised Code, is guilty of divulging confidential information, a 18864
misdemeanor of the fourth degree. 18865

(M) It is not a violation of division (I), (J), (K), or 18866
(L) of this section for the bureau of criminal identification 18867
and investigation or any authorized employee of the bureau 18868
participating in the investigation of criminal activity to 18869
release, disseminate, or otherwise make available to, or discuss 18870
with, a person directly employed by a law enforcement agency DNA 18871
records collected in the DNA database or fingerprints filed for 18872
record by the superintendent of the bureau of criminal 18873
identification and investigation. 18874

(N) (1) An order issued under section 2953.35 of the 18875
Revised Code to expunge the record of a person's conviction or, 18876
except as provided in division (D) of this section, an order 18877
issued under that section to seal the record of a person's 18878
conviction restores the person who is the subject of the order 18879
to all rights and privileges not otherwise restored by 18880
termination of the sentence or community control sanction or by 18881
final release on parole or post-release control. 18882

(2) (a) In any application for employment, license, or 18883
other right or privilege, any appearance as a witness, or any 18884
other inquiry, except as provided in division (B) of this 18885
section and in section 3319.292 of the Revised Code and subject 18886

to division (N) (2) (c) of this section, a person may be 18887
questioned only with respect to convictions not sealed, bail 18888
forfeitures not expunged under section 2953.42 of the Revised 18889
Code as it existed prior to June 29, 1988, and bail forfeitures 18890
not sealed, unless the question bears a direct and substantial 18891
relationship to the position for which the person is being 18892
considered. 18893

(b) In any application for a certificate of qualification 18894
for employment under section 2953.25 of the Revised Code, a 18895
person may be questioned only with respect to convictions not 18896
sealed and bail forfeitures not sealed. 18897

(c) A person may not be questioned in any application, 18898
appearance, or inquiry of a type described in division (N) (2) (a) 18899
of this section with respect to any conviction expunged under 18900
section 2953.35 of the Revised Code. 18901

(O) Nothing in ~~sections 2953.31 to 2953.33~~ section 2953.32 18902
or 2953.34 of the Revised Code precludes an ~~eligible~~ offender 18903
from taking an appeal or seeking any relief from the ~~eligible~~ 18904
offender's conviction or from relying on it in lieu of any 18905
subsequent prosecution for the same offense. 18906

Sec. ~~2953.37~~ 2953.35. (A) ~~As used in this section:~~ 18907

~~(1) "Expunge" means to destroy, delete, and erase a record~~ 18908
~~as appropriate for the record's physical or electronic form or~~ 18909
~~characteristic so that the record is permanently irretrievable.~~ 18910

~~(2) "Official records" has the same meaning as in section~~ 18911
~~2953.51 of the Revised Code.~~ 18912

~~(3) "Prosecutor" has the same meaning as in section~~ 18913
~~2953.31 of the Revised Code.~~ 18914

~~(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.~~ 18915
18916

~~(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 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:~~ 18917
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(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 18943
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occurred or the plea of guilty was entered; 18946

(2) Include evidence that the offense was a violation of 18947
division (B), (C), or (E) of section 2923.16 of the Revised Code 18948
as the division existed prior to September 30, 2011, or was a 18949
violation of division (B) (1) of section 2923.12 of the Revised 18950
Code or of division (E) (1) or (2) of section 2923.16 of the 18951
Revised Code as the particular division existed prior to ~~the~~ 18952
~~effective date of this amendment June 13, 2022,~~ and that the 18953
applicant is authorized by division (H) (2) (a) of section 2923.16 18954
or division (E) (2) of section 2923.12 of the Revised Code, 18955
whichever is applicable, to file an application under this 18956
section; 18957

(3) Include a request for expungement of the record of 18958
conviction of that offense under this section. 18959

~~(C)~~(B) Upon the filing of an application under division 18960
~~(B)~~(A) of this section and the payment of the fee described in 18961
division ~~(D)~~~~(3)~~(C) (3) of this section if applicable, the court 18962
shall set a date for a hearing and shall notify the prosecutor 18963
for the case of the hearing on the application. The prosecutor 18964
may object to the granting of the application by filing an 18965
objection with the court prior to the date set for the hearing. 18966
The prosecutor shall specify in the objection the reasons for 18967
believing a denial of the application is justified. The court 18968
shall direct its regular probation officer, a state probation 18969
officer, or the department of probation of the county in which 18970
the applicant resides to make inquiries and written reports as 18971
the court requires concerning the applicant. The court shall 18972
hold the hearing scheduled under this division. 18973

~~(D)~~~~(1)~~(C) (1) At the hearing held under division ~~(C)~~(B) of 18974
this section, the court shall do each of the following: 18975

(a) Determine whether the applicant has been convicted of 18976
or pleaded guilty to a violation of division (E) of section 18977
2923.16 of the Revised Code as the division existed prior to 18978
September 30, 2011, and whether the conduct that was the basis 18979
of the violation no longer would be a violation of that division 18980
on or after September 30, 2011; 18981

(b) Determine whether the applicant has been convicted of 18982
or pleaded guilty to a violation of division (B) or (C) of 18983
section 2923.16 of the Revised Code as the division existed 18984
prior to September 30, 2011, and whether the conduct that was 18985
the basis of the violation no longer would be a violation of 18986
that division on or after September 30, 2011, due to the 18987
application of division (F) (5) of that section as it exists on 18988
and after September 30, 2011; 18989

(c) Determine whether the applicant has been convicted of 18990
or pleaded guilty to a violation of division (B) (1) of section 18991
2923.12 of the Revised Code or of division (E) (1) or (2) of 18992
section 2923.16 of the Revised Code as the particular division 18993
existed prior to ~~the effective date of this amendment~~ June 13, 18994
2022; 18995

(d) If the prosecutor has filed an objection in accordance 18996
with division ~~(C)~~ (B) of this section, consider the reasons 18997
against granting the application specified by the prosecutor in 18998
the objection; 18999

(e) Weigh the interests of the applicant in having the 19000
records pertaining to the applicant's conviction or guilty plea 19001
expunged against the legitimate needs, if any, of the government 19002
to maintain those records. 19003

(2) (a) The court may order the expungement of all official 19004

records pertaining to the case and the deletion of all index 19005
references to the case and, if it does order the expungement, 19006
shall send notice of the order to each public office or agency 19007
that the court has reason to believe may have an official record 19008
pertaining to the case if the court, after complying with 19009
division ~~(D) (1)~~ (C) (1) of this section, determines both of the 19010
following: 19011

(i) That the applicant has been convicted of or pleaded 19012
guilty to a violation of division (E) of section 2923.16 of the 19013
Revised Code as it existed prior to September 30, 2011, and the 19014
conduct that was the basis of the violation no longer would be a 19015
violation of that division on or after September 30, 2011; that 19016
the applicant has been convicted of or pleaded guilty to a 19017
violation of division (B) or (C) of section 2923.16 of the 19018
Revised Code as the division existed prior to September 30, 19019
2011, and the conduct that was the basis of the violation no 19020
longer would be a violation of that division on or after 19021
September 30, 2011, due to the application of division (F) (5) of 19022
that section as it exists on and after September 30, 2011; or 19023
that the applicant has been convicted of or pleaded guilty to a 19024
violation of division (B) (1) of section 2923.12 of the Revised 19025
Code or of division (E) (1) or (2) of section 2923.16 of the 19026
Revised Code as the particular division existed prior to ~~the~~ 19027
~~effective date of this amendment~~ June 13, 2022; 19028

(ii) That the interests of the applicant in having the 19029
records pertaining to the applicant's conviction or guilty plea 19030
expunged are not outweighed by any legitimate needs of the 19031
government to maintain those records. 19032

(b) The proceedings in the case that is the subject of an 19033
order issued under division ~~(D) (2) (a)~~ (C) (2) (a) of this section 19034

shall be considered not to have occurred and the conviction or 19035
guilty plea of the person who is the subject of the proceedings 19036
shall be expunged. The record of the conviction shall not be 19037
used for any purpose, including, but not limited to, a criminal 19038
records check under section 109.572 of the Revised Code or a 19039
determination under section 2923.125 or 2923.1213 of the Revised 19040
Code of eligibility for a concealed handgun license. The 19041
applicant may, and the court shall, reply that no record exists 19042
with respect to the applicant upon any inquiry into the matter. 19043

(3) Upon the filing of an application under this section, 19044
the applicant, unless indigent, shall pay a fee of fifty 19045
dollars. The court shall pay thirty dollars of the fee into the 19046
state treasury and shall pay twenty dollars of the fee into the 19047
county general revenue fund. 19048

Sec. ~~2953.38~~ 2953.36. (A) ~~As used in this section:~~ 19049

~~(1) "Expunge" means to destroy, delete, or erase a record~~ 19050
~~as appropriate for the record's physical or electronic form or~~ 19051
~~characteristic so that the record is permanently irretrievable.~~ 19052

~~(2) "Prosecutor" has the same meaning as in section~~ 19053
~~2953.31 of the Revised Code.~~ 19054

~~(3) "Record of conviction" means any record related to a~~ 19055
~~conviction of or plea of guilty to an offense.~~ 19056

~~(4) "Victim of human trafficking" means a person who is or~~ 19057
~~was a victim of a violation of section 2905.32 of the Revised~~ 19058
~~Code, regardless of whether anyone has been convicted of a~~ 19059
~~violation of that section or of any other section for~~ 19060
~~victimizing the person.~~ 19061

~~(B)~~ Any person who is or was convicted of a violation of 19062
section 2907.24, 2907.241, or 2907.25 of the Revised Code may 19063

apply to the sentencing court for the expungement of the record 19064
of conviction of any offense, other than a record of conviction 19065
of a violation of section 2903.01, 2903.02, or 2907.02 of the 19066
Revised Code, the person's participation in which was a result 19067
of the person having been a victim of human trafficking. The 19068
person may file the application at any time. The application may 19069
request an order to expunge the record of conviction for more 19070
than one offense, but if it does, the court shall consider the 19071
request for each offense separately as if a separate application 19072
had been made for each offense and all references in divisions 19073
~~(B)~~(A) to ~~(H)~~(G) of this section to "the offense" or "that 19074
offense" mean each of those offenses that are the subject of the 19075
application. The application shall do all of the following: 19076

(1) Identify the applicant, the offense for which the 19077
expungement is sought, the date of the conviction of that 19078
offense, and the court in which the conviction occurred; 19079

(2) Describe the evidence and provide copies of any 19080
documentation showing that the person is entitled to relief 19081
under this section; 19082

(3) Include a request for expungement of the record of 19083
conviction of that offense under this section. 19084

~~(C)~~(B) The court may deny an application made under 19085
division ~~(B)~~(A) of this section if it finds that the 19086
application fails to assert grounds on which relief may be 19087
granted. 19088

~~(D)~~(C) If the court does not deny an application under 19089
division ~~(C)~~(B) of this section, it shall set a date for a 19090
hearing and shall notify the prosecutor for the case from which 19091
the record of conviction resulted of the hearing on the 19092

application. The prosecutor may object to the granting of the 19093
application by filing an objection with the court prior to the 19094
date set for the hearing. The prosecutor shall specify in the 19095
objection the reasons for believing a denial of the application 19096
is justified. The court may direct its regular probation 19097
officer, a state probation officer, or the department of 19098
probation of the county in which the applicant resides to make 19099
inquiries and written reports as the court requires concerning 19100
the applicant. 19101

~~(E) (1)~~ (D) (1) At the hearing held under division ~~(D)~~ (C) 19102
of this section, the court shall do both of the following: 19103

(a) If the prosecutor has filed an objection, consider the 19104
reasons against granting the application specified by the 19105
prosecutor in the objection; 19106

(b) Determine whether the applicant has demonstrated by a 19107
preponderance of the evidence that the applicant's participation 19108
in the offense that is the subject of the application was a 19109
result of the applicant having been a victim of human 19110
trafficking. 19111

(2) If the court at the hearing held under division ~~(D)~~ 19112
(C) of this section determines that the applicant's 19113
participation in the offense that is the subject of the 19114
application was a result of the applicant having been a victim 19115
of human trafficking and if that subject offense is a felony of 19116
the first or second degree, the court at the hearing also shall 19117
consider all of the following factors and, upon consideration of 19118
the factors, shall determine whether the interests of the 19119
applicant in having the record of the conviction of that offense 19120
expunged are outweighed by any legitimate needs of the 19121
government to maintain that record of conviction: 19122

(a) The degree of duress under which the applicant acted 19123
in committing the subject offense, including, but not limited 19124
to, the history of the use of force or threatened use of force 19125
against the applicant or another person, whether the applicant's 19126
judgment or control was impaired by the administration to the 19127
applicant of any intoxicant, drug, or controlled substance, and 19128
the threat of withholding from the applicant food, water, or any 19129
drug; 19130

(b) The seriousness of the subject offense; 19131

(c) The relative degree of physical harm done to any 19132
person in the commission of the subject offense; 19133

(d) The length of time that has expired since the 19134
commission of the subject offense; 19135

(e) Whether the prosecutor represents to the court that 19136
criminal proceedings are likely to still be initiated against 19137
the applicant for a felony offense for which the period of 19138
limitations has not expired; 19139

(f) Whether the applicant at the time of the hearing is 19140
subject to supervision as a result of the subject offense. 19141

~~(F)~~ (E) If after a hearing held under division ~~(D)~~ (C) of 19142
this section the court finds that the applicant has demonstrated 19143
by a preponderance of the evidence that the applicant's 19144
participation in the offense that is the subject of the 19145
application was the result of the applicant having been a victim 19146
of human trafficking, and, if the offense that is the subject of 19147
the application is a felony of the first or second degree, after 19148
consideration of the factors required under division ~~(E)~~ (2) ~~(D)~~ 19149
(2) of this section, it finds that the interests of the 19150
applicant in having the record of the conviction of that offense 19151

expunged are not outweighed by any legitimate needs of the 19152
government to maintain that record of conviction, the court 19153
shall grant the application and order that the record of 19154
conviction be expunged. 19155

~~(G)~~~~(1)~~~~(F)~~ (1) The court shall send notice of the order of 19156
expungement issued under division ~~(F)~~~~(E)~~ of this section to 19157
each public office or agency that the court has reason to 19158
believe may have an official record pertaining to the case if 19159
the court, after complying with division ~~(E)~~~~(D)~~ of this 19160
section, determines both of the following: 19161

(a) That the applicant has been convicted of a violation 19162
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 19163

(b) That the interests of the applicant in having the 19164
records pertaining to the applicant's conviction expunged are 19165
not outweighed by any legitimate needs of the government to 19166
maintain those records. 19167

(2) The proceedings in the case that is the subject of an 19168
order of expungement issued under division ~~(F)~~~~(E)~~ of this 19169
section shall be considered not to have occurred and the 19170
conviction of the person who is the subject of the proceedings 19171
shall be expunged. The record of the conviction shall not be 19172
used for any purpose, including, but not limited to, a criminal 19173
records check under section 109.572 of the Revised Code. The 19174
applicant may, and the court shall, reply that no record exists 19175
with respect to the applicant upon any inquiry into the matter. 19176

~~(H)~~~~(G)~~ Upon the filing of an application under this 19177
section, the applicant, unless indigent, shall pay a fee of 19178
fifty dollars. The court shall pay thirty dollars of the fee 19179
into the state treasury and shall pay twenty dollars of the fee 19180

into the county general revenue fund. 19181

Sec. ~~2953.56~~ 2953.37. Violations of sections 2953.31 to 19182
2953.61 of the Revised Code shall not provide the basis to 19183
exclude or suppress any of the following evidence that is 19184
otherwise admissible in a criminal proceeding, delinquent child 19185
proceeding, or other legal proceeding: 19186

(A) DNA records collected in the DNA database; 19187

(B) Fingerprints filed for record by the superintendent of 19188
the bureau of criminal identification and investigation; 19189

(C) Other evidence that was obtained or discovered as the 19190
direct or indirect result of divulging or otherwise using the 19191
records described in divisions (A) and (B) of this section. 19192

Sec. 2953.39. (A) As used in this section: 19193

(1) "Applicant prosecutor" means the prosecutor who 19194
applies under division (B)(1) of this section for the sealing or 19195
expungement of the record of a case that pertains to a 19196
conviction of a person of a low-level controlled substance 19197
offense. 19198

(2) "Low-level controlled substance offense" means a 19199
violation of any provision of Chapter 2925. of the Revised Code 19200
that is a misdemeanor of the fourth degree or a minor 19201
misdemeanor or a violation of an ordinance of a municipal 19202
corporation that is substantially equivalent to a violation of 19203
any provision of Chapter 2925. of the Revised Code and that, if 19204
the violation were to be charged under the provision of Chapter 19205
2925. of the Revised Code, would be a misdemeanor of the fourth 19206
degree or a minor misdemeanor. 19207

(3) "Subject offender" means, regarding an application 19208

filed under division (B)(1) of this section requesting the 19209
sealing or expungement of the record of a case that pertains to 19210
a conviction of a low-level controlled substance offense, the 19211
person who was convicted of the low-level controlled substance 19212
offense for which the application requests the sealing or 19213
expungement. 19214

(B)(1) If a person is or was convicted of a low-level 19215
controlled substance offense, the prosecutor in the case may 19216
apply to the sentencing court for the sealing or expungement of 19217
the record of the case that pertains to the conviction. The 19218
prosecutor may file the application with respect to the offense 19219
that is the subject of the application at any time after the 19220
expiration, with respect to that offense and the subject 19221
offender, of the corresponding period of time specified in 19222
division (B)(1) of section 2953.32 of the Revised Code for 19223
sealing or expungement applications filed by an offender under 19224
that section. 19225

(2) An application under division (B)(1) of this section 19226
may request an order to seal or expunge the record of conviction 19227
for more than one low-level controlled substance offense, but if 19228
it does, the court shall consider the request for each offense 19229
separately as if a separate application had been made for each 19230
offense and all references in divisions (B) to (F) of this 19231
section to "the offense" or "that offense" mean each of those 19232
offenses that are the subject of the application. 19233

(3) Upon the filing of an application under division (B) 19234
(1) of this section, except as otherwise provided in this 19235
division, the applicant prosecutor shall pay a fee of not more 19236
than fifty dollars, including court fees, regardless of the 19237
number of records the application requests to have sealed or 19238

expunged. The court may direct the clerk of the court to waive 19239
some or all of the fee that otherwise would be charged. If the 19240
applicant pays a fee, the court shall pay three-fifths of the 19241
fee collected into the state treasury, with half of that amount 19242
credited to the attorney general reimbursement fund created 19243
under section 109.11 of the Revised Code. If the applicant pays 19244
a fee, the court shall pay two-fifths of the fee collected into 19245
the county general revenue fund if the sealed or expunged 19246
conviction was pursuant to a state statute, or into the general 19247
revenue fund of the municipal corporation involved if the sealed 19248
or expunged conviction was pursuant to a municipal ordinance. 19249

(C) An application filed under division (B)(1) of this 19250
section shall do all of the following: 19251

(1) Identify the subject offender and the applicant 19252
prosecutor, the offense for which the sealing or expungement is 19253
sought, the date of the conviction of that offense, and the 19254
court in which the conviction occurred; 19255

(2) Describe the evidence and provide copies of any 19256
documentation showing that the subject offender is entitled to 19257
relief under this section; 19258

(3) Include a request for sealing or expungement under 19259
this section of the record of the case that pertains to the 19260
conviction of that offense. 19261

(D)(1) Upon the filing of an application under division 19262
(B)(1) of this section, the court shall set a date for a hearing 19263
and shall notify the applicant prosecutor of the date, time, and 19264
location of the hearing. Upon receipt of the notice, the 19265
prosecutor shall do both of the following: 19266

(a) Notify the subject offender of the application, the 19267

date, time, and location of the hearing on the application, and 19268
the offender's right to object to the granting of the 19269
application. The notice shall be provided at the offender's last 19270
known address or through another means of contact. 19271

(b) Notify the victim of the offense, if such a victim 19272
exists, of the application, the date, time, and location of the 19273
hearing on the application, and the victim's right to object to 19274
the granting of the application. The notice shall be provided by 19275
any reasonable means reasonably calculated to provide prompt 19276
actual notice, including regular mail, telephone, and electronic 19277
mail. If the prosecutor attempts to provide notice to a victim 19278
under this division but the attempt is unsuccessful because the 19279
prosecutor is unable to locate the victim, is unable to provide 19280
the notice by the chosen method because the mailing address, 19281
telephone number, or electronic mail address at which to provide 19282
the notice cannot be determined, or the notice is sent by mail 19283
and it is returned, the prosecutor shall make another attempt to 19284
provide the notice to the victim. If the second attempt is 19285
unsuccessful, the prosecutor shall make at least one more 19286
attempt to provide the notice. 19287

(2) The court shall hold the hearing set under division 19288
(D) (1) of this section not less than forty-five days and not 19289
more than ninety days from the date of the filing of the 19290
application. 19291

The subject offender may object to the granting of the 19292
application by filing an objection with the court prior to the 19293
date set for the hearing. The victim of the offense may object 19294
to the granting of the application by filing an objection with 19295
the court prior to the date set for the hearing. The subject 19296
offender or victim shall specify in the objection the reasons 19297

for believing that the application should be denied. 19298

(E) (1) At the hearing held under division (D) of this section, the court shall determine whether the offense that is the subject of the application is a low-level controlled substance offense and whether the amount of time specified in division (B) (1) of this section for the filing of the application has expired. 19299
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(2) If the court at the hearing held under division (D) of this section determines that the offense that is the subject of the application is a low-level controlled substance offense and that the amount of time specified in division (B) (1) of this section for the filing of the application has expired, the court at the hearing also shall do all of the following: 19305
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(a) Determine whether criminal proceedings are pending against the subject offender; 19311
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(b) Determine whether the subject offender has been rehabilitated to the satisfaction of the court; 19313
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(c) If the subject offender objected, consider the reasons against granting the application specified by the offender in the objection; 19315
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(d) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection; 19318
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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. 19321
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(F) (1) If the court determines, after complying with 19325

divisions (E) (1) and (2) of this section, that no criminal 19326
proceeding is pending against the subject offender, that the 19327
interests of the offender in having the records pertaining to 19328
the offender's conviction sealed or expunged are not outweighed 19329
by any legitimate governmental needs to maintain those records, 19330
and that the rehabilitation of the offender has been attained to 19331
the satisfaction of the court, all of the following apply: 19332

(a) The court shall issue orders of the type specified in 19333
division (D) (2) of section 2953.32 of the Revised Code, subject 19334
to the exceptions specified in that division. 19335

(b) The proceedings in the case that pertain to the 19336
conviction shall be considered not to have occurred and the 19337
conviction of the subject offender shall be sealed or expunged, 19338
subject to the exceptions specified in division (D) (2) of 19339
section 2953.32 of the Revised Code. 19340

(c) The court shall notify the subject offender, at the 19341
offender's last known address or through another means of 19342
contact, that the court has issued the order requiring the 19343
sealing or expungement of the official records pertaining to the 19344
case and shall specifically identify the offense and case with 19345
respect to which the order applies. 19346

(2) If the court orders the official records pertaining to 19347
the case sealed or expunged under division (F) (1) of this 19348
section, the court shall comply with division (D) (4) (a) or (b) 19349
of section 2953.32 of the Revised Code, whichever is applicable. 19350

(3) All provisions of section 2953.34 of the Revised Code 19351
that apply with respect to an order to seal or expunge official 19352
records that is issued under section 2953.32 of the Revised 19353
Code, or that apply with respect to the official records to be 19354

sealed or expunged under such an order, apply with respect to an 19355
order to seal or expunge official records that is issued under 19356
division (F) (1) of this section and to the official records to 19357
be sealed or expunged under such an order. 19358

(G) A record that is expunged pursuant to an order issued 19359
under division (F) (1) of this section shall be destroyed, 19360
deleted, and erased, as appropriate for the record's physical or 19361
electronic form or characteristic, so that the record is 19362
permanently irretrievable. 19363

(H) The provisions of this section are separate from, and 19364
independent of, the provisions of sections 2953.35 and 2953.36 19365
and, except as otherwise specified in this section, the 19366
provisions of sections 2953.32 and 2953.34 of the Revised Code. 19367

Sec. 2953.521. ~~(A) As used in this section, "expunge" has~~ 19368
~~the same meaning as in section 2953.38 of the Revised Code.~~ 19369

~~(B)~~ Any person who is found not guilty of an offense by a 19370
jury or a court or who is the defendant named in a dismissed 19371
complaint, indictment, or information may apply to the court for 19372
an order to expunge the person's official records in the case if 19373
the complaint, indictment, information, or finding of not guilty 19374
that is the subject of the application was the result of the 19375
applicant having been a victim of human trafficking. The 19376
application may be filed at any time after the finding of not 19377
guilty or the dismissal of the complaint, indictment, or 19378
information is entered upon the minutes of the court or the 19379
journal, whichever entry occurs first. The application may 19380
request an order to expunge official records for more than one 19381
offense, but if it does, the court shall consider the request 19382
for each offense separately as if a separate application had 19383
been made for each offense and all references in divisions ~~(B)~~ 19384

~~(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. 19385
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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. 19388
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~~(D)~~ ~~(C)~~ If the court does not deny an application under division ~~(C)~~ ~~(B)~~ of this section, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. 19392
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~~(E)~~ ~~(D)~~ At the hearing held under division ~~(D)~~ ~~(C)~~ of this section, the court shall do all of the following: 19400
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(1) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the prosecutor in the objection; 19402
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(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; 19405
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(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 19410
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to the offense that was the subject of that complaint, 19414
indictment, or information has expired; 19415

(4) Determine whether any criminal proceedings are pending 19416
against the applicant. 19417

~~(F)(1)~~(E)(1) Subject to division ~~(F)(2)~~(E)(2) of this 19418
section, if the court finds that the applicant has demonstrated 19419
by a preponderance of the evidence that the complaint, 19420
indictment, information, or finding of not guilty that is the 19421
subject of the application was the result of the applicant 19422
having been a victim of human trafficking, the court shall grant 19423
the application and order that the official records be expunged. 19424

(2) The court shall not grant the application and order 19425
that the official records be expunged unless the court 19426
determines that the interests of the applicant in having the 19427
official records pertaining to the complaint, indictment, or 19428
information or finding of not guilty that is the subject of the 19429
application expunged are not outweighed by any legitimate needs 19430
of the government to maintain those records. 19431

~~(G)~~(F) If an expungement is ordered under division ~~(F)~~ 19432
(E) of this section, the court shall send notice of the order of 19433
expungement to each public office or agency that the court has 19434
reason to believe may have an official record pertaining to the 19435
case. 19436

~~(H)~~(G) The proceedings in the case that is the subject of 19437
an order issued under division ~~(F)~~(E) of this section shall be 19438
considered not to have occurred and the official records shall 19439
be expunged. The official records shall not be used for any 19440
purpose, including a criminal records check under section 19441
109.572 of the Revised Code. The applicant may, and the court 19442

shall, reply that no record exists with respect to the applicant 19443
upon any inquiry into the matter. 19444

Sec. 2953.57. (A) A court that enters a judgment that 19445
vacates and sets aside the conviction of a person because of DNA 19446
testing that was performed under sections 2953.71 to 2953.81 of 19447
the Revised Code or under section 2953.82 of the Revised Code 19448
shall issue ninety days after the court vacates and sets aside 19449
the conviction an order directing that all official records 19450
pertaining to the case involving the vacated conviction be 19451
sealed and that the proceedings in the case shall be deemed not 19452
to have occurred. 19453

(B) As used in sections 2953.57 to 2953.60 of the Revised 19454
Code, "official records" has the same meaning as in section 19455
~~2953.51~~2953.31 of the Revised Code. 19456

Sec. 2953.58. (A) The court shall send notice of an order 19457
to seal official records issued pursuant to section 2953.57 of 19458
the Revised Code to any public office or agency that the court 19459
knows or has reason to believe may have any record of the case, 19460
whether or not it is an official record, that is the subject of 19461
the order. The notice shall be sent by certified mail, return 19462
receipt requested. 19463

(B) A person whose official records have been sealed 19464
pursuant to an order issued pursuant to section 2953.57 of the 19465
Revised Code may present a copy of that order and a written 19466
request to comply with it, to a public office or agency that has 19467
a record of the case that is the subject of the order. 19468

(C) An order to seal official records issued pursuant to 19469
section 2953.57 of the Revised Code applies to every public 19470
office or agency that has a record of the case that is the 19471

subject of the order, regardless of whether it receives a copy 19472
of the order to seal the official records pursuant to division 19473
(A) or (B) of this section. 19474

(D) Upon receiving a copy of an order to seal official 19475
records pursuant to division (A) or (B) of this section or upon 19476
otherwise becoming aware of an applicable order to seal official 19477
records issued pursuant to section 2953.57 of the Revised Code, 19478
a public office or agency shall comply with the order and, if 19479
applicable, with the provisions of section 2953.59 of the 19480
Revised Code, except that it may maintain a record of the case 19481
that is the subject of the order if the record is maintained for 19482
the purpose of compiling statistical data only and does not 19483
contain any reference to the person who is the subject of the 19484
case and the order. 19485

A public office or agency also may maintain an index of 19486
sealed official records, in a form similar to that for sealed 19487
records of conviction as set forth in division ~~(F)~~ (C) of 19488
section ~~2953.32-2953.34~~ of the Revised Code, access to which may 19489
not be afforded to any person other than the person who has 19490
custody of the sealed official records. The sealed official 19491
records to which such an index pertains shall not be available 19492
to any person, except that the official records of a case that 19493
have been sealed may be made available to the following persons 19494
for the following purposes: 19495

(1) To the person who is the subject of the records upon 19496
written application, and to any other person named in the 19497
application, for any purpose; 19498

(2) To a law enforcement officer who was involved in the 19499
case, for use in the officer's defense of a civil action arising 19500
out of the officer's involvement in that case. 19501

Sec. 2953.59. (A) Except as otherwise provided in Chapter 19502
2950. of the Revised Code, upon the issuance of an order by a 19503
court under section 2953.57 of the Revised Code directing that 19504
all official records pertaining to a case be sealed and that the 19505
proceedings in the case be deemed not to have occurred: 19506

(1) Every law enforcement officer possessing records or 19507
reports pertaining to the case that are the officer's specific 19508
investigatory work product and that are excepted from the 19509
definition of "official records" contained in section ~~2953.51-~~ 19510
2953.31 of the Revised Code shall immediately deliver the 19511
records and reports to the officer's employing law enforcement 19512
agency. Except as provided in division (A)(3) of this section, 19513
no such officer shall knowingly release, disseminate, or 19514
otherwise make the records and reports or any information 19515
contained in them available to, or discuss any information 19516
contained in them with, any person not employed by the officer's 19517
employing law enforcement agency. 19518

(2) Every law enforcement agency that possesses records or 19519
reports pertaining to the case that are its specific 19520
investigatory work product and that are excepted from the 19521
definition of "official records" contained in section ~~2953.51-~~ 19522
2953.31 of the Revised Code, or that are the specific 19523
investigatory work product of a law enforcement officer it 19524
employs and that were delivered to it under division (A)(1) of 19525
this section shall, except as provided in division (A)(3) of 19526
this section, close the records and reports to all persons who 19527
are not directly employed by the law enforcement agency and 19528
shall, except as provided in division (A)(3) of this section, 19529
treat the records and reports, in relation to all persons other 19530
than those who are directly employed by the law enforcement 19531
agency, as if they did not exist and had never existed. Except 19532

as provided in division (A) (3) of this section, no person who is employed by the law enforcement agency shall knowingly release, disseminate, or otherwise make the records and reports in the possession of the employing law enforcement agency or any information contained in them available to, or discuss any information contained in them with, any person not employed by the employing law enforcement agency.

(3) A law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of "official records" contained in division ~~(D)~~ (C) of section ~~2953.51~~ 2953.31 of the Revised Code, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (A) (1) of this section may permit another law enforcement agency to use the records or reports in the investigation of another offense, if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that is the subject of the case are reasonably similar and if all references to the name or identifying information of the person whose records were sealed are redacted from the records or reports. The agency that provides the records and reports may not provide the other agency with the name of the person who is the subject of the case the records of which were sealed.

(B) Whoever violates division (A) (1), (2), or (3) of this section is guilty of divulging confidential information, a misdemeanor of the fourth degree.

Sec. 2953.61. (A) Except as provided in division (B) (1) of this section, a person charged with two or more offenses as a

result of or in connection with the same act may not apply to 19563
the court pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, or 19564
2953.521 of the Revised Code for the sealing or expungement of 19565
the person's record in relation to any of the charges, and a 19566
prosecutor may not apply to the court pursuant to section 19567
2953.39 of the Revised Code for the sealing or expungement of 19568
the record of a person in relation to any of the charges if the 19569
person was charged with two or more offenses as a result of or 19570
in connection with the same act, when at least one of the 19571
charges has a final disposition that is different from the final 19572
disposition of the other charges until such time as the person, 19573
or prosecutor, would be able to apply to the court and have all 19574
of the records pertaining to all of those charges sealed or 19575
expunged pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, 19576
2953.39, or 2953.521 of the Revised Code. 19577

(B) (1) When a person is charged with two or more offenses 19578
as a result of or in connection with the same act and the final 19579
disposition of one, and only one, of the charges is a conviction 19580
under any section of Chapter 4507., 4510., 4511., or 4549., 19581
other than section 4511.19 or 4511.194 of the Revised Code, or 19582
under a municipal ordinance that is substantially similar to any 19583
section other than section 4511.19 or 4511.194 of the Revised 19584
Code contained in any of those chapters, and if the records 19585
pertaining to all the other charges would be eligible for 19586
sealing or expungement under section ~~2953.52~~ 2953.33, 2953.39, 19587
or 2953.521 of the Revised Code in the absence of that 19588
conviction, the court may order that the records pertaining to 19589
all the charges be sealed or expunged. In such a case, the court 19590
shall not order that only a portion of the records be sealed or 19591
expunged. 19592

(2) Division (B) (1) of this section does not apply if the 19593

person convicted of the offenses currently holds a commercial 19594
driver's license or commercial driver's license temporary 19595
instruction permit. 19596

Sec. 2967.04. (A) A pardon or commutation may be granted 19597
upon such conditions precedent or subsequent as the governor may 19598
impose, which conditions shall be stated in the warrant. Such 19599
pardon or commutation shall not take effect until the conditions 19600
so imposed are accepted by the convict or prisoner so pardoned 19601
or having a sentence commuted, and the convict's or prisoner's 19602
acceptance is indorsed upon the warrant, signed by the prisoner 19603
or convict, and attested by one witness. Such witness shall go 19604
before the clerk of the court of common pleas in whose office 19605
the sentence is recorded and prove the signature of the convict. 19606
The clerk shall thereupon record the warrant, indorsement, and 19607
proof in the journal of the court, which record, or a duly 19608
certified transcript thereof, shall be evidence of such pardon 19609
or commutation, the conditions thereof, and the acceptance of 19610
the conditions. 19611

(B) An unconditional pardon relieves the person to whom it 19612
is granted of all disabilities arising out of the conviction or 19613
convictions from which it is granted. For purposes of this 19614
section, "unconditional pardon" includes a conditional pardon 19615
with respect to which all conditions have been performed or have 19616
transpired. 19617

(C) In the case of an unconditional pardon, the governor 19618
may include as a condition of the pardon that records related to 19619
the conviction be sealed as if the records are related to an 19620
offense that is eligible to be sealed. The governor may issue a 19621
writ for the records related to the pardoned conviction or 19622
convictions to be sealed. However, such a writ shall not seal 19623

the records required to be kept under division (E) of section 19624
107.10 of the Revised Code and shall not have any impact on the 19625
governor's office or on reports required to be made under law. 19626
Other than the records required to be kept under division (E) of 19627
section 107.10 of the Revised Code, no records of the governor's 19628
office related to a pardon that have been sealed under this 19629
division are subject to public inspection unless directed by the 19630
governor. Inspection of the records or disclosure of information 19631
contained in the records may be made pursuant to division ~~(D)~~ 19632
(A) of section ~~2953.32~~-2953.34 of the Revised Code or as the 19633
governor may direct. A disclosure of records sealed under a writ 19634
issued by the governor is not a criminal offense. 19635

Sec. 2967.12. (A) Except as provided in division (G) of 19636
this section, at least sixty days before the adult parole 19637
authority recommends any pardon or commutation of sentence, or 19638
grants any parole, the authority shall provide a notice of the 19639
pendency of the pardon, commutation, or parole, setting forth 19640
the name of the person on whose behalf it is made, the offense 19641
of which the person was convicted or to which the person pleaded 19642
guilty, the time of conviction or the guilty plea, and the term 19643
of the person's sentence, to the prosecuting attorney and the 19644
judge of the court of common pleas of the county in which the 19645
indictment against the person was found. If there is more than 19646
one judge of that court of common pleas, the authority shall 19647
provide the notice to the presiding judge. Upon the request of 19648
the prosecuting attorney or of any law enforcement agency, the 19649
authority shall provide to the requesting prosecuting attorney 19650
and law enforcement agencies an institutional summary report 19651
that covers the subject person's participation while confined in 19652
a state correctional institution in training, work, and other 19653
rehabilitative activities and any disciplinary action taken 19654

against the person while so confined. The department of 19655
rehabilitation and correction may utilize electronic means to 19656
provide this notice. The department of rehabilitation and 19657
correction, at the same time that it provides the notice to the 19658
prosecuting attorney and judge under this division, also shall 19659
post on the database it maintains pursuant to section 5120.66 of 19660
the Revised Code the offender's name and all of the information 19661
specified in division (A) (1) (c) (iii) of that section. 19662

(B) If a request for notification has been made pursuant 19663
to section 2930.16 of the Revised Code or if division (H) of 19664
this section applies, the office of victim services or the adult 19665
parole authority also shall provide notice to the victim or the 19666
victim's representative at least sixty days prior to 19667
recommending any pardon or commutation of sentence for, or 19668
granting any parole to, the person. The notice shall include the 19669
information required by division (A) of this section and may be 19670
provided by telephone or through electronic means. The notice 19671
also shall inform the victim or the victim's representative that 19672
the victim or representative may send a written statement 19673
relative to the victimization and the pending action to the 19674
adult parole authority and that, if the authority receives any 19675
written statement prior to recommending a pardon or commutation 19676
or granting a parole for a person, the authority will consider 19677
the statement before it recommends a pardon or commutation or 19678
grants a parole. If the person is being considered for parole, 19679
the notice shall inform the victim or the victim's 19680
representative that a full board hearing of the parole board may 19681
be held and that the victim or victim's representative may 19682
contact the office of victims' services for further information. 19683
If the person being considered for parole was convicted of or 19684
pleaded guilty to a violation of section 2903.01 or 2903.02 of 19685

the Revised Code, an offense of violence that is a felony of the 19686
first, second, or third degree, or an offense punished by a 19687
sentence of life imprisonment, the notice shall inform the 19688
victim of that offense, the victim's representative, or a member 19689
of the victim's immediate family that the victim, the victim's 19690
representative, and the victim's immediate family have the right 19691
to give testimony at a full board hearing of the parole board 19692
and that the victim or victim's representative may contact the 19693
office of victims' services for further information. 19694

(C) When notice of the pendency of any pardon, commutation 19695
of sentence, or parole has been provided to a judge or 19696
prosecutor or posted on the database as required in division (A) 19697
of this section and a hearing on the pardon, commutation, or 19698
parole is continued to a date certain, the authority shall 19699
provide notice of the further consideration of the pardon, 19700
commutation, or parole at least sixty days before the further 19701
consideration. The notice of the further consideration shall be 19702
provided to the proper judge and prosecuting attorney at least 19703
sixty days before the further consideration, and may be provided 19704
using electronic means, and, if the initial notice was posted on 19705
the database as provided in division (A) of this section, the 19706
notice of the further consideration shall be posted on the 19707
database at least sixty days before the further consideration. 19708
If the prosecuting attorney or a law enforcement agency was 19709
provided a copy of the institutional summary report relative to 19710
the subject person under division (A) of this section, the 19711
authority shall include with the notice of the further 19712
consideration sent to the prosecuting attorney any new 19713
information with respect to the person that relates to 19714
activities and actions of the person that are of a type covered 19715
by the report and shall send to the law enforcement agency a 19716

report that provides notice of the further consideration and 19717
includes any such new information with respect to the person. 19718
When notice of the pendency of any pardon, commutation, or 19719
parole has been given as provided in division (B) of this 19720
section and the hearing on it is continued to a date certain, 19721
the authority shall give notice of the further consideration to 19722
the victim or the victim's representative in accordance with 19723
section 2930.03 of the Revised Code. 19724

(D) In case of an application for the pardon or 19725
commutation of sentence of a person sentenced to capital 19726
punishment, the governor may modify the requirements of 19727
notification and publication if there is not sufficient time for 19728
compliance with the requirements before the date fixed for the 19729
execution of sentence. 19730

(E) If an offender is serving a prison term imposed under 19731
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 19732
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 19733
Code and if the parole board terminates its control over the 19734
offender's service of that term pursuant to section 2971.04 of 19735
the Revised Code, the parole board immediately shall provide 19736
written notice of its termination of control or the transfer of 19737
control to the entities and persons specified in section 2971.04 19738
of the Revised Code. 19739

(F) The failure of the adult parole authority to comply 19740
with the notice or posting provisions of division (A), (B), or 19741
(C) of this section or the failure of the parole board to comply 19742
with the notice provisions of division (E) of this section do 19743
not give any rights or any grounds for appeal or post-conviction 19744
relief to the person serving the sentence. 19745

(G) Divisions (A), (B), and (C) of this section do not 19746

apply to any release of a person that is of the type described 19747
in division (B) (2) (b) of section 5120.031 of the Revised Code. 19748

(H) If a defendant is incarcerated for the commission of 19749
aggravated murder, murder, or an offense of violence that is a 19750
felony of the first, second, or third degree or is under a 19751
sentence of life imprisonment, except as otherwise provided in 19752
this division, the notice described in division (B) of this 19753
section shall be given to the victim or victim's representative 19754
regardless of whether the victim or victim's representative has 19755
made a request for notification. The notice described in 19756
division (B) of this section shall not be given under this 19757
division to a victim or victim's representative if the victim or 19758
victim's representative has requested pursuant to division (B) 19759
(2) of section 2930.03 of the Revised Code that the victim or 19760
the victim's representative not be provided the notice. The 19761
notice described in division (B) of this section does not have 19762
to be given under this division to a victim or victim's 19763
representative if notice was given to the victim or victim's 19764
representative with respect to at least two prior considerations 19765
of pardon, commutation, or parole of a person and the victim or 19766
victim's representative did not provide any written statement 19767
relative to the victimization and the pending action, did not 19768
attend any hearing conducted relative to the pending action, and 19769
did not otherwise respond to the office with respect to the 19770
pending action. Regardless of whether the victim or victim's 19771
representative has requested that the notice described in 19772
division (B) of this section be provided or not be provided, the 19773
office of victim services or adult parole authority shall give 19774
similar notice to the law enforcement agency that arrested the 19775
defendant if any officer of that agency was a victim of the 19776
offense and to any member of the victim's immediate family who 19777

requests notification. If notice is to be given under this 19778
division, the office or authority may give the notice by any 19779
reasonable means, including regular mail, telephone, and 19780
electronic mail, in accordance with division (D)(1) of section 19781
2930.16 of the Revised Code. If the notice is based on an 19782
offense committed prior to ~~the effective date of this amendment~~ 19783
March 22, 2013, the notice to the victim or victim's 19784
representative also shall include the opt-out information 19785
described in division (D)(1) of section 2930.16 of the Revised 19786
Code. The office or authority, in accordance with division (D) 19787
(2) of section 2930.16 of the Revised Code, shall keep a record 19788
of all attempts to provide the notice, and of all notices 19789
provided, under this division. 19790

Division (H) of this section, and the notice-related 19791
provisions of divisions (E)(2) and (K) of section 2929.20, 19792
division (D)(1) of section 2930.16, division (E)(1)(b) of 19793
section 2967.19 as it existed prior to the effective date of 19794
this amendment, division (A)(3)(b) of section 2967.26, division 19795
(D)(1) of section 2967.28, and division (A)(2) of section 19796
5149.101 of the Revised Code enacted in the act in which 19797
division (H) of this section was enacted, shall be known as 19798
"Roberta's Law." 19799

(I) In addition to and independent of the right of a 19800
victim to make a statement as described in division (A) of this 19801
section or pursuant to section 2930.17 of the Revised Code or to 19802
otherwise make a statement, the authority for a judge or 19803
prosecuting attorney to furnish statements and information, make 19804
recommendations, and give testimony as described in division (A) 19805
of this section, the right of a prosecuting attorney, judge, or 19806
victim to give testimony or submit a statement at a full parole 19807
board hearing pursuant to section 5149.101 of the Revised Code, 19808

and any other right or duty of a person to present information 19809
or make a statement, any person may send to the adult parole 19810
authority at any time prior to the authority's recommending a 19811
pardon or commutation or granting a parole for the offender a 19812
written statement relative to the offense and the pending 19813
action. 19814

(J) As used in this section, "victim's immediate family" 19815
means the mother, father, spouse, sibling, or child of the 19816
victim, provided that in no case does "victim's immediate 19817
family" include the offender with respect to whom the notice in 19818
question applies. 19819

Sec. 2967.13. (A) Except as provided in division (G) of 19820
this section or section 2967.132 of the Revised Code, a prisoner 19821
serving a sentence of imprisonment for life for an offense 19822
committed on or after July 1, 1996, is not entitled to any 19823
earned credit under division (A) (2) or (3) of section 2967.193 19824
or 2967.194 of the Revised Code and becomes eligible for parole 19825
as follows: 19826

(1) If a sentence of imprisonment for life was imposed for 19827
the offense of murder, at the expiration of the prisoner's 19828
minimum term; 19829

(2) If a sentence of imprisonment for life with parole 19830
eligibility after serving twenty years of imprisonment was 19831
imposed pursuant to section 2929.022 or 2929.03 of the Revised 19832
Code, after serving a term of twenty years; 19833

(3) If a sentence of imprisonment for life with parole 19834
eligibility after serving twenty-five full years of imprisonment 19835
was imposed pursuant to section 2929.022 or 2929.03 of the 19836
Revised Code, after serving a term of twenty-five full years; 19837

(4) If a sentence of imprisonment for life with parole eligibility after serving thirty full years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of thirty full years;

(5) If a sentence of imprisonment for life was imposed for rape, after serving a term of ten full years' imprisonment;

(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.

(B) Except as provided in division (G) of this section or section 2967.132 of the Revised Code, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1, 1996, consecutively to any other term of imprisonment, becomes eligible for parole after serving twenty years, twenty full years, or thirty full years, as applicable, as to each such sentence of life imprisonment, which shall not be reduced for earned credits under division (A) (2) or (3) of section 2967.193 or 2967.194 of the Revised Code, plus the term or terms of the other sentences consecutively imposed or, if one of the other sentences is another type of life sentence with parole eligibility, the number of years before parole eligibility for that sentence.

(C) Except as provided in division (G) of this section or section 2967.132 of the Revised Code, a prisoner serving

consecutively two or more sentences in which an indefinite term 19868
of imprisonment is imposed becomes eligible for parole upon the 19869
expiration of the aggregate of the minimum terms of the 19870
sentences. 19871

(D) Except as provided in division (G) of this section or 19872
section 2967.132 of the Revised Code, a prisoner serving a term 19873
of imprisonment who is described in division (A) of section 19874
2967.021 of the Revised Code becomes eligible for parole as 19875
described in that division or, if the prisoner is serving a 19876
definite term of imprisonment, shall be released as described in 19877
that division. 19878

(E) Except as provided in section 2967.132 of the Revised 19879
Code, a prisoner serving a sentence of life imprisonment without 19880
parole imposed pursuant to section 2907.02 or section 2929.03 or 19881
2929.06 of the Revised Code is not eligible for parole and shall 19882
be imprisoned until death. 19883

(F) A prisoner serving a stated prison term that is a non- 19884
life felony indefinite prison term shall be released in 19885
accordance with sections 2967.271 and 2967.28 of the Revised 19886
Code. A prisoner serving a stated prison term of any other 19887
nature shall be released in accordance with section 2967.28 of 19888
the Revised Code. 19889

(G) Except as provided in section 2967.132 of the Revised 19890
Code, a prisoner serving a prison term or term of life 19891
imprisonment without parole imposed pursuant to section 2971.03 19892
of the Revised Code never becomes eligible for parole during 19893
that term of imprisonment. 19894

Sec. 2967.131. (A) In addition to any other terms and 19895
conditions of a conditional pardon or parole, of transitional 19896

control, or of another form of authorized release from 19897
confinement in a state correctional institution that is granted 19898
to an individual and that involves the placement of the 19899
individual under the supervision of the adult parole authority, 19900
and in addition to any other sanctions of post-release control 19901
of a felon imposed under section 2967.28 of the Revised Code, 19902
the authority or, in the case of a conditional pardon, the 19903
governor shall include in the terms and conditions of the 19904
conditional pardon, parole, transitional control, or other form 19905
of authorized release or shall include as conditions of the 19906
post-release control the conditions that the individual or felon 19907
not leave the state without permission of the court or the 19908
individual's or felon's parole or probation officer and that the 19909
individual or felon abide by the law during the period of the 19910
individual's or felon's conditional pardon, parole, transitional 19911
control, other form of authorized release, or post-release 19912
control. 19913

(B) (1) The department of rehabilitation and correction, as 19914
a condition of parole or post-release control, may require that 19915
the individual or felon shall not ingest or be injected with a 19916
drug of abuse and shall submit to random drug testing as 19917
provided in divisions (B) (2), (3), and (4) of this section and 19918
that the results of the drug test indicate that the individual 19919
or felon did not ingest or was not injected with a drug of 19920
abuse. 19921

(2) If the adult parole authority has general control and 19922
supervision of an individual or felon who is required to submit 19923
to random drug testing as a condition of parole or post-release 19924
control under division (B) (1) of this section, the authority may 19925
cause the individual or felon to submit to random drug testing 19926
performed by a laboratory or entity that has entered into a 19927

contract with any of the governmental entities or officers 19928
authorized to enter into a contract with that laboratory or 19929
entity under section 341.26, 753.33, or 5120.63 of the Revised 19930
Code. 19931

(3) If no laboratory or entity described in division (B) 19932
(2) of this section has entered into a contract as specified in 19933
that division, the adult parole authority shall cause the 19934
individual or felon to submit to random drug testing performed 19935
by a reputable public laboratory to determine whether the 19936
individual or felon who is the subject of the drug test ingested 19937
or was injected with a drug of abuse. 19938

(4) If a laboratory or entity has entered into a contract 19939
with a governmental entity or officer as specified in division 19940
(B) (2) of this section, the laboratory or entity shall perform 19941
the random drug testing under division (B) (2) of this section in 19942
accordance with the applicable standards that are included in 19943
the terms of that contract. A public laboratory shall perform 19944
the random drug tests under division (B) (3) of this section in 19945
accordance with the standards set forth in the policies and 19946
procedures established by the department of rehabilitation and 19947
correction pursuant to section 5120.63 of the Revised Code. An 19948
individual or felon who is required under division (B) (1) of 19949
this section to submit to random drug testing as a condition of 19950
parole or post-release control and whose test results indicate 19951
that the individual or felon ingested or was injected with a 19952
drug of abuse shall pay the fee for the drug test if the adult 19953
parole authority requires payment of a fee. A laboratory or 19954
entity that performs the random drug testing on a parolee or 19955
releasee under division (B) (2) or (3) of this section shall 19956
transmit the results of the drug test to the adult parole 19957
authority. 19958

~~(C)~~(C) (1) During the period of a conditional pardon or 19959
parole, of transitional control, or of another form of 19960
authorized release from confinement in a state correctional 19961
institution that is granted to an individual and that involves 19962
the placement of the individual under the supervision of the 19963
adult parole authority, and during a period of post-release 19964
control of a felon imposed under section 2967.28 of the Revised 19965
Code, authorized field officers of the authority who are engaged 19966
within the scope of their supervisory duties or responsibilities 19967
may search, with or without a warrant, the person of the 19968
individual or felon, the place of residence of the individual or 19969
felon, and a motor vehicle, another item of tangible or 19970
intangible personal property, or other real property in which 19971
the individual or felon has a right, title, or interest or for 19972
which the individual or felon has the express or implied 19973
permission of a person with a right, title, or interest to use, 19974
occupy, or possess, if ~~the~~any of the following apply: 19975

(a) The field officers have reasonable grounds to believe 19976
that the individual or felon has left the state, is not abiding 19977
by the law, or otherwise is not complying with the terms and 19978
conditions of the individual's or felon's conditional pardon, 19979
parole, transitional control, other form of authorized release, 19980
or post-release control. ~~The~~ 19981

(b) The adult parole authority requires the individual's 19982
or felon's consent to searches as part of the terms and 19983
conditions of the conditional pardon or parole, of the 19984
transitional control, or of the other form of authorized release 19985
from confinement in a state correctional institution that is 19986
granted to a person and that involves the placement of the 19987
person under the supervision of the adult parole authority, and 19988
the individual or felon agreed to those terms and conditions, 19989

provided that this division applies with respect to an 19990
individual only if the individual is a felon. 19991

(c) The individual or felon otherwise provides consent for 19992
the search, provided that this division applies with respect to 19993
an individual only if the individual is a felon. 19994

(2) The adult parole authority shall provide each 19995
individual who is granted a conditional pardon or parole, 19996
transitional control, or another form of authorized release from 19997
confinement in a state correctional institution and each felon 19998
who is under post-release control with a written notice that 19999
informs the individual or felon that authorized field officers 20000
of the authority who are engaged within the scope of their 20001
supervisory duties or responsibilities may conduct ~~those~~the 20002
types of searches described in division (C) (1) of this section 20003
during the period of the conditional pardon, parole, 20004
transitional control, other form of authorized release, or post- 20005
release control if ~~they~~any of the following apply: 20006

(a) The field officers have reasonable grounds to believe 20007
that the individual or felon has left the state, is not abiding 20008
by the law, or otherwise is not complying with the terms and 20009
conditions of the individual's or felon's conditional pardon, 20010
parole, transitional control, other form of authorized release, 20011
or post-release control. 20012

(b) The adult parole authority requires the individual's 20013
or felon's consent to searches as part of the terms and 20014
conditions of the conditional pardon or parole, of transitional 20015
control, or of the other form of authorized release from 20016
confinement in a state correctional institution that is granted 20017
to a person and that involves the placement of the person under 20018
the supervision of the adult parole authority, and the 20019

individual or felon agreed to those terms and conditions, 20020
provided that this division applies with respect to an 20021
individual only if the individual is a felon. 20022

(c) The individual or felon otherwise provides consent for 20023
the search, provided that this division applies with respect to 20024
an individual only if the individual is a felon. 20025

Sec. 2967.132. (A) As used in this section: 20026

(1) "Aggravated homicide offense" means any of the 20027
following that involved the purposeful killing of three or more 20028
persons, when the offender is the principal offender in each 20029
offense: 20030

(a) Aggravated murder; 20031

(b) Any other offense or combination of offenses that 20032
involved the purposeful killing of three or more persons. 20033

(2) "Homicide offense" means a violation of section 20034
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a 20035
violation of section 2903.01 of the Revised Code that is not an 20036
aggravated homicide offense. 20037

(B) This section applies to any prisoner serving a prison 20038
sentence for one or more offenses committed when the prisoner 20039
was under eighteen years of age. Regardless of whether the 20040
prisoner's stated prison term includes mandatory time, this 20041
section shall apply automatically and cannot be limited by the 20042
sentencing court. 20043

(C) Notwithstanding any provision of the Revised Code to 20044
the contrary, and regardless of when the offense or offenses 20045
were committed and when the sentence was imposed, a prisoner who 20046
is serving a prison sentence for an offense other than an 20047

aggravated homicide offense and who was under eighteen years of 20048
age at the time of the offense, or who is serving consecutive 20049
prison sentences for multiple offenses none of which is an 20050
aggravated homicide offense and who was under eighteen years of 20051
age at the time of the offenses, is eligible for parole as 20052
follows: 20053

(1) Except as provided in division (C) (2) or (3) of this 20054
section, the prisoner is eligible for parole after serving 20055
eighteen years in prison. 20056

(2) Except as provided in division (C) (3) or (4) of this 20057
section, if the prisoner is serving a sentence for one or more 20058
homicide offenses, none of which are an aggravated homicide 20059
offense, the prisoner is eligible for parole after serving 20060
twenty-five years in prison. 20061

(3) Except as provided in division (C) (4) of this section, 20062
if the prisoner is serving a sentence for two or more homicide 20063
offenses, none of which are an aggravated homicide offense, and 20064
the offender was the principal offender in two or more of those 20065
offenses, the prisoner is eligible for parole after serving 20066
thirty years in prison. 20067

(4) If the prisoner is serving a sentence for one or more 20068
offenses and the sentence permits parole earlier than the parole 20069
eligibility date specified in division (C) (1), (2), or (3) of 20070
this section, the prisoner is eligible for parole after serving 20071
the period of time in prison that is specified in the sentence. 20072

(D) If the prisoner is serving a sentence for an 20073
aggravated homicide offense, or for a violation of section 20074
2909.24 of the Revised Code when the most serious underlying 20075
specified offense the defendant committed in the violation was 20076

aggravated murder or murder, the prisoner is not eligible for 20077
parole review other than in accordance with the sentence imposed 20078
for the offense. 20079

(E) (1) Once a prisoner is eligible for parole pursuant to 20080
division (C) or (D) of this section, the parole board, within a 20081
reasonable time after the prisoner becomes eligible, shall 20082
conduct a hearing to consider the prisoner's release on parole 20083
under parole supervision. The board shall conduct the hearing in 20084
accordance with Chapters 2930., 2967., and 5149. of the Revised 20085
Code and in accordance with the board's policies and procedures. 20086
Those policies and procedures must permit the prisoner's 20087
privately retained counsel or the state public defender to 20088
appear at the prisoner's hearing to make a statement in support 20089
of the prisoner's release. 20090

(2) The parole board shall ensure that the review process 20091
provides the prisoner a meaningful opportunity to obtain 20092
release. In addition to any other factors the board is required 20093
or authorized to consider by rule or statute, the board shall 20094
consider the following factors as mitigating factors: 20095

(a) The chronological age of the prisoner at the time of 20096
the offense and that age's hallmark features, including 20097
intellectual capacity, immaturity, impetuosity, and a failure to 20098
appreciate risks and consequences; 20099

(b) The family and home environment of the prisoner at the 20100
time of the offense, the prisoner's inability to control the 20101
prisoner's surroundings, a history of trauma regarding the 20102
prisoner, and the prisoner's school and special education 20103
history; 20104

(c) The circumstances of the offense, including the extent 20105

of the prisoner's participation in the conduct and the way 20106
familial and peer pressures may have impacted the prisoner's 20107
conduct; 20108

(d) Whether the prisoner might have been charged and 20109
convicted of a lesser offense if not for the incompetencies 20110
associated with youth such as the prisoner's inability to deal 20111
with police officers and prosecutors during the prisoner's 20112
interrogation or possible plea agreement, or the prisoner's 20113
inability to assist the prisoner's own attorney; 20114

(e) Examples of the prisoner's rehabilitation, including 20115
any subsequent growth or increase in maturity during 20116
imprisonment. 20117

(F) In accordance with section 2967.131 of the Revised 20118
Code, the parole board shall impose appropriate terms and 20119
conditions of release upon each prisoner granted a parole under 20120
this section. 20121

(G) If the parole board denies release on parole pursuant 20122
to this section, the board shall ~~conduct~~ set a time for a 20123
subsequent release review ~~not later than five years after~~ 20124
~~release was denied~~ and hearing in accordance with rules adopted 20125
by the department of rehabilitation and correction in effect at 20126
the time of the denial. 20127

(H) In addition to any notice required by rule or statute, 20128
the parole board shall notify the state public defender, the 20129
victim, and the appropriate prosecuting attorney of a prisoner's 20130
eligibility for review under this section at least sixty days 20131
before the board begins any review or proceedings involving that 20132
prisoner under this section. 20133

~~(I)~~ (I) (1) This section shall apply to determine the parole 20134

eligibility of all prisoners described in this section who 20135
committed an offense prior to, on, or after ~~the effective date~~ 20136
~~of this section~~ April 12, 2021, regardless of when the prisoner 20137
committed or was sentenced for the offense and, for purposes of 20138
this section, a prisoner is "serving" a prison sentence for an 20139
offense if on or after ~~the effective date of this section~~ April 20140
12, 2021, the prisoner is serving a prison sentence for that 20141
offense, regardless of when the sentence was imposed or the 20142
offense was committed. 20143

(2) The provisions of this section do not apply to an 20144
offender who is paroled on an offense committed when the 20145
offender was under eighteen years of age who subsequently 20146
returns to prison for a violation of parole committed as an 20147
adult or for a new felony conviction committed as an adult. 20148

Sec. 2967.193. (A) (1) The provisions of this section shall 20149
apply, until the date that is one year after the effective date 20150
of this amendment, to persons confined in a state correctional 20151
institution or in the substance use disorder treatment program. 20152

(2) Except as provided in division (C) of this section and 20153
subject to the maximum aggregate total specified in division ~~(A)~~ 20154
~~(3)~~ (4) of this section, a person confined in a state 20155
correctional institution or placed in the substance use disorder 20156
treatment program may provisionally earn one day or five days of 20157
credit, based on the category set forth in division (D) (1), (2), 20158
(3), (4), or (5) of this section in which the person is 20159
included, toward satisfaction of the person's stated prison 20160
term, as described in division (F) of this section, for each 20161
completed month during which the person, if confined in a state 20162
correctional institution, productively participates in an 20163
education program, vocational training, employment in prison 20164

industries, treatment for substance abuse, or any other 20165
constructive program developed by the department of 20166
rehabilitation and correction with specific standards for 20167
performance by prisoners or during which the person, if placed 20168
in the substance use disorder treatment program, productively 20169
participates in the program. Except as provided in division (C) 20170
of this section and subject to the maximum aggregate total 20171
specified in division ~~(A)(3)~~ (A)(4) of this section, a person so 20172
confined in a state correctional institution who successfully 20173
completes two programs or activities of that type may, in 20174
addition, provisionally earn up to five days of credit toward 20175
satisfaction of the person's stated prison term, as described in 20176
division (F) of this section, for the successful completion of 20177
the second program or activity. The person shall not be awarded 20178
any provisional days of credit for the successful completion of 20179
the first program or activity or for the successful completion 20180
of any program or activity that is completed after the second 20181
program or activity. At the end of each calendar month in which 20182
a person productively participates in a program or activity 20183
listed in this division or successfully completes a program or 20184
activity listed in this division, the department of 20185
rehabilitation and correction shall determine and record the 20186
total number of days credit that the person provisionally earned 20187
in that calendar month. If the person in a state correctional 20188
institution violates prison rules or the person in the substance 20189
use disorder treatment program violates program or department 20190
rules, the department may deny the person a credit that 20191
otherwise could have been provisionally awarded to the person or 20192
may withdraw one or more credits previously provisionally earned 20193
by the person. Days of credit provisionally earned by a person 20194
shall be finalized and awarded by the department subject to 20195
administrative review by the department of the person's conduct. 20196

~~(2)~~(3) Unless a person is serving a mandatory prison term 20197
or a prison term for an offense of violence or a sexually 20198
oriented offense, and notwithstanding the maximum aggregate 20199
total specified in division ~~(A) (3)~~(A) (4) of this section, a 20200
person who successfully completes any of the following shall 20201
earn ninety days of credit toward satisfaction of the person's 20202
stated prison term or a ten per cent reduction of the person's 20203
stated prison term, whichever is less: 20204

(a) An Ohio high school diploma or Ohio certificate of 20205
high school equivalence certified by the Ohio central school 20206
system; 20207

(b) A therapeutic drug community program; 20208

(c) All three phases of the department of rehabilitation 20209
and correction's intensive outpatient drug treatment program; 20210

(d) A career technical vocational school program; 20211

(e) A college certification program; 20212

(f) The criteria for a certificate of achievement and 20213
employability as specified in division (A) (1) of section 2961.22 20214
of the Revised Code. 20215

~~(3)~~(4) Except for persons described in division ~~(A) (2)~~ 20216
(A) (3) of this section, the aggregate days of credit 20217
provisionally earned by a person for program or activity 20218
participation and program and activity completion under this 20219
section and the aggregate days of credit finally credited to a 20220
person under this section shall not exceed eight per cent of the 20221
total number of days in the person's stated prison term. 20222

(B) The department of rehabilitation and correction shall 20223
adopt rules that specify the programs or activities for which 20224

credit may be earned under this section, the criteria for 20225
determining productive participation in, or completion of, the 20226
programs or activities and the criteria for awarding credit, 20227
including criteria for awarding additional credit for successful 20228
program or activity completion, and the criteria for denying or 20229
withdrawing previously provisionally earned credit as a result 20230
of a violation of prison rules, or program or department rules, 20231
whichever is applicable. 20232

(C) No person confined in a state correctional institution 20233
or placed in a substance use disorder treatment program to whom 20234
any of the following applies shall be awarded any days of credit 20235
under division (A) of this section: 20236

(1) The person is serving a prison term that section 20237
2929.13 or section 2929.14 of the Revised Code specifies cannot 20238
be reduced pursuant to this section or this chapter or is 20239
serving a sentence for which section 2967.13 or division (B) of 20240
section 2929.143 of the Revised Code specifies that the person 20241
is not entitled to any earned credit under this section. 20242

(2) The person is sentenced to death or is serving a 20243
prison term or a term of life imprisonment for aggravated 20244
murder, murder, or a conspiracy or attempt to commit, or 20245
complicity in committing, aggravated murder or murder. 20246

(3) The person is serving a sentence of life imprisonment 20247
without parole imposed pursuant to section 2929.03 or 2929.06 of 20248
the Revised Code, a prison term or a term of life imprisonment 20249
without parole imposed pursuant to section 2971.03 of the 20250
Revised Code, or a sentence for a sexually oriented offense that 20251
was committed on or after September 30, 2011. 20252

(D) This division does not apply to a determination of 20253

whether a person confined in a state correctional institution or 20254
placed in a substance use disorder treatment program may earn 20255
any days of credit under division (A) of this section for 20256
successful completion of a second program or activity. The 20257
determination of whether a person confined in a state 20258
correctional institution may earn one day of credit or five days 20259
of credit under division (A) of this section for each completed 20260
month during which the person productively participates in a 20261
program or activity specified under that division shall be made 20262
in accordance with the following: 20263

(1) The offender may earn one day of credit under division 20264
(A) of this section, except as provided in division (C) of this 20265
section, if the most serious offense for which the offender is 20266
confined is any of the following that is a felony of the first 20267
or second degree: 20268

(a) A violation of division (A) of section 2903.04 or of 20269
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 20270
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 20271
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 20272
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 20273
or 2927.24 of the Revised Code; 20274

(b) A conspiracy or attempt to commit, or complicity in 20275
committing, any other offense for which the maximum penalty is 20276
imprisonment for life or any offense listed in division (D)(1) 20277
(a) of this section. 20278

(2) The offender may earn one day of credit under division 20279
(A) of this section, except as provided in division (C) of this 20280
section, if the offender is serving a stated prison term that 20281
includes a prison term imposed for a sexually oriented offense 20282
that the offender committed prior to September 30, 2011. 20283

(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. 20284
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(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D) (1), (2), and (3) of this section do not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011. 20291
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(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D) (2) nor (3) of this section applies to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011. 20300
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(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations 20310
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and associations that have an interest in the operation of the 20314
corrections system and the earned credits program under this 20315
section as part of its evaluation of the program and in 20316
determining whether to modify the program. 20317

(F) Days of credit awarded under this section shall be 20318
applied toward satisfaction of a person's stated prison term as 20319
follows: 20320

(1) Toward the definite prison term of a prisoner serving 20321
a definite prison term as a stated prison term; 20322

(2) Toward the minimum and maximum terms of a prisoner 20323
serving an indefinite prison term imposed under division (A)(1) 20324
(a) or (2)(a) of section 2929.14 of the Revised Code for a 20325
felony of the first or second degree committed on or after ~~the~~ 20326
~~effective date of this amendment~~ March 22, 2019. 20327

(G) As used in this section: 20328

(1) "Sexually oriented offense" has the same meaning as in 20329
section 2950.01 of the Revised Code. 20330

(2) "Substance use disorder treatment program" means the 20331
substance use disorder treatment program established by the 20332
department of rehabilitation and correction under section 20333
5120.035 of the Revised Code. 20334

Sec. 2967.194. (A)(1) Beginning one year after the 20335
effective date of this section, the provisions of this section 20336
shall apply, in the manner described in division (G) of this 20337
section, to persons confined in a state correctional institution 20338
or in the substance use disorder treatment program. 20339

(2) Except as provided in division (C) of this section and 20340
subject to the maximum aggregate total specified in division (A) 20341

(4) of this section, a person confined in a state correctional 20342
institution or placed in the substance use disorder treatment 20343
program may provisionally earn one day or five days of credit, 20344
based on the category set forth in division (D)(1) or (2) of 20345
this section in which the person is included, toward 20346
satisfaction of the person's stated prison term, as described in 20347
division (F) of this section, for each completed month during 20348
which the person, if confined in a state correctional 20349
institution, productively participates in an education program, 20350
vocational training, employment in prison industries, treatment 20351
for substance abuse, or any other constructive program developed 20352
by the department of rehabilitation and correction with specific 20353
standards for performance by prisoners or during which the 20354
person, if placed in the substance use disorder treatment 20355
program, productively participates in the program. Except as 20356
provided in division (C) of this section and subject to the 20357
maximum aggregate total specified in division (A)(4) of this 20358
section, a person so confined in a state correctional 20359
institution who successfully completes two programs or 20360
activities of that type may, in addition, provisionally earn up 20361
to five days of credit toward satisfaction of the person's 20362
stated prison term, as described in division (F) of this 20363
section, for the successful completion of the second program or 20364
activity. The person shall not be awarded any provisional days 20365
of credit for the successful completion of the first program or 20366
activity or for the successful completion of any program or 20367
activity that is completed after the second program or activity. 20368
At the end of each calendar month in which a person productively 20369
participates in a program or activity listed in this division or 20370
successfully completes a program or activity listed in this 20371
division, the department of rehabilitation and correction shall 20372
determine and record the total number of days credit that the 20373

person provisionally earned in that calendar month. If the 20374
person in a state correctional institution violates prison rules 20375
or the person in the substance use disorder treatment program 20376
violates program or department rules, the department may deny 20377
the person a credit that otherwise could have been provisionally 20378
awarded to the person or may withdraw one or more credits 20379
previously provisionally earned by the person. Days of credit 20380
provisionally earned by a person shall be finalized and awarded 20381
by the department subject to administrative review by the 20382
department of the person's conduct. 20383

(3) Except as provided in division (C) of this section, 20384
unless a person is serving a mandatory prison term or a prison 20385
term for an offense of violence or a sexually oriented offense, 20386
and notwithstanding the maximum aggregate total specified in 20387
division (A) (4) of this section, a person who successfully 20388
completes any diploma, equivalence, program, or criteria 20389
identified in divisions (A) (3) (a) to (g) of this section shall 20390
earn ninety days of credit toward satisfaction of the person's 20391
stated prison term or a ten per cent reduction of the person's 20392
stated prison term, whichever is less, for each such diploma, 20393
equivalence, program, or criteria successfully completed. The 20394
diplomas, equivalences, programs, and criteria for which credit 20395
shall be granted under this division, upon successful 20396
completion, are: 20397

(a) An Ohio high school diploma or Ohio certificate of 20398
high school equivalence certified by the Ohio central school 20399
system; 20400

(b) A therapeutic drug community program; 20401

(c) All three phases of the department of rehabilitation 20402
and correction's intensive outpatient drug treatment program; 20403

<u>(d) A career technical vocational school program;</u>	20404
<u>(e) A college certification program;</u>	20405
<u>(f) The criteria for a certificate of achievement and</u>	20406
<u>employability as specified in division (A) (1) of section 2961.22</u>	20407
<u>of the Revised Code;</u>	20408
<u>(g) Any other constructive program developed by the</u>	20409
<u>department of rehabilitation and correction with specific</u>	20410
<u>standards for performance by prisoners.</u>	20411
<u>(4) Except for persons described in division (A) (3) of</u>	20412
<u>this section, the aggregate days of credit provisionally earned</u>	20413
<u>by a person for program or activity participation and program</u>	20414
<u>and activity completion under this section and the aggregate</u>	20415
<u>days of credit finally credited to a person under this section</u>	20416
<u>shall not exceed fifteen per cent of the total number of days in</u>	20417
<u>the person's stated prison term.</u>	20418
<u>(B) The department of rehabilitation and correction shall</u>	20419
<u>adopt rules that specify the programs or activities for which</u>	20420
<u>credit may be earned under this section, the criteria for</u>	20421
<u>determining productive participation in, or completion of, the</u>	20422
<u>programs or activities and the criteria for awarding credit,</u>	20423
<u>including criteria for awarding additional credit for successful</u>	20424
<u>program or activity completion, and the criteria for denying or</u>	20425
<u>withdrawing previously provisionally earned credit as a result</u>	20426
<u>of a violation of prison rules, or program or department rules,</u>	20427
<u>whichever is applicable.</u>	20428
<u>(C) No person confined in a state correctional institution</u>	20429
<u>or placed in a substance use disorder treatment program to whom</u>	20430
<u>any of the following applies shall be awarded any days of credit</u>	20431
<u>under division (A) (2) or (3) of this section:</u>	20432

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section. 20433
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(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder. 20439
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(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011. 20443
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(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) (2) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) (2) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following: 20449
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(1) The offender may earn one day of credit under division (A) (2) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term 20460
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that includes a prison term imposed for a sexually oriented 20463
offense that the offender committed prior to September 30, 2011. 20464

(2) Except as provided in division (C) of this section, if 20465
division (D)(1) of this section does not apply to the offender, 20466
the offender may earn five days of credit under division (A)(2) 20467
of this section. 20468

(E) The department annually shall seek and consider the 20469
written feedback of the Ohio prosecuting attorneys association, 20470
the Ohio judicial conference, the Ohio public defender, the Ohio 20471
association of criminal defense lawyers, and other organizations 20472
and associations that have an interest in the operation of the 20473
corrections system and the earned credits program under this 20474
section as part of its evaluation of the program and in 20475
determining whether to modify the program. 20476

(F) Days of credit awarded under this section shall be 20477
applied toward satisfaction of a person's stated prison term as 20478
follows: 20479

(1) Toward the definite prison term of a prisoner serving 20480
a definite prison term as a stated prison term; 20481

(2) Toward the minimum and maximum terms of a prisoner 20482
serving an indefinite prison term imposed under division (A)(1) 20483
(a) or (2)(a) of section 2929.14 of the Revised Code for a 20484
felony of the first or second degree committed on or after March 20485
22, 2019. 20486

(G) The provisions of this section apply to persons 20487
confined in a state correctional institution or in the substance 20488
use disorder treatment program on or after the date that is one 20489
year after the effective date of this section, as follows: 20490

(1) Subject to division (G)(2) of this section, the 20491

provisions apply to a person so confined regardless of whether 20492
the person committed the offense for which the person is 20493
confined in the institution or was placed in the program prior 20494
to, on, or after the date that is one year after the effective 20495
date of this section and regardless of whether the person was 20496
convicted of or pleaded guilty to that offense prior to, on, or 20497
after the date that is one year after the effective date of this 20498
section. 20499

(2) The provisions apply to a person so confined only with 20500
respect to the time that the person is so confined on and after 20501
the date that is one year after the effective date of this 20502
section, and the provisions of section 2967.193 of the Revised 20503
Code that were in effect prior to the date that is one year 20504
after the effective date of this section and that applied to the 20505
person prior to that date apply to the person with respect to 20506
the time that the person was so confined prior to the date that 20507
is one year after that effective date. 20508

(H) As used in this section: 20509

(1) "Sexually oriented offense" has the same meaning as in 20510
section 2950.01 of the Revised Code. 20511

(2) "Substance use disorder treatment program" means the 20512
substance use disorder treatment program established by the 20513
department of rehabilitation and correction under section 20514
5120.035 of the Revised Code. 20515

Sec. 2967.26. (A) (1) The department of rehabilitation and 20516
correction, by rule, may establish a transitional control 20517
program for the purpose of closely monitoring a prisoner's 20518
adjustment to community supervision during the final one hundred 20519
eighty days of the prisoner's confinement. If the department 20520

establishes a transitional control program under this division, 20521
the division of parole and community services of the department 20522
of rehabilitation and correction may transfer eligible prisoners 20523
to transitional control status under the program during the 20524
final one hundred eighty days of their confinement and under the 20525
terms and conditions established by the department, shall 20526
provide for the confinement as provided in this division of each 20527
eligible prisoner so transferred, and shall supervise each 20528
eligible prisoner so transferred in one or more community 20529
control sanctions. Each eligible prisoner who is transferred to 20530
transitional control status under the program shall be confined 20531
in a suitable facility that is licensed pursuant to division (C) 20532
of section 2967.14 of the Revised Code, or shall be confined in 20533
a residence the department has approved for this purpose and be 20534
monitored pursuant to an electronic monitoring device, as 20535
defined in section 2929.01 of the Revised Code. If the 20536
department establishes a transitional control program under this 20537
division, the rules establishing the program shall include 20538
criteria that define which prisoners are eligible for the 20539
program, criteria that must be satisfied to be approved as a 20540
residence that may be used for confinement under the program of 20541
a prisoner that is transferred to it and procedures for the 20542
department to approve residences that satisfy those criteria, 20543
and provisions of the type described in division (C) of this 20544
section. At a minimum, the criteria that define which prisoners 20545
are eligible for the program shall provide all of the following: 20546

(a) That a prisoner is eligible for the program if the 20547
prisoner is serving a prison term or term of imprisonment for an 20548
offense committed prior to March 17, 1998, and if, at the time 20549
at which eligibility is being determined, the prisoner would 20550
have been eligible for a furlough under this section as it 20551

existed immediately prior to March 17, 1998, or would have been 20552
eligible for conditional release under former section 2967.23 of 20553
the Revised Code as that section existed immediately prior to 20554
March 17, 1998; 20555

(b) That no prisoner who is serving a mandatory prison 20556
term is eligible for the program until after expiration of the 20557
mandatory term; 20558

(c) That no prisoner who is serving a prison term or term 20559
of life imprisonment without parole imposed pursuant to section 20560
2971.03 of the Revised Code is eligible for the program. 20561

(2) At least sixty days prior to transferring to 20562
transitional control under this section a prisoner who is 20563
serving a definite term of imprisonment or definite prison term 20564
of ~~two years or less~~ than one year for an offense committed on 20565
or after July 1, 1996, or who is serving a minimum term of ~~two~~ 20566
~~years or less~~ than one year under a non-life felony indefinite 20567
prison term, the division of parole and community services of 20568
the department of rehabilitation and correction shall give 20569
notice of the pendency of the transfer to transitional control 20570
to the court of common pleas of the county in which the 20571
indictment against the prisoner was found and of the fact that 20572
the court may disapprove the transfer of the prisoner to 20573
transitional control and shall include the institutional summary 20574
report prepared by the head of the state correctional 20575
institution in which the prisoner is confined. The head of the 20576
state correctional institution in which the prisoner is 20577
confined, upon the request of the division of parole and 20578
community services, shall provide to the division for inclusion 20579
in the notice sent to the court under this division an 20580
institutional summary report on the prisoner's conduct in the 20581

institution and in any institution from which the prisoner may 20582
have been transferred. The institutional summary report shall 20583
cover the prisoner's participation in school, vocational 20584
training, work, treatment, and other rehabilitative activities 20585
and any disciplinary action taken against the prisoner. If the 20586
court disapproves of the transfer of the prisoner to 20587
transitional control, the court shall notify the division of the 20588
disapproval within thirty days after receipt of the notice. If 20589
the court timely disapproves the transfer of the prisoner to 20590
transitional control, the division shall not proceed with the 20591
transfer. If the court does not timely disapprove the transfer 20592
of the prisoner to transitional control, the division may 20593
transfer the prisoner to transitional control. 20594

(3) (a) If the victim of an offense for which a prisoner 20595
was sentenced to a prison term or term of imprisonment has 20596
requested notification under section 2930.16 of the Revised Code 20597
and has provided the department of rehabilitation and correction 20598
with the victim's name and address or if division (A) (3) (b) of 20599
this section applies, the division of parole and community 20600
services, at least sixty days prior to transferring the prisoner 20601
to transitional control pursuant to this section, shall notify 20602
the victim of the pendency of the transfer and of the victim's 20603
right to submit a statement to the division regarding the impact 20604
of the transfer of the prisoner to transitional control. If the 20605
victim subsequently submits a statement of that nature to the 20606
division, the division shall consider the statement in deciding 20607
whether to transfer the prisoner to transitional control. 20608

(b) If a prisoner is incarcerated for the commission of 20609
aggravated murder, murder, or an offense of violence that is a 20610
felony of the first, second, or third degree or under a sentence 20611
of life imprisonment, except as otherwise provided in this 20612

division, the notice described in division (A) (3) (a) of this 20613
section shall be given regardless of whether the victim has 20614
requested the notification. The notice described in division (A) 20615
(3) (a) of this section shall not be given under this division to 20616
a victim if the victim has requested pursuant to division (B) (2) 20617
of section 2930.03 of the Revised Code that the victim not be 20618
provided the notice. If notice is to be provided to a victim 20619
under this division, the authority may give the notice by any 20620
reasonable means, including regular mail, telephone, and 20621
electronic mail, in accordance with division (D) (1) of section 20622
2930.16 of the Revised Code. If the notice is based on an 20623
offense committed prior to March 22, 2013, the notice also shall 20624
include the opt-out information described in division (D) (1) of 20625
section 2930.16 of the Revised Code. The authority, in 20626
accordance with division (D) (2) of section 2930.16 of the 20627
Revised Code, shall keep a record of all attempts to provide the 20628
notice, and of all notices provided, under this division. 20629

Division (A) (3) (b) of this section, and the notice-related 20630
provisions of divisions (E) (2) and (K) of section 2929.20, 20631
division (D) (1) of section 2930.16, division (H) of section 20632
2967.12, division (E) (1) (b) of section 2967.19 as it existed 20633
prior to the effective date of this amendment, division (D) (1) 20634
of section 2967.28, and division (A) (2) of section 5149.101 of 20635
the Revised Code enacted in the act in which division (A) (3) (b) 20636
of this section was enacted, shall be known as "Roberta's Law." 20637

(4) The department of rehabilitation and correction, at 20638
least sixty days prior to transferring a prisoner to 20639
transitional control pursuant to this section, shall post on the 20640
database it maintains pursuant to section 5120.66 of the Revised 20641
Code the prisoner's name and all of the information specified in 20642
division (A) (1) (c) (iv) of that section. In addition to and 20643

independent of the right of a victim to submit a statement as 20644
described in division (A) (3) of this section or to otherwise 20645
make a statement and in addition to and independent of any other 20646
right or duty of a person to present information or make a 20647
statement, any person may send to the division of parole and 20648
community services at any time prior to the division's transfer 20649
of the prisoner to transitional control a written statement 20650
regarding the transfer of the prisoner to transitional control. 20651
In addition to the information, reports, and statements it 20652
considers under divisions (A) (2) and (3) of this section or that 20653
it otherwise considers, the division shall consider each 20654
statement submitted in accordance with this division in deciding 20655
whether to transfer the prisoner to transitional control. 20656

(B) Each prisoner transferred to transitional control 20657
under this section shall be confined in the manner described in 20658
division (A) of this section during any period of time that the 20659
prisoner is not actually working at the prisoner's approved 20660
employment, engaged in a vocational training or another 20661
educational program, engaged in another program designated by 20662
the director, or engaged in other activities approved by the 20663
department. 20664

(C) The department of rehabilitation and correction shall 20665
adopt rules for transferring eligible prisoners to transitional 20666
control, supervising and confining prisoners so transferred, 20667
administering the transitional control program in accordance 20668
with this section, and using the moneys deposited into the 20669
transitional control fund established under division (E) of this 20670
section. 20671

(D) The department of rehabilitation and correction may 20672
adopt rules for the issuance of passes for the limited purposes 20673

described in this division to prisoners who are transferred to 20674
transitional control under this section. If the department 20675
adopts rules of that nature, the rules shall govern the granting 20676
of the passes and shall provide for the supervision of prisoners 20677
who are temporarily released pursuant to one of those passes. 20678
Upon the adoption of rules under this division, the department 20679
may issue passes to prisoners who are transferred to 20680
transitional control status under this section in accordance 20681
with the rules and the provisions of this division. All passes 20682
issued under this division shall be for a maximum of forty-eight 20683
hours and may be issued only for the following purposes: 20684

(1) To visit a relative in imminent danger of death; 20685

(2) To have a private viewing of the body of a deceased 20686
relative; 20687

(3) To visit with family; 20688

(4) To otherwise aid in the rehabilitation of the 20689
prisoner. 20690

(E) The division of parole and community services may 20691
require a prisoner who is transferred to transitional control to 20692
pay to the division the reasonable expenses incurred by the 20693
division in supervising or confining the prisoner while under 20694
transitional control. Inability to pay those reasonable expenses 20695
shall not be grounds for refusing to transfer an otherwise 20696
eligible prisoner to transitional control. Amounts received by 20697
the division of parole and community services under this 20698
division shall be deposited into the transitional control fund, 20699
which is hereby created in the state treasury and which hereby 20700
replaces and succeeds the furlough services fund that formerly 20701
existed in the state treasury. All moneys that remain in the 20702

furlough services fund on March 17, 1998, shall be transferred 20703
on that date to the transitional control fund. The transitional 20704
control fund shall be used solely to pay costs related to the 20705
operation of the transitional control program established under 20706
this section. The director of rehabilitation and correction 20707
shall adopt rules in accordance with section 111.15 of the 20708
Revised Code for the use of the fund. 20709

(F) A prisoner who violates any rule established by the 20710
department of rehabilitation and correction under division (A), 20711
(C), or (D) of this section may be transferred to a state 20712
correctional institution pursuant to rules adopted under 20713
division (A), (C), or (D) of this section, but the prisoner 20714
shall receive credit towards completing the prisoner's sentence 20715
for the time spent under transitional control. 20716

If a prisoner is transferred to transitional control under 20717
this section, upon successful completion of the period of 20718
transitional control, the prisoner may be released on parole or 20719
under post-release control pursuant to section 2967.13 or 20720
2967.28 of the Revised Code and rules adopted by the department 20721
of rehabilitation and correction. If the prisoner is released 20722
under post-release control, the duration of the post-release 20723
control, the type of post-release control sanctions that may be 20724
imposed, the enforcement of the sanctions, and the treatment of 20725
prisoners who violate any sanction applicable to the prisoner 20726
are governed by section 2967.28 of the Revised Code. 20727

Sec. 2967.28. (A) As used in this section: 20728

(1) "Monitored time" means the monitored time sanction 20729
specified in section 2929.17 and defined in section 2929.01 of 20730
the Revised Code. 20731

- (2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 20732
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- (3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony. 20734
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- (4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code. 20736
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- (5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code. 20745
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- (6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 20747
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- (7) "Single validated risk assessment tool" means the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code. 20749
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- (B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison 20753
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terms of a type described in this division, including a term of 20761
any such type that is a risk reduction sentence. If a court 20762
imposes a sentence including a prison term of a type described 20763
in this division on or after July 11, 2006, the failure of a 20764
sentencing court to notify the offender pursuant to division (B) 20765
(2) (d) of section 2929.19 of the Revised Code of this 20766
requirement or to include in the judgment of conviction entered 20767
on the journal a statement that the offender's sentence includes 20768
this requirement does not negate, limit, or otherwise affect the 20769
mandatory period of supervision that is required for the 20770
offender under this division. This division applies with respect 20771
to all prison terms of a type described in this division, 20772
including a non-life felony indefinite prison term. Section 20773
2929.191 of the Revised Code applies if, prior to July 11, 2006, 20774
a court imposed a sentence including a prison term of a type 20775
described in this division and failed to notify the offender 20776
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 20777
Code regarding post-release control or to include in the 20778
judgment of conviction entered on the journal or in the sentence 20779
pursuant to division (D) (1) of section 2929.14 of the Revised 20780
Code a statement regarding post-release control. Unless reduced 20781
by the parole board pursuant to division (D) of this section 20782
when authorized under that division, a period of post-release 20783
control required by this division for an offender shall be of 20784
one of the following periods: 20785

(1) For a felony sex offense, five years; 20786

(2) For a felony of the first degree that is not a felony 20787
sex offense, up to five years, but not less than two years; 20788

(3) For a felony of the second degree that is not a felony 20789
sex offense, up to three years, but not less than eighteen 20790

months; 20791

(4) For a felony of the third degree that is an offense of 20792
violence and is not a felony sex offense, up to three years, but 20793
not less than one year. 20794

(C) Any sentence to a prison term for a felony of the 20795
third, fourth, or fifth degree that is not subject to division 20796
(B) (1) or (4) of this section shall include a requirement that 20797
the offender be subject to a period of post-release control of 20798
up to two years after the offender's release from imprisonment, 20799
if the parole board, in accordance with division (D) of this 20800
section, determines that a period of post-release control is 20801
necessary for that offender. This division applies with respect 20802
to all prison terms of a type described in this division, 20803
including a term of any such type that is a risk reduction 20804
sentence. Section 2929.191 of the Revised Code applies if, prior 20805
to July 11, 2006, a court imposed a sentence including a prison 20806
term of a type described in this division and failed to notify 20807
the offender pursuant to division (B) (2) (e) of section 2929.19 20808
of the Revised Code regarding post-release control or to include 20809
in the judgment of conviction entered on the journal or in the 20810
sentence pursuant to division (D) (2) of section 2929.14 of the 20811
Revised Code a statement regarding post-release control. 20812
Pursuant to an agreement entered into under section 2967.29 of 20813
the Revised Code, a court of common pleas or parole board may 20814
impose sanctions or conditions on an offender who is placed on 20815
post-release control under this division. 20816

(D) (1) Before the prisoner is released from imprisonment, 20817
the parole board or, pursuant to an agreement under section 20818
2967.29 of the Revised Code, the court shall impose on a 20819
prisoner described in division (B) of this section, shall impose 20820

on a prisoner described in division (C) of this section who is 20821
to be released before the expiration of the prisoner's stated 20822
prison term under a risk reduction sentence, may impose on a 20823
prisoner described in division (C) of this section who is not to 20824
be released before the expiration of the prisoner's stated 20825
prison term under a risk reduction sentence, and shall impose on 20826
a prisoner described in division (B)(2)(b) of section 5120.031 20827
or in division (B)(1) of section 5120.032 of the Revised Code, 20828
one or more post-release control sanctions to apply during the 20829
prisoner's period of post-release control. Whenever the board or 20830
court imposes one or more post-release control sanctions on a 20831
prisoner, the board or court, in addition to imposing the 20832
sanctions, also shall include as a condition of the post-release 20833
control that the offender not leave the state without permission 20834
of the court or the offender's parole or probation officer and 20835
that the offender abide by the law. The board or court may 20836
impose any other conditions of release under a post-release 20837
control sanction that the board or court considers appropriate, 20838
and the conditions of release may include any community 20839
residential sanction, community nonresidential sanction, or 20840
financial sanction that the sentencing court was authorized to 20841
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 20842
Revised Code. Prior to the release of a prisoner for whom it 20843
will impose one or more post-release control sanctions under 20844
this division, the parole board or court shall review the 20845
prisoner's criminal history, results from the single validated 20846
risk assessment tool, and the record of the prisoner's conduct 20847
while imprisoned. The parole board or court shall consider any 20848
recommendation regarding post-release control sanctions for the 20849
prisoner made by the office of victims' services. After 20850
considering those materials, the board or court shall determine, 20851
for a prisoner described in division (B) of this section, 20852

division (B) (2) (b) of section 5120.031, or division (B) (1) of 20853
section 5120.032 of the Revised Code and for a prisoner 20854
described in division (C) of this section who is to be released 20855
before the expiration of the prisoner's stated prison term under 20856
a risk reduction sentence, which post-release control sanction 20857
or combination of post-release control sanctions is reasonable 20858
under the circumstances or, for a prisoner described in division 20859
(C) of this section who is not to be released before the 20860
expiration of the prisoner's stated prison term under a risk 20861
reduction sentence, whether a post-release control sanction is 20862
necessary and, if so, which post-release control sanction or 20863
combination of post-release control sanctions is reasonable 20864
under the circumstances. In the case of a prisoner convicted of 20865
a felony of the fourth or fifth degree other than a felony sex 20866
offense, the board or court shall presume that monitored time is 20867
the appropriate post-release control sanction unless the board 20868
or court determines that a more restrictive sanction is 20869
warranted. A post-release control sanction imposed under this 20870
division takes effect upon the prisoner's release from 20871
imprisonment. 20872

Regardless of whether the prisoner was sentenced to the 20873
prison term prior to, on, or after July 11, 2006, prior to the 20874
release of a prisoner for whom it will impose one or more post- 20875
release control sanctions under this division, the parole board 20876
shall notify the prisoner that, if the prisoner violates any 20877
sanction so imposed or any condition of post-release control 20878
described in division (B) of section 2967.131 of the Revised 20879
Code that is imposed on the prisoner, the parole board may 20880
impose a prison term of up to one-half of the stated prison term 20881
originally imposed on the prisoner. 20882

At least thirty days before the prisoner is released from 20883

imprisonment under post-release control, except as otherwise 20884
provided in this paragraph, the department of rehabilitation and 20885
correction shall notify the victim and the victim's immediate 20886
family of the date on which the prisoner will be released, the 20887
period for which the prisoner will be under post-release control 20888
supervision, and the terms and conditions of the prisoner's 20889
post-release control regardless of whether the victim or 20890
victim's immediate family has requested the notification. The 20891
notice described in this paragraph shall not be given to a 20892
victim or victim's immediate family if the victim or the 20893
victim's immediate family has requested pursuant to division (B) 20894
(2) of section 2930.03 of the Revised Code that the notice not 20895
be provided to the victim or the victim's immediate family. At 20896
least thirty days before the prisoner is released from 20897
imprisonment and regardless of whether the victim or victim's 20898
immediate family has requested that the notice described in this 20899
paragraph be provided or not be provided to the victim or the 20900
victim's immediate family, the department also shall provide 20901
notice of that nature to the prosecuting attorney in the case 20902
and the law enforcement agency that arrested the prisoner if any 20903
officer of that agency was a victim of the offense. 20904

If the notice given under the preceding paragraph to the 20905
victim or the victim's immediate family is based on an offense 20906
committed prior to March 22, 2013, and if the department of 20907
rehabilitation and correction has not previously successfully 20908
provided any notice to the victim or the victim's immediate 20909
family under division (B), (C), or (D) of section 2930.16 of the 20910
Revised Code with respect to that offense and the offender who 20911
committed it, the notice also shall inform the victim or the 20912
victim's immediate family that the victim or the victim's 20913
immediate family may request that the victim or the victim's 20914

immediate family not be provided any further notices with 20915
respect to that offense and the offender who committed it and 20916
shall describe the procedure for making that request. The 20917
department may give the notices to which the preceding paragraph 20918
applies by any reasonable means, including regular mail, 20919
telephone, and electronic mail. If the department attempts to 20920
provide notice to any specified person under the preceding 20921
paragraph but the attempt is unsuccessful because the department 20922
is unable to locate the specified person, is unable to provide 20923
the notice by its chosen method because it cannot determine the 20924
mailing address, electronic mail address, or telephone number at 20925
which to provide the notice, or, if the notice is sent by mail, 20926
the notice is returned, the department shall make another 20927
attempt to provide the notice to the specified person. If the 20928
second attempt is unsuccessful, the department shall make at 20929
least one more attempt to provide the notice. If the notice is 20930
based on an offense committed prior to March 22, 2013, in each 20931
attempt to provide the notice to the victim or victim's 20932
immediate family, the notice shall include the opt-out 20933
information described in this paragraph. The department, in the 20934
manner described in division (D) (2) of section 2930.16 of the 20935
Revised Code, shall keep a record of all attempts to provide the 20936
notice, and of all notices provided, under this paragraph and 20937
the preceding paragraph. The record shall be considered as if it 20938
was kept under division (D) (2) of section 2930.16 of the Revised 20939
Code. This paragraph, the preceding paragraph, and the notice- 20940
related provisions of divisions (E) (2) and (K) of section 20941
2929.20, division (D) (1) of section 2930.16, division (H) of 20942
section 2967.12, division (E) (1) (b) of section 2967.19 as it 20943
existed prior to the effective date of this amendment, division 20944
(A) (3) (b) of section 2967.26, and division (A) (2) of section 20945
5149.101 of the Revised Code enacted in the act in which this 20946

paragraph and the preceding paragraph were enacted, shall be 20947
known as "Roberta's Law." 20948

(2) If a prisoner who is placed on post-release control 20949
under this section is released before the expiration of the 20950
definite term that is the prisoner's stated prison term or the 20951
expiration of the minimum term that is part of the prisoner's 20952
indefinite prison term imposed under a non-life felony 20953
indefinite prison term by reason of credit earned under section 20954
2967.193 or 2967.194 or a reduction under division (F) of 20955
section 2967.271 of the Revised Code and if the prisoner earned 20956
sixty or more days of credit, the adult parole authority may 20957
supervise the offender with an active global positioning system 20958
device for the first fourteen days after the offender's release 20959
from imprisonment. This division does not prohibit or limit the 20960
imposition of any post-release control sanction otherwise 20961
authorized by this section. 20962

(3) After a prisoner is released from imprisonment and 20963
during the period of post-release control applicable to the 20964
releasee, the adult parole authority or, pursuant to an 20965
agreement under section 2967.29 of the Revised Code, the court 20966
may review the releasee's behavior under the post-release 20967
control sanctions imposed upon the releasee under this section. 20968
The authority or court may determine, based upon the review and 20969
in accordance with the standards established under division (E) 20970
of this section, that the releasee has satisfactorily complied 20971
with the sanctions imposed, and if such a determination is made, 20972
the authority may recommend a less restrictive sanction, reduce 20973
the period of post-release control, or, no sooner than the 20974
minimum period of time required under section 2967.16 of the 20975
Revised Code, recommend that the parole board or court terminate 20976
the duration of the period of post-release control. In no case 20977

shall the board or court reduce the duration of the period of control imposed for a felony sex offense described in division (B) (1) of this section. 20978
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(4) The department of rehabilitation and correction shall develop factors that the parole board or court shall consider in determining under division (D) (3) of this section whether to terminate the period of control imposed on a releasee. 20981
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(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following: 20985
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(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees; 20988
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(2) Establish standards that provide for a period of post-release control of up to two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control; 20993
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(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time on a prisoner 21002
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convicted of a felony of the fourth or fifth degree other than a 21007
felony sex offense, or in imposing a less restrictive control 21008
sanction on a releasee based on results from the single 21009
validated risk assessment tool and on the releasee's activities 21010
including, but not limited to, remaining free from criminal 21011
activity and from the abuse of alcohol or other drugs, 21012
successfully participating in approved rehabilitation programs, 21013
maintaining employment, and paying restitution to the victim or 21014
meeting the terms of other financial sanctions; 21015

(4) Establish standards to be used by the adult parole 21016
authority in modifying a releasee's post-release control 21017
sanctions pursuant to division (D) (2) of this section; 21018

(5) Establish standards to be used by the adult parole 21019
authority or parole board in imposing further sanctions under 21020
division (F) of this section on releasees who violate post- 21021
release control sanctions, including standards that do the 21022
following: 21023

(a) Classify violations according to the degree of 21024
seriousness; 21025

(b) Define the circumstances under which formal action by 21026
the parole board is warranted; 21027

(c) Govern the use of evidence at violation hearings; 21028

(d) Ensure procedural due process to an alleged violator; 21029

(e) Prescribe nonresidential community control sanctions 21030
for most misdemeanor and technical violations; 21031

(f) Provide procedures for the return of a releasee to 21032
imprisonment for violations of post-release control. 21033

(F) (1) Whenever the parole board imposes one or more post- 21034

release control sanctions on an offender under this section, the 21035
offender upon release from imprisonment shall be under the 21036
general jurisdiction of the adult parole authority and generally 21037
shall be supervised by the field services section through its 21038
staff of parole and field officers as described in section 21039
5149.04 of the Revised Code, as if the offender had been placed 21040
on parole. If the offender upon release from imprisonment 21041
violates the post-release control sanction or any conditions 21042
described in division (A) of section 2967.131 of the Revised 21043
Code that are imposed on the offender, the public or private 21044
person or entity that operates or administers the sanction or 21045
the program or activity that comprises the sanction shall report 21046
the violation directly to the adult parole authority or to the 21047
officer of the authority who supervises the offender. The 21048
authority's officers may treat the offender as if the offender 21049
were on parole and in violation of the parole, and otherwise 21050
shall comply with this section. 21051

(2) If the adult parole authority or, pursuant to an 21052
agreement under section 2967.29 of the Revised Code, the court 21053
determines that a releasee has violated a post-release control 21054
sanction or any conditions described in division (A) of section 21055
2967.131 of the Revised Code imposed on the releasee and that a 21056
more restrictive sanction is appropriate, the authority or court 21057
may impose a more restrictive sanction on the releasee, in 21058
accordance with the standards established under division (E) of 21059
this section or in accordance with the agreement made under 21060
section 2967.29 of the Revised Code, or may report the violation 21061
to the parole board for a hearing pursuant to division (F) (3) of 21062
this section. The authority or court may not, pursuant to this 21063
division, increase the duration of the releasee's post-release 21064
control or impose as a post-release control sanction a 21065

residential sanction that includes a prison term, but the 21066
authority or court may impose on the releasee any other 21067
residential sanction, nonresidential sanction, or financial 21068
sanction that the sentencing court was authorized to impose 21069
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 21070
Revised Code. 21071

(3) The parole board or, pursuant to an agreement under 21072
section 2967.29 of the Revised Code, the court may hold a 21073
hearing on any alleged violation by a releasee of a post-release 21074
control sanction or any conditions described in division (A) of 21075
section 2967.131 of the Revised Code that are imposed upon the 21076
releasee. ~~If~~ Except as otherwise provided in this division, if 21077
after the hearing the board or court finds that the releasee 21078
violated the sanction or condition, the board or court may 21079
increase the duration of the releasee's post-release control up 21080
to the maximum duration authorized by division (B) or (C) of 21081
this section or impose a more restrictive post-release control 21082
sanction. If a releasee was acting pursuant to division (B) (2) 21083
(b) of section 2925.11 or a related provision of section 21084
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 21085
doing violated the conditions of a post-release control sanction 21086
based on a minor drug possession offense, as defined in that 21087
section, or violated section 2925.12, division (C) (1) of section 21088
2925.14, or section 2925.141 of the Revised Code, the board or 21089
the court ~~may consider the releasee's conduct in seeking or~~ 21090
~~obtaining medical assistance for another in good faith or for~~ 21091
~~self or may consider the releasee being the subject of another~~ 21092
~~person seeking or obtaining medical assistance in accordance~~ 21093
~~with that division as a mitigating factor before imposing shall~~ 21094
not impose any of the penalties described in this division based 21095
on the violation. When appropriate, the board or court may 21096

impose as a post-release control sanction a residential sanction 21097
that includes a prison term. The board or court shall consider a 21098
prison term as a post-release control sanction imposed for a 21099
violation of post-release control when the violation involves a 21100
deadly weapon or dangerous ordnance, physical harm or attempted 21101
serious physical harm to a person, or sexual misconduct. Unless 21102
a releasee's stated prison term was reduced pursuant to section 21103
5120.032 of the Revised Code, the period of a prison term that 21104
is imposed as a post-release control sanction under this 21105
division shall not exceed nine months, and the maximum 21106
cumulative prison term for all violations under this division 21107
shall not exceed one-half of the definite prison term that was 21108
the stated prison term originally imposed on the offender as 21109
part of this sentence or, with respect to a stated non-life 21110
felony indefinite prison term, one-half of the minimum prison 21111
term that was imposed as part of that stated prison term 21112
originally imposed on the offender. If a releasee's stated 21113
prison term was reduced pursuant to section 5120.032 of the 21114
Revised Code, the period of a prison term that is imposed as a 21115
post-release control sanction under this division and the 21116
maximum cumulative prison term for all violations under this 21117
division shall not exceed the period of time not served in 21118
prison under the sentence imposed by the court. The period of a 21119
prison term that is imposed as a post-release control sanction 21120
under this division shall not count as, or be credited toward, 21121
the remaining period of post-release control. If, during the 21122
period of the releasee's post-release control, the releasee 21123
serves as a post-release control sanction the maximum prison 21124
time available as a sanction, the post-release control shall 21125
terminate. 21126

If an offender is imprisoned for a felony committed while 21127

under post-release control supervision and is again released on 21128
post-release control for a period of time, the maximum 21129
cumulative prison term for all violations under this division 21130
shall not exceed one-half of the total stated prison terms of 21131
the earlier felony, reduced by any prison term administratively 21132
imposed by the parole board or court, plus one-half of the total 21133
stated prison term of the new felony. 21134

(G) (1) If an offender is simultaneously subject to a 21135
period of parole under an indefinite or life sentence and a 21136
period of post-release control, or is simultaneously subject to 21137
two periods of post-release control, the period of supervision 21138
that expires last shall determine the length and form of 21139
supervision for all the periods and the related sentences. 21140

(2) An offender shall receive credit for post-release 21141
control supervision during the period of parole, and shall not 21142
be eligible for final release under section 2967.16 of the 21143
Revised Code until the post-release control period otherwise 21144
would have ended. 21145

(3) If the period of parole ends prior to the end of the 21146
period of post-release control, the requirements of parole 21147
supervision shall be satisfied during the post-release control 21148
period. 21149

(H) (1) A period of post-release control shall not be 21150
imposed consecutively to any other post-release control period. 21151

(2) The period of post-release control for a releasee who 21152
commits a felony while under post-release control for an earlier 21153
felony shall be the longer of the period of post-release control 21154
specified for the new felony under division (B) or (C) of this 21155
section or the time remaining under the period of post-release 21156

control imposed for the earlier felony as determined by the 21157
parole board or court. 21158

Sec. 3321.141. (A) (1) Within one hundred twenty minutes 21159
after the beginning of each school day, the attendance officer, 21160
attendance officer's assistant for each individual school 21161
building, or other person the attendance officer designates to 21162
take attendance for each school building shall make at least one 21163
attempt to contact, in accordance with division (A) (2) of this 21164
section, the parent, guardian, or other person having care of 21165
any student who was absent without legitimate excuse from the 21166
school the student is required to attend as of the beginning of 21167
that school day. 21168

(2) An attempt to contact a student's parent, guardian, or 21169
other person having care of the student shall be made through 21170
one of the following methods: 21171

(a) A telephone call placed in person; 21172

(b) An automated telephone call via a system that includes 21173
verification that each call was actually placed, and either the 21174
call was answered by its intended recipient or a voice mail 21175
message was left by the automated system relaying the required 21176
information; 21177

(c) A notification sent through the school's automated 21178
student information system; 21179

(d) A text-based communication sent to the parent's, 21180
guardian's, or other person's electronic wireless communications 21181
device, as defined in ~~division (G) (1) of~~ section 4511.204 of the 21182
Revised Code; 21183

(e) A notification sent to the electronic mail address of 21184
the parent, guardian, or other person; 21185

(f) A visit, in person, to the student's residence of	21186
record;	21187
(g) Any other notification procedure that has been adopted	21188
by resolution of the board of education of a school district.	21189
(B) If the parent, guardian, or other person having care	21190
of a student initiates a telephone call or other communication	21191
notifying the school or building administration of the student's	21192
excused or unexcused absence within one hundred twenty minutes	21193
after the beginning of the school day, the school is under no	21194
further obligation with respect to the requirement prescribed in	21195
division (A) of this section.	21196
(C) A school district, or any officer, director, employee,	21197
or member of the school district board of education is not	21198
liable in damages in a civil action for injury, death, or loss	21199
to person or property allegedly arising from an employee's	21200
action or inaction in good faith compliance with this section.	21201
This section does not eliminate, limit, or reduce any other	21202
immunity or defense that a person may be entitled to under	21203
Chapter 2744. or any other provision of the Revised Code or	21204
under the common law of this state.	21205
(D) This section does not apply to either of the	21206
following:	21207
(1) Students who are in home-based, online, or internet-	21208
or computer-based instruction;	21209
(2) Instances where a student was not expected to be in	21210
attendance at a particular school building due to that student's	21211
participation in off-campus activities, including but not	21212
limited to participation in the college credit plus program	21213
established under Chapter 3365. of the Revised Code.	21214

Sec. 3770.021. Except as otherwise provided in this 21215
section, no person shall be employed by or continue employment 21216
with the state lottery commission who has been convicted in any 21217
jurisdiction of a felony, or of a misdemeanor of the first, 21218
second, or third degree, involving gambling, fraud or 21219
misrepresentation, theft, or any crime of moral turpitude, as 21220
long as the record of the conviction has not been sealed or 21221
expunged pursuant to Chapter 2953. of the Revised Code or 21222
pursuant to a statute of another jurisdiction that governs the 21223
sealing or expungement of criminal records. The director of the 21224
commission may adopt internal management rules designating 21225
vehicular offenses, conviction of which will disqualify persons 21226
from employment with the commission; specifying time periods 21227
after which persons who have been convicted of the offenses 21228
described in this section may be employed by the commission; and 21229
establishing requirements for an applicant or employee to seek a 21230
court order to have the records sealed or expunged in accordance 21231
with law relating to the sealing or expungement of criminal 21232
records. 21233

Sec. 4301.69. (A) Except as otherwise provided in this 21234
chapter, no person shall sell beer or intoxicating liquor to an 21235
underage person, shall buy beer or intoxicating liquor for an 21236
underage person, or shall furnish it to an underage person, 21237
unless given by a physician in the regular line of the 21238
physician's practice or given for established religious purposes 21239
or unless the underage person is supervised by a parent, spouse 21240
who is not an underage person, or legal guardian. 21241

In proceedings before the liquor control commission, no 21242
permit holder, or no employee or agent of a permit holder, 21243
charged with a violation of this division shall be charged, for 21244
the same offense, with a violation of division (A) (1) of section 21245

4301.22 of the Revised Code. 21246

(B) No person who is the owner or occupant of any public 21247
or private place shall knowingly allow any underage person to 21248
remain in or on the place while possessing or consuming beer or 21249
intoxicating liquor, unless the intoxicating liquor or beer is 21250
given to the person possessing or consuming it by that person's 21251
parent, spouse who is not an underage person, or legal guardian 21252
and the parent, spouse who is not an underage person, or legal 21253
guardian is present at the time of the person's possession or 21254
consumption of the beer or intoxicating liquor. 21255

An owner of a public or private place is not liable for 21256
acts or omissions in violation of this division that are 21257
committed by a lessee of that place, unless the owner authorizes 21258
or acquiesces in the lessee's acts or omissions. 21259

(C) No person shall engage or use accommodations at a 21260
hotel, inn, cabin, campground, or restaurant when the person 21261
knows or has reason to know either of the following: 21262

(1) That beer or intoxicating liquor will be consumed by 21263
an underage person on the premises of the accommodations that 21264
the person engages or uses, unless the person engaging or using 21265
the accommodations is the spouse of the underage person and is 21266
not an underage person, or is the parent or legal guardian of 21267
all of the underage persons, who consume beer or intoxicating 21268
liquor on the premises and that person is on the premises at all 21269
times when beer or intoxicating liquor is being consumed by an 21270
underage person; 21271

(2) That a drug of abuse will be consumed on the premises 21272
of the accommodations by any person, except a person who 21273
obtained the drug of abuse pursuant to a prescription issued by 21274

a licensed health professional authorized to prescribe drugs and 21275
has the drug of abuse in the original container in which it was 21276
dispensed to the person. 21277

(D) (1) No person is required to permit the engagement of 21278
accommodations at any hotel, inn, cabin, or campground by an 21279
underage person or for an underage person, if the person 21280
engaging the accommodations knows or has reason to know that the 21281
underage person is intoxicated, or that the underage person 21282
possesses any beer or intoxicating liquor and is not supervised 21283
by a parent, spouse who is not an underage person, or legal 21284
guardian who is or will be present at all times when the beer or 21285
intoxicating liquor is being consumed by the underage person. 21286

(2) No underage person shall knowingly engage or attempt 21287
to engage accommodations at any hotel, inn, cabin, or campground 21288
by presenting identification that falsely indicates that the 21289
underage person is twenty-one years of age or older for the 21290
purpose of violating this section. 21291

(E) (1) No underage person shall knowingly order, pay for, 21292
share the cost of, attempt to purchase, possess, or consume any 21293
beer or intoxicating liquor in any public or private place. No 21294
underage person shall knowingly be under the influence of any 21295
beer or intoxicating liquor in any public place. The 21296
prohibitions set forth in division (E) (1) of this section 21297
against an underage person knowingly possessing, consuming, or 21298
being under the influence of any beer or intoxicating liquor 21299
shall not apply if the underage person is supervised by a 21300
parent, spouse who is not an underage person, or legal guardian, 21301
or the beer or intoxicating liquor is given by a physician in 21302
the regular line of the physician's practice or given for 21303
established religious purposes. 21304

(2) (a) If a person is charged with violating division (E) 21305
(1) of this section in a complaint filed under section 2151.27 21306
of the Revised Code, the court may order the child into a 21307
diversion program specified by the court and hold the complaint 21308
in abeyance pending successful completion of the diversion 21309
program. A child is ineligible to enter into a diversion program 21310
under division (E) (2) (a) of this section if the child previously 21311
has been diverted pursuant to division (E) (2) (a) of this 21312
section. If the child completes the diversion program to the 21313
satisfaction of the court, the court shall dismiss the complaint 21314
and order the child's record in the case sealed under sections 21315
2151.356 to 2151.358 of the Revised Code. If the child fails to 21316
satisfactorily complete the diversion program, the court shall 21317
proceed with the complaint. 21318

(b) If a person is charged in a criminal complaint with 21319
violating division (E) (1) of this section, section 2935.36 of 21320
the Revised Code shall apply to the offense, except that a 21321
person is ineligible for diversion under that section if the 21322
person previously has been diverted pursuant to division (E) (2) 21323
(a) or (b) of this section. If the person completes the 21324
diversion program to the satisfaction of the court, the court 21325
shall dismiss the complaint and order the record in the case 21326
sealed under section ~~2953.52~~ 2953.33 of the Revised Code. If the 21327
person fails to satisfactorily complete the diversion program, 21328
the court shall proceed with the complaint. 21329

(F) No parent, spouse who is not an underage person, or 21330
legal guardian of a minor shall knowingly permit the minor to 21331
violate this section or section 4301.63, 4301.633, or 4301.634 21332
of the Revised Code. 21333

(G) The operator of any hotel, inn, cabin, or campground 21334

shall make the provisions of this section available in writing 21335
to any person engaging or using accommodations at the hotel, 21336
inn, cabin, or campground. 21337

(H) As used in this section: 21338

(1) "Drug of abuse" has the same meaning as in section 21339
3719.011 of the Revised Code. 21340

(2) "Hotel" has the same meaning as in section 3731.01 of 21341
the Revised Code. 21342

(3) "Licensed health professional authorized to prescribe 21343
drugs" and "prescription" have the same meanings as in section 21344
4729.01 of the Revised Code. 21345

(4) "Minor" means a person under the age of eighteen 21346
years. 21347

(5) "Underage person" means a person under the age of 21348
twenty-one years. 21349

Sec. 4301.99. (A) Whoever violates section 4301.47, 21350
4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 21351
4301.65 or division (B) of section 4301.691 of the Revised Code 21352
is guilty of a minor misdemeanor. 21353

(B) Whoever violates section 4301.15, division (A) (2) or 21354
(C) of section 4301.22, division (C), (D), (E), (F), (G), (H), 21355
or (I) of section 4301.631, or section 4301.64 or 4301.67 of the 21356
Revised Code is guilty of a misdemeanor of the fourth degree. 21357

If an offender who violates section 4301.64 of the Revised 21358
Code was under the age of eighteen years at the time of the 21359
offense, the court, in addition to any other penalties it 21360
imposes upon the offender, may suspend the offender's temporary 21361
instruction permit, probationary driver's license, or driver's 21362

license for a period of not less than six months and not more 21363
than one year. In lieu of suspending the offender's temporary 21364
instruction permit, probationary driver's license, or driver's 21365
license, the court instead may require the offender to perform 21366
community service for a number of hours determined by the court. 21367
If the offender is fifteen years and six months of age or older 21368
and has not been issued a temporary instruction permit or 21369
probationary driver's license, the offender shall not be 21370
eligible to be issued such a license or permit for a period of 21371
six months. If the offender has not attained the age of fifteen 21372
years and six months, the offender shall not be eligible to be 21373
issued a temporary instruction permit until the offender attains 21374
the age of sixteen years. 21375

(C) Whoever violates division (D) of section 4301.21, 21376
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 21377
4301.68, or 4301.74, division (B), (C), (D), ~~(E)(1)~~, or (F) of 21378
section 4301.69, or division ~~(C), (D)~~, (E), (F), (G), or (I) of 21379
section 4301.691 of the Revised Code is guilty of a misdemeanor 21380
of the first degree. 21381

~~If an offender who violates division (E)(1) of section 21382
4301.69 of the Revised Code was under the age of eighteen years 21383
at the time of the offense and the offense occurred while the 21384
offender was the operator of or a passenger in a motor vehicle, 21385
the court, in addition to any other penalties it imposes upon 21386
the offender, shall suspend the offender's temporary instruction 21387
permit or probationary driver's license for a period of not less 21388
than six months and not more than one year. If the offender is 21389
fifteen years and six months of age or older and has not been 21390
issued a temporary instruction permit or probationary driver's 21391
license, the offender shall not be eligible to be issued such a 21392
license or permit for a period of six months. If the offender 21393~~

~~has not attained the age of fifteen years and six months, the~~ 21394
~~offender shall not be eligible to be issued a temporary~~ 21395
~~instruction permit until the offender attains the age of sixteen~~ 21396
~~years.~~ 21397

(D) Whoever violates division (B) of section 4301.14, ~~or~~ 21398
division (A) (1) or (3) or (B) of section 4301.22, division (E) 21399
(1) of section 4301.69, or division (C) or (D) of section 21400
4301.691 of the Revised Code is guilty of a misdemeanor of the 21401
third degree. 21402

If an offender who violates division (E) (1) of section 21403
4301.69 of the Revised Code was under the age of eighteen years 21404
at the time of the offense and the offense occurred while the 21405
offender was the operator of or a passenger in a motor vehicle, 21406
the court, in addition to any other penalties it imposes upon 21407
the offender, shall suspend the offender's temporary instruction 21408
permit or probationary driver's license for a period of not less 21409
than six months and not more than one year. If the offender is 21410
fifteen years and six months of age or older and has not been 21411
issued a temporary instruction permit or probationary driver's 21412
license, the offender shall not be eligible to be issued such a 21413
license or permit for a period of six months. If the offender 21414
has not attained the age of fifteen years and six months, the 21415
offender shall not be eligible to be issued a temporary 21416
instruction permit until the offender attains the age of sixteen 21417
years. 21418

(E) Whoever violates section 4301.63 or division (B) of 21419
section 4301.631 of the Revised Code shall be fined not less 21420
than twenty-five nor more than one hundred dollars. The court 21421
imposing a fine for a violation of section 4301.63 or division 21422
(B) of section 4301.631 of the Revised Code may order that the 21423

fine be paid by the performance of public work at a reasonable 21424
hourly rate established by the court. The court shall designate 21425
the time within which the public work shall be completed. 21426

(F) (1) Whoever violates section 4301.634 of the Revised 21427
Code is guilty of a misdemeanor of the first degree. If, in 21428
committing a first violation of that section, the offender 21429
presented to the permit holder or the permit holder's employee 21430
or agent a false, fictitious, or altered identification card, a 21431
false or fictitious driver's license purportedly issued by any 21432
state, or a driver's license issued by any state that has been 21433
altered, the offender is guilty of a misdemeanor of the first 21434
degree and shall be fined not less than two hundred fifty and 21435
not more than one thousand dollars, and may be sentenced to a 21436
term of imprisonment of not more than six months. 21437

(2) On a second violation in which, for the second time, 21438
the offender presented to the permit holder or the permit 21439
holder's employee or agent a false, fictitious, or altered 21440
identification card, a false or fictitious driver's license 21441
purportedly issued by any state, or a driver's license issued by 21442
any state that has been altered, the offender is guilty of a 21443
misdemeanor of the first degree and shall be fined not less than 21444
five hundred nor more than one thousand dollars, and may be 21445
sentenced to a term of imprisonment of not more than six months. 21446
The court also may impose a class seven suspension of the 21447
offender's driver's or commercial driver's license or permit or 21448
nonresident operating privilege from the range specified in 21449
division (A) (7) of section 4510.02 of the Revised Code. 21450

(3) On a third or subsequent violation in which, for the 21451
third or subsequent time, the offender presented to the permit 21452
holder or the permit holder's employee or agent a false, 21453

fictitious, or altered identification card, a false or 21454
fictitious driver's license purportedly issued by any state, or 21455
a driver's license issued by any state that has been altered, 21456
the offender is guilty of a misdemeanor of the first degree and 21457
shall be fined not less than five hundred nor more than one 21458
thousand dollars, and may be sentenced to a term of imprisonment 21459
of not more than six months. Except as provided in this 21460
division, the court also may impose a class six suspension of 21461
the offender's driver's or commercial driver's license or permit 21462
or nonresident operating privilege from the range specified in 21463
division (A) (6) of section 4510.02 of the Revised Code, and the 21464
court may order that the suspension or denial remain in effect 21465
until the offender attains the age of twenty-one years. The 21466
court, in lieu of suspending the offender's temporary 21467
instruction permit, probationary driver's license, or driver's 21468
license, instead may order the offender to perform a determinate 21469
number of hours of community service, with the court determining 21470
the actual number of hours and the nature of the community 21471
service the offender shall perform. 21472

(G) Whoever violates section 4301.636 of the Revised Code 21473
is guilty of a felony of the fifth degree. 21474

(H) Whoever violates division (A) (1) of section 4301.22 of 21475
the Revised Code is guilty of a misdemeanor, shall be fined not 21476
less than five hundred and not more than one thousand dollars, 21477
and, in addition to the fine, may be imprisoned for a definite 21478
term of not more than sixty days. 21479

(I) Whoever violates division (A) of section 4301.69 or 21480
division (H) of section 4301.691 of the Revised Code is guilty 21481
of a misdemeanor, shall be fined not less than five hundred and 21482
not more than one thousand dollars, and, in addition to the 21483

fine, may be imprisoned for a definite term of not more than six months. 21484
21485

(J) Whoever violates division (B) of section 4301.65 of the Revised Code is guilty of a misdemeanor of the third degree. 21486
21487
For a second or subsequent violation occurring within a period of five consecutive years after the first violation, a person is 21488
21489
guilty of a misdemeanor of the first degree. 21490

Sec. 4506.01. As used in this chapter: 21491

(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: 21492
21493
21494

(1) One hundred milliliters of whole blood, blood serum, or blood plasma; 21495
21496

(2) Two hundred ten liters of breath; 21497

(3) One hundred milliliters of urine. 21498

(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. 21499
21500
21501

(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. 21502
21503
21504
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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: 21506
21507
21508
21509

(1) Any combination of vehicles with a gross vehicle 21510

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;	21539
(3) Any drug of abuse.	21540
(F) "Conviction" means an unvacated adjudication of guilt	21541
or a determination that a person has violated or failed to	21542
comply with the law in a court of original jurisdiction or an	21543
authorized administrative tribunal, an unvacated forfeiture of	21544
bail or collateral deposited to secure the person's appearance	21545
in court, a plea of guilty or nolo contendere accepted by the	21546
court, the payment of a fine or court cost, or violation of a	21547
condition of release without bail, regardless of whether or not	21548
the penalty is rebated, suspended, or probated.	21549
(G) "Disqualification" means any of the following:	21550
(1) The suspension, revocation, or cancellation of a	21551
person's privileges to operate a commercial motor vehicle;	21552
(2) Any withdrawal of a person's privileges to operate a	21553
commercial motor vehicle as the result of a violation of state	21554
or local law relating to motor vehicle traffic control other	21555
than parking, vehicle weight, or vehicle defect violations;	21556
(3) A determination by the federal motor carrier safety	21557
administration that a person is not qualified to operate a	21558
commercial motor vehicle under 49 C.F.R. 391.	21559
(H) "Domiciled" means having a true, fixed, principal, and	21560
permanent residence to which an individual intends to return.	21561
(I) "Downgrade" means any of the following, as applicable:	21562
(1) A change in the commercial driver's license, or	21563
commercial driver's license temporary instruction permit,	21564
holder's self-certified status as described in division (A) (1)	21565
of section 4506.10 of the Revised Code;	21566

(2) A change to a lesser class of vehicle;	21567
(3) Removal of commercial driver's license privileges from the individual's driver's license.	21568 21569
(J) "Drive" means to drive, operate, or be in physical control of a motor vehicle.	21570 21571
(K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	21572 21573 21574
(L) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	21575 21576
(M) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, <u>harmful intoxicant as defined in section 2925.01 of the Revised Code</u> , or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.	21577 21578 21579 21580 21581 21582
(N) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.	21583 21584 21585
(O) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census.	21586 21587 21588
(P) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.	21589 21590 21591 21592
(Q) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the	21593 21594

person to operate a specified type of commercial motor vehicle. 21595

(R) "Farm truck" means a truck controlled and operated by 21596
a farmer for use in the transportation to or from a farm, for a 21597
distance of not more than one hundred fifty miles, of products 21598
of the farm, including livestock and its products, poultry and 21599
its products, floricultural and horticultural products, and in 21600
the transportation to the farm, from a distance of not more than 21601
one hundred fifty miles, of supplies for the farm, including 21602
tile, fence, and every other thing or commodity used in 21603
agricultural, floricultural, horticultural, livestock, and 21604
poultry production, and livestock, poultry, and other animals 21605
and things used for breeding, feeding, or other purposes 21606
connected with the operation of the farm, when the truck is 21607
operated in accordance with this division and is not used in the 21608
operations of a motor carrier, as defined in section 4923.01 of 21609
the Revised Code. 21610

(S) "Fatality" means the death of a person as the result 21611
of a motor vehicle accident occurring not more than three 21612
hundred sixty-five days prior to the date of death. 21613

(T) "Felony" means any offense under federal or state law 21614
that is punishable by death or specifically classified as a 21615
felony under the law of this state, regardless of the penalty 21616
that may be imposed. 21617

(U) "Foreign jurisdiction" means any jurisdiction other 21618
than a state. 21619

(V) "Gross vehicle weight rating" means the value 21620
specified by the manufacturer as the maximum loaded weight of a 21621
single or a combination vehicle. The gross vehicle weight rating 21622
of a combination vehicle is the gross vehicle weight rating of 21623

the power unit plus the gross vehicle weight rating of each 21624
towed unit. 21625

(W) "Hazardous materials" means any material that has been 21626
designated as hazardous under 49 U.S.C. 5103 and is required to 21627
be placarded under subpart F of 49 C.F.R. part 172 or any 21628
quantity of a material listed as a select agent or toxin in 42 21629
C.F.R. part 73, as amended. 21630

(X) "Imminent hazard" means the existence of a condition 21631
that presents a substantial likelihood that death, serious 21632
illness, severe personal injury, or a substantial endangerment 21633
to health, property, or the environment may occur before the 21634
reasonably foreseeable completion date of a formal proceeding 21635
begun to lessen the risk of that death, illness, injury, or 21636
endangerment. 21637

(Y) "Medical variance" means one of the following received 21638
by a driver from the federal motor carrier safety administration 21639
that allows the driver to be issued a medical certificate: 21640

(1) An exemption letter permitting operation of a 21641
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 21642
C.F.R. 391.64; 21643

(2) A skill performance evaluation certificate permitting 21644
operation of a commercial motor vehicle pursuant to 49 C.F.R. 21645
391.49. 21646

(Z) "Mobile telephone" means a mobile communication device 21647
that falls under or uses any commercial mobile radio service as 21648
defined in 47 C.F.R. 20, except that mobile telephone does not 21649
include two-way or citizens band radio services. 21650

(AA) "Motor vehicle" means a vehicle, machine, tractor, 21651
trailer, or semitrailer propelled or drawn by mechanical power 21652

used on highways, except that such term does not include a 21653
vehicle, machine, tractor, trailer, or semitrailer operated 21654
exclusively on a rail. 21655

(BB) "Out-of-service order" means a declaration by an 21656
authorized enforcement officer of a federal, state, local, 21657
Canadian, or Mexican jurisdiction declaring that a driver, 21658
commercial motor vehicle, or commercial motor carrier operation 21659
is out of service as defined in 49 C.F.R. 390.5. 21660

(CC) "Peace officer" has the same meaning as in section 21661
2935.01 of the Revised Code. 21662

(DD) "Portable tank" means a liquid or gaseous packaging 21663
designed primarily to be loaded onto or temporarily attached to 21664
a vehicle and equipped with skids, mountings, or accessories to 21665
facilitate handling of the tank by mechanical means. 21666

(EE) "Public safety vehicle" has the same meaning as in 21667
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 21668

(FF) "Recreational vehicle" includes every vehicle that is 21669
defined as a recreational vehicle in section 4501.01 of the 21670
Revised Code and is used exclusively for purposes other than 21671
engaging in business for profit. 21672

(GG) "Residence" means any person's residence determined 21673
in accordance with standards prescribed in rules adopted by the 21674
registrar. 21675

(HH) "School bus" has the same meaning as in section 21676
4511.01 of the Revised Code. 21677

(II) "Serious traffic violation" means any of the 21678
following: 21679

(1) A conviction arising from a single charge of operating 21680

a commercial motor vehicle in violation of any provision of	21681
section 4506.03 of the Revised Code;	21682
(2) (a) Except as provided in division (II) (2) (b) of this	21683
section, a violation while operating a commercial motor vehicle	21684
of a law of this state, or any municipal ordinance or county or	21685
township resolution, or any other substantially similar law of	21686
another state or political subdivision of another state	21687
prohibiting either of the following:	21688
(i) Texting while driving;	21689
(ii) Using a handheld mobile telephone.	21690
(b) It is not a serious traffic violation if the person	21691
was texting or using a handheld mobile telephone to contact law	21692
enforcement or other emergency services.	21693
(3) A conviction arising from the operation of any motor	21694
vehicle that involves any of the following:	21695
(a) A single charge of any speed in excess of the posted	21696
speed limit by fifteen miles per hour or more;	21697
(b) Violation of section 4511.20 or 4511.201 of the	21698
Revised Code or any similar ordinance or resolution, or of any	21699
similar law of another state or political subdivision of another	21700
state;	21701
(c) Violation of a law of this state or an ordinance or	21702
resolution relating to traffic control, other than a parking	21703
violation, or of any similar law of another state or political	21704
subdivision of another state, that results in a fatal accident;	21705
(d) Violation of section 4506.03 of the Revised Code or a	21706
substantially similar municipal ordinance or county or township	21707
resolution, or of any similar law of another state or political	21708

subdivision of another state, that involves the operation of a 21709
commercial motor vehicle without a valid commercial driver's 21710
license with the proper class or endorsement for the specific 21711
vehicle group being operated or for the passengers or type of 21712
cargo being transported; 21713

(e) Violation of section 4506.03 of the Revised Code or a 21714
substantially similar municipal ordinance or county or township 21715
resolution, or of any similar law of another state or political 21716
subdivision of another state, that involves the operation of a 21717
commercial motor vehicle without a valid commercial driver's 21718
license being in the person's possession; 21719

(f) Violation of section 4511.33 or 4511.34 of the Revised 21720
Code, or any municipal ordinance or county or township 21721
resolution substantially similar to either of those sections, or 21722
any substantially similar law of another state or political 21723
subdivision of another state; 21724

(g) Violation of any other law of this state, any law of 21725
another state, or any ordinance or resolution of a political 21726
subdivision of this state or another state that meets both of 21727
the following requirements: 21728

(i) It relates to traffic control, other than a parking 21729
violation; 21730

(ii) It is determined to be a serious traffic violation by 21731
the United States secretary of transportation and is designated 21732
by the director as such by rule. 21733

(JJ) "State" means a state of the United States and 21734
includes the District of Columbia. 21735

(KK) "Tank vehicle" means any commercial motor vehicle 21736
that is designed to transport any liquid or gaseous materials 21737

within a tank or tanks that are either permanently or 21738
temporarily attached to the vehicle or its chassis and have an 21739
individual rated capacity of more than one hundred nineteen 21740
gallons and an aggregate rated capacity of one thousand gallons 21741
or more. "Tank vehicle" does not include a commercial motor 21742
vehicle transporting an empty storage container tank that is not 21743
designed for transportation, has a rated capacity of one 21744
thousand gallons or more, and is temporarily attached to a 21745
flatbed trailer. 21746

(LL) "Tester" means a person or entity acting pursuant to 21747
a valid agreement entered into pursuant to division (B) of 21748
section 4506.09 of the Revised Code. 21749

(MM) "Texting" means manually entering alphanumeric text 21750
into, or reading text from, an electronic device. Texting 21751
includes short message service, e-mail, instant messaging, a 21752
command or request to access a world wide web page, pressing 21753
more than a single button to initiate or terminate a voice 21754
communication using a mobile telephone, or engaging in any other 21755
form of electronic text retrieval or entry, for present or 21756
future communication. Texting does not include the following: 21757

(1) Using voice commands to initiate, receive, or 21758
terminate a voice communication using a mobile telephone; 21759

(2) Inputting, selecting, or reading information on a 21760
global positioning system or navigation system; 21761

(3) Pressing a single button to initiate or terminate a 21762
voice communication using a mobile telephone; or 21763

(4) Using, for a purpose that is not otherwise prohibited 21764
by law, a device capable of performing multiple functions, such 21765
as a fleet management system, a dispatching device, a mobile 21766

telephone, a citizens band radio, or a music player. 21767

(NN) "Texting while driving" means texting while operating 21768
a commercial motor vehicle, with the motor running, including 21769
while temporarily stationary because of traffic, a traffic 21770
control device, or other momentary delays. Texting while driving 21771
does not include operating a commercial motor vehicle with or 21772
without the motor running when the driver has moved the vehicle 21773
to the side of, or off, a highway and is stopped in a location 21774
where the vehicle can safely remain stationary. 21775

(OO) "United States" means the fifty states and the 21776
District of Columbia. 21777

(PP) "Upgrade" means a change in the class of vehicles, 21778
endorsements, or self-certified status as described in division 21779
(A) (1) of section 4506.10 of the Revised Code, that expands the 21780
ability of a current commercial driver's license holder to 21781
operate commercial motor vehicles under this chapter; 21782

(QQ) "Use of a handheld mobile telephone" means: 21783

(1) Using at least one hand to hold a mobile telephone to 21784
conduct a voice communication; 21785

(2) Dialing or answering a mobile telephone by pressing 21786
more than a single button; or 21787

(3) Reaching for a mobile telephone in a manner that 21788
requires a driver to maneuver so that the driver is no longer in 21789
a seated driving position, or restrained by a seat belt that is 21790
installed in accordance with 49 C.F.R. 393.93 and adjusted in 21791
accordance with the vehicle manufacturer's instructions. 21792

(RR) "Vehicle" has the same meaning as in section 4511.01 21793
of the Revised Code. 21794

Sec. 4507.11. (A) (1) Except as provided in section 21795
4507.112 of the Revised Code, the registrar of motor vehicles 21796
shall conduct all necessary examinations of applicants for 21797
temporary instruction permits, drivers' licenses, motorcycle 21798
operators' endorsements, or motor-driven cycle or motor scooter 21799
endorsements. The examination shall include a test of the 21800
applicant's knowledge of motor vehicle laws, including the laws 21801
governing stopping for school buses and use of an electronic 21802
wireless communications device while operating a motor vehicle, 21803
a test of the applicant's physical fitness to drive, and a test 21804
of the applicant's ability to understand highway traffic control 21805
devices. The registrar may conduct the examination in such a 21806
manner that applicants who are illiterate or limited in their 21807
knowledge of the English language are tested by methods that 21808
would indicate to the examining officer that the applicant has a 21809
reasonable knowledge of motor vehicle laws and understands 21810
highway traffic control devices. 21811

(2) An applicant for a driver's license shall give an 21812
actual demonstration of the ability to exercise ordinary and 21813
reasonable control in the operation of a motor vehicle by 21814
driving a motor vehicle under the supervision of an examining 21815
officer; however, no applicant for a driver's license shall use 21816
a low-speed or under-speed vehicle or a mini-truck for the 21817
purpose of demonstrating ability to exercise ordinary and 21818
reasonable control over a vehicle. The demonstration shall 21819
consist of a maneuverability test and a road test. The director 21820
of public safety shall determine the formats of the tests. 21821

(3) Except as provided in division (B) of this section, an 21822
applicant for a motorcycle operator's endorsement or a 21823
restricted license that permits only the operation of a 21824
motorcycle shall give an actual demonstration of the ability to 21825

exercise ordinary and reasonable control in the operation of a 21826
motorcycle by driving a motorcycle under the supervision of an 21827
examining officer. However, no applicant for such an endorsement 21828
or restricted license shall use a motor-driven cycle or motor 21829
scooter for the purpose of demonstrating ability to exercise 21830
ordinary and reasonable control in the operation of a 21831
motorcycle. 21832

(4) Except as provided in division (B) of this section, an 21833
applicant for a motor-driven cycle or motor scooter operator's 21834
endorsement or a restricted license that permits only the 21835
operation of a motor-driven cycle or motor scooter shall give an 21836
actual demonstration of the ability to exercise ordinary and 21837
reasonable control in the operation of a motor-driven cycle or 21838
motor scooter by driving a motor-driven cycle or motor scooter 21839
under the supervision of an examining officer. 21840

(5) Except as provided in sections 4507.112 and 4507.12 of 21841
the Revised Code, the registrar shall designate the highway 21842
patrol, any law enforcement body, or any other employee of the 21843
department of public safety to supervise and conduct 21844
examinations for temporary instruction permits, drivers' 21845
licenses, and motorcycle operators' endorsements and shall 21846
provide the necessary rules and forms to properly conduct the 21847
examinations. A deputy registrar shall forward to the registrar 21848
the records of the examinations, together with the application 21849
for a temporary instruction permit, driver's license, or 21850
motorcycle operator's endorsement. If in the opinion of the 21851
registrar the applicant is qualified to operate a motor vehicle, 21852
the registrar shall issue the permit, license, or endorsement. 21853

(6) The registrar may authorize the highway patrol, other 21854
designated law enforcement body, or other designated employee of 21855

the department of public safety to issue an examiner's driving 21856
permit to an applicant who has passed the required examination, 21857
authorizing that applicant to operate a motor vehicle while the 21858
registrar is completing an investigation relative to that 21859
applicant's qualifications to receive a temporary instruction 21860
permit, driver's license, or motorcycle operator's endorsement. 21861
The applicant shall keep the examiner's driving permit in the 21862
applicant's immediate possession while operating a motor 21863
vehicle. The examiner's driving permit is effective until final 21864
action and notification has been given by the registrar, but in 21865
no event longer than sixty days from its date of issuance. 21866

(B) (1) An applicant for a motorcycle operator's 21867
endorsement or a restricted license that permits only the 21868
operation of a motorcycle who presents to the registrar of motor 21869
vehicles or a deputy registrar a form approved by the director 21870
of public safety attesting to the applicant's successful 21871
completion within the preceding sixty days of a course of basic 21872
instruction provided by the motorcycle safety and education 21873
program approved by the director pursuant to section 4508.08 of 21874
the Revised Code shall not be required to give an actual 21875
demonstration of the ability to operate a motorcycle by driving 21876
a motorcycle under the supervision of an examining officer, as 21877
described in division (A) of this section. An applicant for a 21878
motor-driven cycle or motor scooter operator's endorsement or a 21879
restricted license that permits only the operation of a motor- 21880
driven cycle or motor scooter who presents to the registrar of 21881
motor vehicles or a deputy registrar a form approved by the 21882
director of public safety attesting to the applicant's 21883
successful completion within the preceding sixty days of a 21884
course of basic instruction provided by the motorcycle safety 21885
and education program approved by the director pursuant to 21886

section 4508.08 of the Revised Code shall not be required to 21887
give an actual demonstration of the ability to operate a motor- 21888
driven cycle or motor scooter by driving a motor-driven cycle or 21889
motor scooter under the supervision of an examining officer, as 21890
described in division (A) of this section. Upon presentation of 21891
the form described in division (B)(1) of this section and 21892
compliance with all other requirements relating to the issuance 21893
of a motorcycle operator's endorsement or a restricted license 21894
that permits only the operation of a motorcycle, the registrar 21895
or deputy registrar shall issue to the applicant the endorsement 21896
or restricted license, as the case may be. 21897

(2) A person who has not attained eighteen years of age 21898
and presents an application for a motorcycle operator's 21899
endorsement or a restricted license under division (B)(1) of 21900
this section also shall comply with the requirements of section 21901
4507.21 of the Revised Code. 21902

(C) A person who holds a valid motorcycle endorsement or 21903
restricted license that permits only the operation of a 21904
motorcycle may operate a motor-driven cycle or motor scooter 21905
with that endorsement or restricted license. 21906

Sec. 4507.214. (A) The registrar of motor vehicles or 21907
deputy registrar shall provide each applicant for a temporary 21908
instruction permit, driver's license, commercial driver's 21909
license, motorized bicycle license, motorcycle operator's 21910
license, or the renewal thereof, a one-page summary of Ohio's 21911
laws governing the use of an electronic wireless communications 21912
device while operating a motor vehicle. The summary shall 21913
explain the prohibition, the exemptions, and the penalties set 21914
forth in section 4511.204 of the Revised Code. 21915

(B) Upon receiving the summary described in division (A) 21916

of this section, the applicant shall sign a statement 21917
acknowledging receipt of the summary, either manually or by 21918
electronic signature. 21919

(C) The registrar shall prescribe the form of the summary 21920
and the manner in which the summary is presented to the 21921
applicant. The summary shall be designed to enable the applicant 21922
to retain either a physical or electronic copy of it. 21923

(D) Nothing within this section shall be construed to 21924
excuse a violation of section 4511.204 of the Revised Code. 21925

Sec. 4508.02. (A) (1) The director of public safety, 21926
subject to Chapter 119. of the Revised Code, shall adopt and 21927
prescribe such rules concerning the administration and 21928
enforcement of this chapter as are necessary to protect the 21929
public. The rules shall require an assessment of the holder of a 21930
probationary instructor license. The director shall inspect the 21931
school facilities and equipment of applicants and licensees and 21932
examine applicants for instructor's licenses. 21933

(2) The director shall adopt rules governing online driver 21934
education courses that may be completed via the internet to 21935
satisfy the classroom instruction under division (C) of this 21936
section. The rules shall do all of the following: 21937

(a) Establish standards that an online driver training 21938
enterprise must satisfy to be licensed to offer an online driver 21939
education course via the internet, including, at a minimum, 21940
proven expertise in providing driver education and an acceptable 21941
infrastructure capable of providing secure online driver 21942
education in accord with advances in internet technology. The 21943
rules shall allow an online driver training enterprise to be 21944
affiliated with a licensed driver training school offering in- 21945

person classroom instruction, but shall not require such an 21946
affiliation. 21947

(b) Establish content requirements that an online driver 21948
education course must satisfy to be approved as equivalent to 21949
twenty-four hours of in-person classroom instruction; 21950

(c) Establish attendance standards, including a maximum 21951
number of course hours that may be completed in a twenty-four- 21952
hour period; 21953

(d) Allow an enrolled applicant to begin the required 21954
eight hours of actual behind-the-wheel instruction upon 21955
completing all twenty-four hours of course instruction; 21956

(e) Establish any other requirements necessary to regulate 21957
online driver education. 21958

(B) The director shall administer and enforce this 21959
chapter. 21960

(C) The rules shall require twenty-four hours of completed 21961
in-person classroom instruction or the completion of an 21962
approved, equivalent online driver education course offered via 21963
the internet by a licensed online driver training enterprise, 21964
followed by eight hours of actual behind-the-wheel instruction 21965
conducted on public streets and highways of this state for all 21966
beginning drivers of noncommercial motor vehicles who are under 21967
age eighteen. The rules also shall require the classroom 21968
instruction or online driver education course for such drivers 21969
to include instruction on both of the following: 21970

(1) The dangers of driving a motor vehicle while 21971
distracted, including while using an electronic wireless 21972
communications device to write, send, or read a text-based 21973
communication, or engaging in any other activity that distracts 21974

a driver from the safe and effective operation of a motor vehicle; 21975
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(2) The dangers of driving a motor vehicle while under the influence of a controlled substance, prescription medication, or alcohol. 21977
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(D) The rules shall state the minimum hours for classroom and behind-the-wheel instruction required for beginning drivers of commercial trucks, commercial cars, buses, and commercial tractors, trailers, and semitrailers. 21980
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(E) (1) The department of public safety may charge a fee to each online driver training enterprise in an amount sufficient to pay the actual expenses the department incurs in the regulation of online driver education courses. 21984
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(2) The department shall supply to each licensed online driver training enterprise certificates to be used for certifying an applicant's enrollment in an approved online driver education course and a separate certificate to be issued upon successful completion of an approved online driver education course. The certificates shall be numbered serially. The department may charge a fee to each online driver training enterprise per certificate supplied to pay the actual expenses the department incurs in supplying the certificates. 21988
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(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing an abbreviated driver training course for adults. 21997
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Sec. 4510.036. (A) The bureau of motor vehicles shall record within ten days of conviction or bail ~~forfeiture~~ forfeiture and shall keep at its main office, all abstracts received under this section or section 4510.03, 4510.031, 22000
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4510.032, or 4510.034 of the Revised Code and shall maintain 22004
records of convictions and bond forfeitures for any violation of 22005
a state law or a municipal ordinance regulating the operation of 22006
vehicles, streetcars, and trackless trolleys on highways and 22007
streets, except a violation related to parking a motor vehicle. 22008

(B) Every court of record or mayor's court before which a 22009
person is charged with a violation for which points are 22010
chargeable by this section shall assess and transcribe to the 22011
abstract of conviction that is furnished by the bureau to the 22012
court the number of points chargeable by this section in the 22013
correct space assigned on the reporting form. A United States 22014
district court that has jurisdiction within this state and 22015
before which a person is charged with a violation for which 22016
points are chargeable by this section may assess and transcribe 22017
to the abstract of conviction report that is furnished by the 22018
bureau the number of points chargeable by this section in the 22019
correct space assigned on the reporting form. If the federal 22020
court so assesses and transcribes the points chargeable for the 22021
offense and furnishes the report to the bureau, the bureau shall 22022
record the points in the same manner as those assessed and 22023
transcribed by a court of record or mayor's court. 22024

(C) A court shall assess the following points for an 22025
offense based on the following formula: 22026

(1) Aggravated vehicular homicide, vehicular homicide, 22027
vehicular manslaughter, aggravated vehicular assault, or 22028
vehicular assault when the offense involves the operation of a 22029
vehicle, streetcar, or trackless trolley on a highway or street 22030
_____ 6 points 22031

(2) A violation of section 2921.331 of the Revised Code or 22032
any ordinance prohibiting the willful fleeing or eluding of a 22033

law enforcement officer _____ 6 points	22034
(3) A violation of section 4549.02 or 4549.021 of the Revised Code or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident _____ 6 points	22035 22036 22037 22038
(4) A violation of section 4511.251 of the Revised Code or any ordinance prohibiting street racing _____ 6 points	22039 22040
(5) A violation of section 4510.037 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under a twelve-point suspension _____ 6 points	22041 22042 22043 22044
(6) A violation of section 4510.14 of the Revised Code, or any ordinance prohibiting the operation of a motor vehicle upon the public roads or highways within this state while the driver's or commercial driver's license of the person is under suspension and the suspension was imposed under section 4511.19, 4511.191, or 4511.196 of the Revised Code or section 4510.07 of the Revised Code due to a conviction for a violation of a municipal OVI ordinance or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension for an OVI offense _____ 6 points	22045 22046 22047 22048 22049 22050 22051 22052 22053 22054 22055
(7) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a	22056 22057 22058 22059 22060 22061 22062

metabolite of a controlled substance in the whole blood, blood	22063
serum or plasma, breath, or urine _____ 6 points	22064
(8) A violation of section 2913.03 of the Revised Code	22065
that does not involve an aircraft or motorboat or any ordinance	22066
prohibiting the operation of a vehicle without the consent of	22067
the owner _____ 6 points	22068
(9) Any offense under the motor vehicle laws of this state	22069
that is a felony, or any other felony in the commission of which	22070
a motor vehicle was used _____ 6 points	22071
(10) A violation of division (B) of section 4511.19 of the	22072
Revised Code or any ordinance substantially equivalent to that	22073
division prohibiting the operation of a vehicle with a	22074
prohibited concentration of alcohol in the whole blood, blood	22075
serum or plasma, breath, or urine _____ 4 points	22076
(11) A violation of section 4511.20 of the Revised Code or	22077
any ordinance prohibiting the operation of a motor vehicle in	22078
willful or wanton disregard of the safety of persons or property	22079
_____ 4 points	22080
(12) A violation of any law or ordinance pertaining to	22081
speed:	22082
(a) Notwithstanding divisions (C) (12) (b) and (c) of this	22083
section, when the speed exceeds the lawful speed limit by thirty	22084
miles per hour or more _____ 4 points	22085
(b) When the speed exceeds the lawful speed limit of	22086
fifty-five miles per hour or more by more than ten miles per	22087
hour _____ 2 points	22088
(c) When the speed exceeds the lawful speed limit of less	22089
than fifty-five miles per hour by more than five miles per hour	22090

_____ 2 points	22091
(d) When the speed does not exceed the amounts set forth	22092
in divisions (C) (12) (a), (b), or (c) of this section _____	22093
0 points	22094
(13) <u>A violation of division (A) of section 4511.204 of</u>	22095
<u>the Revised Code or any substantially similar municipal</u>	22096
<u>ordinance:</u>	22097
<u>(a) For a first offense within any two-year period</u>	22098
<u>_____ 2 points</u>	22099
<u>(b) For a second offense within any two-year period</u>	22100
<u>_____ 3 points</u>	22101
<u>(c) For a third or subsequent offense within any two-year</u>	22102
<u>period _____ 4 points.</u>	22103
<u>(14) Operating a motor vehicle in violation of a</u>	22104
restriction imposed by the registrar _____ 2 points	22105
(14) <u>(15) A violation of section 4510.11, 4510.111,</u>	22106
4510.16, or 4510.21 of the Revised Code or any ordinance	22107
prohibiting the operation of a motor vehicle while the driver's	22108
or commercial driver's license is under suspension _____ 2	22109
points	22110
(15) <u>(16) With the exception of violations under section</u>	22111
4510.12 of the Revised Code where no points shall be assessed,	22112
all other moving violations reported under this section	22113
_____ 2 points	22114
(D) Upon receiving notification from the proper court,	22115
including a United States district court that has jurisdiction	22116
within this state, the bureau shall delete any points entered	22117
for a bond forfeiture if the driver is acquitted of the offense	22118

for which bond was posted. 22119

(E) If a person is convicted of or forfeits bail for two 22120
or more offenses arising out of the same facts and points are 22121
chargeable for each of the offenses, points shall be charged for 22122
only the conviction or bond forfeiture for which the greater 22123
number of points is chargeable, and, if the number of points 22124
chargeable for each offense is equal, only one offense shall be 22125
recorded, and points shall be charged only for that offense. 22126

Sec. 4510.04. It is an affirmative defense to any 22127
prosecution brought under section 4510.037, 4510.11, 4510.111, 22128
4510.14, 4510.16, or 4510.21 of the Revised Code or under any 22129
substantially equivalent municipal ordinance that the alleged 22130
offender drove under suspension, without a valid permit or 22131
driver's or commercial driver's license, or in violation of a 22132
restriction because of a substantial emergency, and because no 22133
other person was reasonably available to drive in response to 22134
the emergency. 22135

Sec. 4510.17. (A) The registrar of motor vehicles shall 22136
impose a class D suspension of the person's driver's license, 22137
commercial driver's license, temporary instruction permit, 22138
probationary license, or nonresident operating privilege for the 22139
period of time specified in division (B) (4) of section 4510.02 22140
of the Revised Code on any person who is a resident of this 22141
state and is convicted of or pleads guilty to a violation of a 22142
statute of any other state or any federal statute that is 22143
substantially similar to section 2925.02, 2925.03, 2925.04, 22144
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 22145
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 22146
2925.37 of the Revised Code. Upon receipt of a report from a 22147
court, court clerk, or other official of any other state or from 22148

any federal authority that a resident of this state was 22149
convicted of or pleaded guilty to an offense described in this 22150
division, the registrar shall send a notice by regular first 22151
class mail to the person, at the person's last known address as 22152
shown in the records of the bureau of motor vehicles, informing 22153
the person of the suspension, that the suspension will take 22154
effect twenty-one days from the date of the notice, and that, if 22155
the person wishes to appeal the suspension or denial, the person 22156
must file a notice of appeal within twenty-one days of the date 22157
of the notice requesting a hearing on the matter. If the person 22158
requests a hearing, the registrar shall hold the hearing not 22159
more than forty days after receipt by the registrar of the 22160
notice of appeal. The filing of a notice of appeal does not stay 22161
the operation of the suspension that must be imposed pursuant to 22162
this division. The scope of the hearing shall be limited to 22163
whether the person actually was convicted of or pleaded guilty 22164
to the offense for which the suspension is to be imposed. 22165

The suspension the registrar is required to impose under 22166
this division shall end either on the last day of the class D 22167
suspension period or of the suspension of the person's 22168
nonresident operating privilege imposed by the state or federal 22169
court, whichever is earlier. 22170

The registrar shall subscribe to or otherwise participate 22171
in any information system or register, or enter into reciprocal 22172
and mutual agreements with other states and federal authorities, 22173
in order to facilitate the exchange of information with other 22174
states and the United States government regarding persons who 22175
plead guilty to or are convicted of offenses described in this 22176
division and therefore are subject to the suspension or denial 22177
described in this division. 22178

(B) The registrar shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B) (4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. Upon receipt of a report from another state made pursuant to section 4510.61 of the Revised Code indicating that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the person, at the person's last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the person wishes to appeal the suspension, the person must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the person requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the notice of appeal. The filing of a notice of appeal does not stay the operation of the suspension that must be imposed pursuant to this division. The scope of the hearing shall be limited to whether the person actually was convicted of or pleaded guilty to the offense for which the suspension is to be imposed.

The suspension the registrar is required to impose under this division shall end either on the last day of the class D suspension period or of the suspension of the person's

nonresident operating privilege imposed by the state or federal 22210
court, whichever is earlier. 22211

(C) The registrar shall impose a class D suspension of the 22212
child's driver's license, commercial driver's license, temporary 22213
instruction permit, or nonresident operating privilege for the 22214
period of time specified in division (B) (4) of section 4510.02 22215
of the Revised Code on any child who is a resident of this state 22216
and is convicted of or pleads guilty to a violation of a statute 22217
of any other state or any federal statute that is substantially 22218
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 22219
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 22220
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 22221
Code. Upon receipt of a report from a court, court clerk, or 22222
other official of any other state or from any federal authority 22223
that a child who is a resident of this state was convicted of or 22224
pleaded guilty to an offense described in this division, the 22225
registrar shall send a notice by regular first class mail to the 22226
child, at the child's last known address as shown in the records 22227
of the bureau of motor vehicles, informing the child of the 22228
suspension, that the suspension or denial will take effect 22229
twenty-one days from the date of the notice, and that, if the 22230
child wishes to appeal the suspension, the child must file a 22231
notice of appeal within twenty-one days of the date of the 22232
notice requesting a hearing on the matter. If the child requests 22233
a hearing, the registrar shall hold the hearing not more than 22234
forty days after receipt by the registrar of the notice of 22235
appeal. The filing of a notice of appeal does not stay the 22236
operation of the suspension that must be imposed pursuant to 22237
this division. The scope of the hearing shall be limited to 22238
whether the child actually was convicted of or pleaded guilty to 22239
the offense for which the suspension is to be imposed. 22240

The suspension the registrar is required to impose under 22241
this division shall end either on the last day of the class D 22242
suspension period or of the suspension of the child's 22243
nonresident operating privilege imposed by the state or federal 22244
court, whichever is earlier. If the child is a resident of this 22245
state who is sixteen years of age or older and does not have a 22246
current, valid Ohio driver's or commercial driver's license or 22247
permit, the notice shall inform the child that the child will be 22248
denied issuance of a driver's or commercial driver's license or 22249
permit for six months beginning on the date of the notice. If 22250
the child has not attained the age of sixteen years on the date 22251
of the notice, the notice shall inform the child that the period 22252
of denial of six months shall commence on the date the child 22253
attains the age of sixteen years. 22254

The registrar shall subscribe to or otherwise participate 22255
in any information system or register, or enter into reciprocal 22256
and mutual agreements with other states and federal authorities, 22257
in order to facilitate the exchange of information with other 22258
states and the United States government regarding children who 22259
are residents of this state and plead guilty to or are convicted 22260
of offenses described in this division and therefore are subject 22261
to the suspension or denial described in this division. 22262

(D) The registrar shall impose a class D suspension of the 22263
child's driver's license, commercial driver's license, temporary 22264
instruction permit, probationary license, or nonresident 22265
operating privilege for the period of time specified in division 22266
(B) (4) of section 4510.02 of the Revised Code on any child who 22267
is a resident of this state and is convicted of or pleads guilty 22268
to a violation of a statute of any other state or a municipal 22269
ordinance of a municipal corporation located in any other state 22270
that is substantially similar to section 4511.19 of the Revised 22271

Code. Upon receipt of a report from another state made pursuant 22272
to section 4510.61 of the Revised Code indicating that a child 22273
who is a resident of this state was convicted of or pleaded 22274
guilty to an offense described in this division, the registrar 22275
shall send a notice by regular first class mail to the child, at 22276
the child's last known address as shown in the records of the 22277
bureau of motor vehicles, informing the child of the suspension, 22278
that the suspension will take effect twenty-one days from the 22279
date of the notice, and that, if the child wishes to appeal the 22280
suspension, the child must file a notice of appeal within 22281
twenty-one days of the date of the notice requesting a hearing 22282
on the matter. If the child requests a hearing, the registrar 22283
shall hold the hearing not more than forty days after receipt by 22284
the registrar of the notice of appeal. The filing of a notice of 22285
appeal does not stay the operation of the suspension that must 22286
be imposed pursuant to this division. The scope of the hearing 22287
shall be limited to whether the child actually was convicted of 22288
or pleaded guilty to the offense for which the suspension is to 22289
be imposed. 22290

The suspension the registrar is required to impose under 22291
this division shall end either on the last day of the class D 22292
suspension period or of the suspension of the child's 22293
nonresident operating privilege imposed by the state or federal 22294
court, whichever is earlier. If the child is a resident of this 22295
state who is sixteen years of age or older and does not have a 22296
current, valid Ohio driver's or commercial driver's license or 22297
permit, the notice shall inform the child that the child will be 22298
denied issuance of a driver's or commercial driver's license or 22299
permit for six months beginning on the date of the notice. If 22300
the child has not attained the age of sixteen years on the date 22301
of the notice, the notice shall inform the child that the period 22302

of denial of six months shall commence on the date the child 22303
attains the age of sixteen years. 22304

(E) (1) Any person whose license or permit has been 22305
suspended pursuant to this section may file a petition in the 22306
municipal or county court, or in case the person is under 22307
eighteen years of age, the juvenile court, in whose jurisdiction 22308
the person resides, requesting limited driving privileges and 22309
agreeing to pay the cost of the proceedings. Except as provided 22310
in division (E) (2) or (3) of this section, the judge may grant 22311
the person limited driving privileges during the period during 22312
which the suspension otherwise would be imposed for any of the 22313
purposes set forth in division (A) of section 4510.021 of the 22314
Revised Code. 22315

(2) No judge shall grant limited driving privileges for 22316
employment as a driver of a commercial motor vehicle to any 22317
person who would be disqualified from operating a commercial 22318
motor vehicle under section 4506.16 of the Revised Code if the 22319
violation had occurred in this state. Further, no judge shall 22320
grant limited driving privileges during any of the following 22321
periods of time: 22322

(a) The first fifteen days of a suspension under division 22323
(B) or (D) of this section, if the person has not been convicted 22324
within ten years of the date of the offense giving rise to the 22325
suspension under this section of a violation of any of the 22326
following: 22327

(i) ~~Section~~ Division (A) of section 4511.19 of the Revised 22328
Code, or a municipal ordinance relating to operating a vehicle 22329
while under the influence of alcohol, a drug of abuse, or 22330
alcohol and a drug of abuse; 22331

(ii) A municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine; 22332
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(iii) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section; 22336
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(iv) Division (A) (1) of section 2903.06 or division (A) (1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions; 22339
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(v) Division (A) (2), (3), or (4) of section 2903.06, division (A) (2) of section 2903.08, or as it existed prior to March 23, 2000, section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse. 22342
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(b) The first thirty days of a suspension under division (B) or (D) of this section, if the person has been convicted one time within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section. 22349
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(c) The first one hundred eighty days of a suspension under division (B) or (D) of this section, if the person has been convicted two times within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section. 22354
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(3) No limited driving privileges may be granted if the person has been convicted three or more times within five years 22359
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of the date of the offense giving rise to a suspension under 22361
division (B) or (D) of this section of any violation identified 22362
in division (E) (1) (a) of this section. 22363

(4) In accordance with section 4510.022 of the Revised 22364
Code, a person may petition for, and a judge may grant, 22365
unlimited driving privileges with a certified ignition interlock 22366
device during the period of suspension imposed under division 22367
(B) or (D) of this section to a person described in division (E) 22368
(2) (a) of this section. 22369

(5) If a person petitions for limited driving privileges 22370
under division (E) (1) of this section or unlimited driving 22371
privileges with a certified ignition interlock device as 22372
provided in division (E) (4) of this section, the registrar shall 22373
be represented by the county prosecutor of the county in which 22374
the person resides if the petition is filed in a juvenile court 22375
or county court, except that if the person resides within a city 22376
or village that is located within the jurisdiction of the county 22377
in which the petition is filed, the city director of law or 22378
village solicitor of that city or village shall represent the 22379
registrar. If the petition is filed in a municipal court, the 22380
registrar shall be represented as provided in section 1901.34 of 22381
the Revised Code. 22382

(6) (a) In issuing an order granting limited driving 22383
privileges under division (E) (1) of this section, the court may 22384
impose any condition it considers reasonable and necessary to 22385
limit the use of a vehicle by the person. The court shall 22386
deliver to the person a copy of the order setting forth the 22387
time, place, and other conditions limiting the person's use of a 22388
motor vehicle. Unless division (E) (6) (b) of this section 22389
applies, the grant of limited driving privileges shall be 22390

conditioned upon the person's having the order in the person's possession at all times during which the person is operating a vehicle. 22391
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(b) If, under the order, the court requires the use of an immobilizing or disabling device as a condition of the grant of limited or unlimited driving privileges, the person shall present to the registrar or to a deputy registrar the copy of the order granting limited driving privileges and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and is signed by the person who installed the device. 22394
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Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

(7) (a) Unless division (E) (7) (b) applies, a person granted limited driving privileges who operates a vehicle for other than limited purposes, in violation of any condition imposed by the court or without having the order in the person's possession, is guilty of a violation of section 4510.11 of the Revised Code. 22414
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(b) No person who has been granted limited or unlimited driving privileges under division (E) of this section subject to 22419
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an immobilizing or disabling device order shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code.

(c) The offenses established under division (E) (7) of this section are strict liability offenses and section 2901.20 of the Revised Code does not apply.

(F) The provisions of division (A) (8) of section 4510.13 of the Revised Code apply to a person who has been granted limited or unlimited driving privileges with a certified ignition interlock device under this section and who either commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or operates a motor vehicle that is not equipped with a certified ignition interlock device.

(G) Any person whose license or permit has been suspended under division (A) or (C) of this section may file a petition in the municipal or county court, or in case the person is under eighteen years of age, the juvenile court, in whose jurisdiction the person resides, requesting the termination of the suspension and agreeing to pay the cost of the proceedings. If the court, in its discretion, determines that a termination of the suspension is appropriate, the court shall issue an order to the registrar to terminate the suspension. Upon receiving such an order, the registrar shall reinstate the license.

(H) As used in divisions (C) and (D) of this section:

(1) "Child" means a person who is under the age of eighteen years, except that any person who violates a statute or ordinance described in division (C) or (D) of this section prior to attaining eighteen years of age shall be deemed a "child"

irrespective of the person's age at the time the complaint or 22450
other equivalent document is filed in the other state or a 22451
hearing, trial, or other proceeding is held in the other state 22452
on the complaint or other equivalent document, and irrespective 22453
of the person's age when the period of license suspension or 22454
denial prescribed in division (C) or (D) of this section is 22455
imposed. 22456

(2) "Is convicted of or pleads guilty to" means, as it 22457
relates to a child who is a resident of this state, that in a 22458
proceeding conducted in a state or federal court located in 22459
another state for a violation of a statute or ordinance 22460
described in division (C) or (D) of this section, the result of 22461
the proceeding is any of the following: 22462

(a) Under the laws that govern the proceedings of the 22463
court, the child is adjudicated to be or admits to being a 22464
delinquent child or a juvenile traffic offender for a violation 22465
described in division (C) or (D) of this section that would be a 22466
crime if committed by an adult; 22467

(b) Under the laws that govern the proceedings of the 22468
court, the child is convicted of or pleads guilty to a violation 22469
described in division (C) or (D) of this section; 22470

(c) Under the laws that govern the proceedings of the 22471
court, irrespective of the terminology utilized in those laws, 22472
the result of the court's proceedings is the functional 22473
equivalent of division (H) (2) (a) or (b) of this section. 22474

Sec. 4511.043. (A) (1) No law enforcement officer who stops 22475
the operator of a motor vehicle in the course of an authorized 22476
sobriety or other motor vehicle checkpoint operation or a motor 22477
vehicle safety inspection shall issue a ticket, citation, or 22478

summons for a secondary traffic offense unless in the course of 22479
the checkpoint operation or safety inspection the officer first 22480
determines that an offense other than a secondary traffic 22481
offense has occurred and either places the operator or a vehicle 22482
occupant under arrest or issues a ticket, citation, or summons 22483
to the operator or a vehicle occupant for an offense other than 22484
a secondary offense. 22485

(2) A law enforcement agency that operates a motor vehicle 22486
checkpoint for an express purpose related to a secondary traffic 22487
offense shall not issue a ticket, citation, or summons for any 22488
secondary traffic offense at such a checkpoint, but may use such 22489
a checkpoint operation to conduct a public awareness campaign 22490
and distribute information. 22491

(B) As used in this section, "secondary traffic offense" 22492
means a violation of division (A) or (F) (2) of section 4507.05, 22493
division (B) (1) (a) or (b) or (E) of section 4507.071, ~~division~~ 22494
~~(A) of section 4511.204,~~ division (C) or (D) of section 4511.81, 22495
division (A) (3) of section 4513.03, or division (B) of section 22496
4513.263 of the Revised Code. 22497

Sec. 4511.122. (A) The department of transportation shall 22498
include a sign, in the department's manual for a uniform system 22499
of traffic control devices adopted under section 4511.09 of the 22500
Revised Code, regarding the prohibition against using an 22501
electronic wireless communications device while driving, as 22502
established under section 4511.204 of the Revised Code. 22503

(B) The director of transportation shall erect the signs 22504
established by this section in the following locations: 22505

(1) Where an interstate or United States route enters 22506
Ohio; 22507

(2) Where a road, originating from a commercial service 22508
airport, exits the airport's property. 22509

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 22510
the Revised Code: 22511

(A) "Equivalent offense" means any of the following: 22512

(1) A violation of division (A) ~~or (B)~~ of section 4511.19 22513
of the Revised Code; 22514

(2) A violation of a municipal OVI ordinance; 22515

(3) A violation of section 2903.04 of the Revised Code in 22516
a case in which the offender was subject to the sanctions 22517
described in division (D) of that section; 22518

(4) A violation of division (A) (1) of section 2903.06 or 22519
2903.08 of the Revised Code or a municipal ordinance that is 22520
substantially equivalent to either of those divisions; 22521

(5) A violation of division (A) (2), (3), or (4) of section 22522
2903.06, division (A) (2) of section 2903.08, or former section 22523
2903.07 of the Revised Code, or a municipal ordinance that is 22524
substantially equivalent to any of those divisions or that 22525
former section, in a case in which a judge or jury as the trier 22526
of fact found that the offender was under the influence of 22527
alcohol, a drug of abuse, or a combination of them; 22528

(6) A violation of division (A) ~~or (B)~~ of section 1547.11 22529
of the Revised Code; 22530

(7) A violation of a municipal ordinance prohibiting a 22531
person from operating or being in physical control of any vessel 22532
underway or from manipulating any water skis, aquaplane, or 22533
similar device on the waters of this state while under the 22534
influence of alcohol, a drug of abuse, or a combination of them 22535

or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(8) 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 or division (A) ~~or (B)~~ of section 1547.11 of the Revised Code;

(9) A violation of a former law of this state that was substantially equivalent to division (A) ~~or (B)~~ of section 4511.19 or division (A) ~~or (B)~~ of section 1547.11 of the Revised Code.

(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G) (1) (a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail.

(2) Except as specifically authorized under section 4511.19 of the Revised Code, the term cannot be suspended, reduced, or otherwise modified pursuant to sections 2929.21 to 2929.28 or any other provision of the Revised Code.

(C) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating

a vehicle while under the influence of alcohol, a drug of abuse, 22565
or a combination of them or prohibiting a person from operating 22566
a vehicle with a prohibited concentration of alcohol, a 22567
controlled substance, or a metabolite of a controlled substance 22568
in the whole blood, blood serum or plasma, breath, or urine. 22569

(D) "Community residential sanction," "continuous alcohol 22570
monitoring," "jail," "mandatory prison term," "mandatory term of 22571
local incarceration," "sanction," and "prison term" have the 22572
same meanings as in section 2929.01 of the Revised Code. 22573

(E) "Drug of abuse" has the same meaning as in section 22574
4506.01 of the Revised Code. 22575

(F) "Equivalent offense that is vehicle-related" means an 22576
equivalent offense that is any of the following: 22577

(1) A violation described in division (A) (1), (2), (3), 22578
(4), or (5) of this section; 22579

(2) A violation of an existing or former municipal 22580
ordinance, law of another state, or law of the United States 22581
that is substantially equivalent to division (A) ~~or (B)~~ of 22582
section 4511.19 of the Revised Code; 22583

(3) A violation of a former law of this state that was 22584
substantially equivalent to division (A) ~~or (B)~~ of section 22585
4511.19 of the Revised Code. 22586

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 22587
streetcar, or trackless trolley within this state, if, at the 22588
time of the operation, any of the following apply: 22589

(a) The person is under the influence of alcohol, a drug 22590
of abuse, or a combination of them. 22591

(b) The person has a concentration of eight-hundredths of 22592

one per cent or more but less than seventeen-hundredths of one 22593
per cent by weight per unit volume of alcohol in the person's 22594
whole blood. 22595

(c) The person has a concentration of ninety-six- 22596
thousandths of one per cent or more but less than two hundred 22597
four-thousandths of one per cent by weight per unit volume of 22598
alcohol in the person's blood serum or plasma. 22599

(d) The person has a concentration of eight-hundredths of 22600
one gram or more but less than seventeen-hundredths of one gram 22601
by weight of alcohol per two hundred ten liters of the person's 22602
breath. 22603

(e) The person has a concentration of eleven-hundredths of 22604
one gram or more but less than two hundred thirty-eight- 22605
thousandths of one gram by weight of alcohol per one hundred 22606
milliliters of the person's urine. 22607

(f) The person has a concentration of seventeen-hundredths 22608
of one per cent or more by weight per unit volume of alcohol in 22609
the person's whole blood. 22610

(g) The person has a concentration of two hundred four- 22611
thousandths of one per cent or more by weight per unit volume of 22612
alcohol in the person's blood serum or plasma. 22613

(h) The person has a concentration of seventeen-hundredths 22614
of one gram or more by weight of alcohol per two hundred ten 22615
liters of the person's breath. 22616

(i) The person has a concentration of two hundred thirty- 22617
eight-thousandths of one gram or more by weight of alcohol per 22618
one hundred milliliters of the person's urine. 22619

(j) Except as provided in division (K) of this section, 22620

the person has a concentration of any of the following 22621
controlled substances or metabolites of a controlled substance 22622
in the person's whole blood, blood serum or plasma, or urine 22623
that equals or exceeds any of the following: 22624

(i) The person has a concentration of amphetamine in the 22625
person's urine of at least five hundred nanograms of amphetamine 22626
per milliliter of the person's urine or has a concentration of 22627
amphetamine in the person's whole blood or blood serum or plasma 22628
of at least one hundred nanograms of amphetamine per milliliter 22629
of the person's whole blood or blood serum or plasma. 22630

(ii) The person has a concentration of cocaine in the 22631
person's urine of at least one hundred fifty nanograms of 22632
cocaine per milliliter of the person's urine or has a 22633
concentration of cocaine in the person's whole blood or blood 22634
serum or plasma of at least fifty nanograms of cocaine per 22635
milliliter of the person's whole blood or blood serum or plasma. 22636

(iii) The person has a concentration of cocaine metabolite 22637
in the person's urine of at least one hundred fifty nanograms of 22638
cocaine metabolite per milliliter of the person's urine or has a 22639
concentration of cocaine metabolite in the person's whole blood 22640
or blood serum or plasma of at least fifty nanograms of cocaine 22641
metabolite per milliliter of the person's whole blood or blood 22642
serum or plasma. 22643

(iv) The person has a concentration of heroin in the 22644
person's urine of at least two thousand nanograms of heroin per 22645
milliliter of the person's urine or has a concentration of 22646
heroin in the person's whole blood or blood serum or plasma of 22647
at least fifty nanograms of heroin per milliliter of the 22648
person's whole blood or blood serum or plasma. 22649

(v) The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

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(vi) The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

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(vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

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(viii) Either of the following applies: 22670

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

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(II) The person has a concentration of marihuana 22679
metabolite in the person's urine of at least thirty-five 22680
nanograms of marihuana metabolite per milliliter of the person's 22681
urine or has a concentration of marihuana metabolite in the 22682
person's whole blood or blood serum or plasma of at least fifty 22683
nanograms of marihuana metabolite per milliliter of the person's 22684
whole blood or blood serum or plasma. 22685

(ix) The person has a concentration of methamphetamine in 22686
the person's urine of at least five hundred nanograms of 22687
methamphetamine per milliliter of the person's urine or has a 22688
concentration of methamphetamine in the person's whole blood or 22689
blood serum or plasma of at least one hundred nanograms of 22690
methamphetamine per milliliter of the person's whole blood or 22691
blood serum or plasma. 22692

(x) The person has a concentration of phencyclidine in the 22693
person's urine of at least twenty-five nanograms of 22694
phencyclidine per milliliter of the person's urine or has a 22695
concentration of phencyclidine in the person's whole blood or 22696
blood serum or plasma of at least ten nanograms of phencyclidine 22697
per milliliter of the person's whole blood or blood serum or 22698
plasma. 22699

(xi) The state board of pharmacy has adopted a rule 22700
pursuant to section 4729.041 of the Revised Code that specifies 22701
the amount of salvia divinorum and the amount of salvinorin A 22702
that constitute concentrations of salvia divinorum and 22703
salvinorin A in a person's urine, in a person's whole blood, or 22704
in a person's blood serum or plasma at or above which the person 22705
is impaired for purposes of operating any vehicle, streetcar, or 22706
trackless trolley within this state, the rule is in effect, and 22707
the person has a concentration of salvia divinorum or salvinorin 22708

A of at least that amount so specified by rule in the person's 22709
urine, in the person's whole blood, or in the person's blood 22710
serum or plasma. 22711

(2) No person who, within twenty years of the conduct 22712
described in division (A)(2)(a) of this section, previously has 22713
been convicted of or pleaded guilty to a violation of this 22714
division, a violation of division (A)(1) ~~or (B)~~ of this section, 22715
or any other equivalent offense shall do both of the following: 22716

(a) Operate any vehicle, streetcar, or trackless trolley 22717
within this state while under the influence of alcohol, a drug 22718
of abuse, or a combination of them; 22719

(b) Subsequent to being arrested for operating the 22720
vehicle, streetcar, or trackless trolley as described in 22721
division (A)(2)(a) of this section, being asked by a law 22722
enforcement officer to submit to a chemical test or tests under 22723
section 4511.191 of the Revised Code, and being advised by the 22724
officer in accordance with section 4511.192 of the Revised Code 22725
of the consequences of the person's refusal or submission to the 22726
test or tests, refuse to submit to the test or tests. 22727

(B) No person under twenty-one years of age shall operate 22728
any vehicle, streetcar, or trackless trolley within this state, 22729
if, at the time of the operation, any of the following apply: 22730

(1) The person has a concentration of at least two- 22731
hundredths of one per cent but less than eight-hundredths of one 22732
per cent by weight per unit volume of alcohol in the person's 22733
whole blood. 22734

(2) The person has a concentration of at least three- 22735
hundredths of one per cent but less than ninety-six-thousandths 22736
of one per cent by weight per unit volume of alcohol in the 22737

person's blood serum or plasma. 22738

(3) The person has a concentration of at least two- 22739
hundredths of one gram but less than eight-hundredths of one 22740
gram by weight of alcohol per two hundred ten liters of the 22741
person's breath. 22742

(4) The person has a concentration of at least twenty- 22743
eight one-thousandths of one gram but less than eleven- 22744
hundredths of one gram by weight of alcohol per one hundred 22745
milliliters of the person's urine. 22746

(C) In any proceeding arising out of one incident, a 22747
person may be charged with a violation of division (A) (1) (a) or 22748
(A) (2) and a violation of division (B) (1), (2), or (3) of this 22749
section, but the person may not be convicted of more than one 22750
violation of these divisions. 22751

(D) (1) (a) In any criminal prosecution or juvenile court 22752
proceeding for a violation of division (A) (1) (a) of this section 22753
or for an equivalent offense that is vehicle-related, the result 22754
of any test of any blood or urine withdrawn and analyzed at any 22755
health care provider, as defined in section 2317.02 of the 22756
Revised Code, may be admitted with expert testimony to be 22757
considered with any other relevant and competent evidence in 22758
determining the guilt or innocence of the defendant. 22759

(b) In any criminal prosecution or juvenile court 22760
proceeding for a violation of division (A) or (B) of this 22761
section or for an equivalent offense that is vehicle-related, 22762
the court may admit evidence on the concentration of alcohol, 22763
drugs of abuse, controlled substances, metabolites of a 22764
controlled substance, or a combination of them in the 22765
defendant's whole blood, blood serum or plasma, breath, urine, 22766

or other bodily substance at the time of the alleged violation 22767
as shown by chemical analysis of the substance withdrawn within 22768
three hours of the time of the alleged violation. The three-hour 22769
time limit specified in this division regarding the admission of 22770
evidence does not extend or affect the two-hour time limit 22771
specified in division (A) of section 4511.192 of the Revised 22772
Code as the maximum period of time during which a person may 22773
consent to a chemical test or tests as described in that 22774
section. The court may admit evidence on the concentration of 22775
alcohol, drugs of abuse, or a combination of them as described 22776
in this division when a person submits to a blood, breath, 22777
urine, or other bodily substance test at the request of a law 22778
enforcement officer under section 4511.191 of the Revised Code 22779
or a blood or urine sample is obtained pursuant to a search 22780
warrant. Only a physician, a registered nurse, an emergency 22781
medical technician-intermediate, an emergency medical 22782
technician-paramedic, or a qualified technician, chemist, or 22783
phlebotomist shall withdraw a blood sample for the purpose of 22784
determining the alcohol, drug, controlled substance, metabolite 22785
of a controlled substance, or combination content of the whole 22786
blood, blood serum, or blood plasma. This limitation does not 22787
apply to the taking of breath or urine specimens. A person 22788
authorized to withdraw blood under this division may refuse to 22789
withdraw blood under this division, if in that person's opinion, 22790
the physical welfare of the person would be endangered by the 22791
withdrawing of blood. 22792

The bodily substance withdrawn under division (D) (1) (b) of 22793
this section shall be analyzed in accordance with methods 22794
approved by the director of health by an individual possessing a 22795
valid permit issued by the director pursuant to section 3701.143 22796
of the Revised Code. 22797

(c) As used in division (D) (1) (b) of this section, 22798
"emergency medical technician-intermediate" and "emergency 22799
medical technician-paramedic" have the same meanings as in 22800
section 4765.01 of the Revised Code. 22801

(2) In a criminal prosecution or juvenile court proceeding 22802
for a violation of division (A) of this section or for an 22803
equivalent offense that is vehicle-related, if there was at the 22804
time the bodily substance was withdrawn a concentration of less 22805
than the applicable concentration of alcohol specified in 22806
divisions (A) (1) (b), (c), (d), and (e) of this section or less 22807
than the applicable concentration of a listed controlled 22808
substance or a listed metabolite of a controlled substance 22809
specified for a violation of division (A) (1) (j) of this section, 22810
that fact may be considered with other competent evidence in 22811
determining the guilt or innocence of the defendant. This 22812
division does not limit or affect a criminal prosecution or 22813
juvenile court proceeding for a violation of division (B) of 22814
this section or for an equivalent offense that is substantially 22815
equivalent to that division. 22816

(3) Upon the request of the person who was tested, the 22817
results of the chemical test shall be made available to the 22818
person or the person's attorney, immediately upon the completion 22819
of the chemical test analysis. 22820

If the chemical test was obtained pursuant to division (D) 22821
(1) (b) of this section, the person tested may have a physician, 22822
a registered nurse, or a qualified technician, chemist, or 22823
phlebotomist of the person's own choosing administer a chemical 22824
test or tests, at the person's expense, in addition to any 22825
administered at the request of a law enforcement officer. If the 22826
person was under arrest as described in division (A) (5) of 22827

section 4511.191 of the Revised Code, the arresting officer 22828
shall advise the person at the time of the arrest that the 22829
person may have an independent chemical test taken at the 22830
person's own expense. If the person was under arrest other than 22831
described in division (A) (5) of section 4511.191 of the Revised 22832
Code, the form to be read to the person to be tested, as 22833
required under section 4511.192 of the Revised Code, shall state 22834
that the person may have an independent test performed at the 22835
person's expense. The failure or inability to obtain an 22836
additional chemical test by a person shall not preclude the 22837
admission of evidence relating to the chemical test or tests 22838
taken at the request of a law enforcement officer. 22839

(4) (a) As used in divisions (D) (4) (b) and (c) of this 22840
section, "national highway traffic safety administration" means 22841
the national highway traffic safety administration established 22842
as an administration of the United States department of 22843
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 22844

(b) In any criminal prosecution or juvenile court 22845
proceeding for a violation of division (A) or (B) of this 22846
section, of a municipal ordinance relating to operating a 22847
vehicle while under the influence of alcohol, a drug of abuse, 22848
or alcohol and a drug of abuse, or of a municipal ordinance 22849
relating to operating a vehicle with a prohibited concentration 22850
of alcohol, a controlled substance, or a metabolite of a 22851
controlled substance in the whole blood, blood serum or plasma, 22852
breath, or urine, if a law enforcement officer has administered 22853
a field sobriety test to the operator of the vehicle involved in 22854
the violation and if it is shown by clear and convincing 22855
evidence that the officer administered the test in substantial 22856
compliance with the testing standards for any reliable, 22857
credible, and generally accepted field sobriety tests that were 22858

in effect at the time the tests were administered, including, 22859
but not limited to, any testing standards then in effect that 22860
were set by the national highway traffic safety administration, 22861
all of the following apply: 22862

(i) The officer may testify concerning the results of the 22863
field sobriety test so administered. 22864

(ii) The prosecution may introduce the results of the 22865
field sobriety test so administered as evidence in any 22866
proceedings in the criminal prosecution or juvenile court 22867
proceeding. 22868

(iii) If testimony is presented or evidence is introduced 22869
under division (D) (4) (b) (i) or (ii) of this section and if the 22870
testimony or evidence is admissible under the Rules of Evidence, 22871
the court shall admit the testimony or evidence and the trier of 22872
fact shall give it whatever weight the trier of fact considers 22873
to be appropriate. 22874

(c) Division (D) (4) (b) of this section does not limit or 22875
preclude a court, in its determination of whether the arrest of 22876
a person was supported by probable cause or its determination of 22877
any other matter in a criminal prosecution or juvenile court 22878
proceeding of a type described in that division, from 22879
considering evidence or testimony that is not otherwise 22880
disallowed by division (D) (4) (b) of this section. 22881

(E) (1) Subject to division (E) (3) of this section, in any 22882
criminal prosecution or juvenile court proceeding for a 22883
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 22884
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 22885
an equivalent offense that is substantially equivalent to any of 22886
those divisions, a laboratory report from any laboratory 22887

personnel issued a permit by the department of health 22888
authorizing an analysis as described in this division that 22889
contains an analysis of the whole blood, blood serum or plasma, 22890
breath, urine, or other bodily substance tested and that 22891
contains all of the information specified in this division shall 22892
be admitted as prima-facie evidence of the information and 22893
statements that the report contains. The laboratory report shall 22894
contain all of the following: 22895

(a) The signature, under oath, of any person who performed 22896
the analysis; 22897

(b) Any findings as to the identity and quantity of 22898
alcohol, a drug of abuse, a controlled substance, a metabolite 22899
of a controlled substance, or a combination of them that was 22900
found; 22901

(c) A copy of a notarized statement by the laboratory 22902
director or a designee of the director that contains the name of 22903
each certified analyst or test performer involved with the 22904
report, the analyst's or test performer's employment 22905
relationship with the laboratory that issued the report, and a 22906
notation that performing an analysis of the type involved is 22907
part of the analyst's or test performer's regular duties; 22908

(d) An outline of the analyst's or test performer's 22909
education, training, and experience in performing the type of 22910
analysis involved and a certification that the laboratory 22911
satisfies appropriate quality control standards in general and, 22912
in this particular analysis, under rules of the department of 22913
health. 22914

(2) Notwithstanding any other provision of law regarding 22915
the admission of evidence, a report of the type described in 22916

division (E) (1) of this section is not admissible against the 22917
defendant to whom it pertains in any proceeding, other than a 22918
preliminary hearing or a grand jury proceeding, unless the 22919
prosecutor has served a copy of the report on the defendant's 22920
attorney or, if the defendant has no attorney, on the defendant. 22921

(3) A report of the type described in division (E) (1) of 22922
this section shall not be prima-facie evidence of the contents, 22923
identity, or amount of any substance if, within seven days after 22924
the defendant to whom the report pertains or the defendant's 22925
attorney receives a copy of the report, the defendant or the 22926
defendant's attorney demands the testimony of the person who 22927
signed the report. The judge in the case may extend the seven- 22928
day time limit in the interest of justice. 22929

(F) Except as otherwise provided in this division, any 22930
physician, registered nurse, emergency medical technician- 22931
intermediate, emergency medical technician-paramedic, or 22932
qualified technician, chemist, or phlebotomist who withdraws 22933
blood from a person pursuant to this section or section 4511.191 22934
or 4511.192 of the Revised Code, and any hospital, first-aid 22935
station, or clinic at which blood is withdrawn from a person 22936
pursuant to this section or section 4511.191 or 4511.192 of the 22937
Revised Code, is immune from criminal liability and civil 22938
liability based upon a claim of assault and battery or any other 22939
claim that is not a claim of malpractice, for any act performed 22940
in withdrawing blood from the person. The immunity provided in 22941
this division also extends to an emergency medical service 22942
organization that employs an emergency medical technician- 22943
intermediate or emergency medical technician-paramedic who 22944
withdraws blood under this section. The immunity provided in 22945
this division is not available to a person who withdraws blood 22946
if the person engages in willful or wanton misconduct. 22947

As used in this division, "emergency medical technician-
intermediate" and "emergency medical technician-paramedic" have
the same meanings as in section 4765.01 of the Revised Code.

(G) (1) Whoever violates any provision of divisions (A) (1)
(a) to (i) or (A) (2) of this section is guilty of operating a
vehicle under the influence of alcohol, a drug of abuse, or a
combination of them. Whoever violates division (A) (1) (j) of this
section is guilty of operating a vehicle while under the
influence of a listed controlled substance or a listed
metabolite of a controlled substance. The court shall sentence
the offender for either offense under Chapter 2929. of the
Revised Code, except as otherwise authorized or required by
divisions (G) (1) (a) to (e) of this section:

(a) Except as otherwise provided in division (G) (1) (b),
(c), (d), or (e) of this section, the offender is guilty of a
misdemeanor of the first degree, and 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 jail term of three consecutive days. As used in this
division, three consecutive days means seventy-two consecutive
hours. The court may sentence an offender to both an
intervention program and a jail term. The court may impose a
jail term in addition to the three-day mandatory jail term or
intervention program. However, in no case shall the cumulative
jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail
term under this division if the court, in lieu of that suspended
term, places the offender under a community control sanction
pursuant to section 2929.25 of the Revised Code and requires the

offender to attend, for three consecutive days, a drivers' 22978
intervention program certified under section 5119.38 of the 22979
Revised Code. The court also may suspend the execution of any 22980
part of the three-day jail term under this division if it places 22981
the offender under a community control sanction pursuant to 22982
section 2929.25 of the Revised Code for part of the three days, 22983
requires the offender to attend for the suspended part of the 22984
term a drivers' intervention program so certified, and sentences 22985
the offender to a jail term equal to the remainder of the three 22986
consecutive days that the offender does not spend attending the 22987
program. The court may require the offender, as a condition of 22988
community control and in addition to the required attendance at 22989
a drivers' intervention program, to attend and satisfactorily 22990
complete any treatment or education programs that comply with 22991
the minimum standards adopted pursuant to Chapter 5119. of the 22992
Revised Code by the director of mental health and addiction 22993
services that the operators of the drivers' intervention program 22994
determine that the offender should attend and to report 22995
periodically to the court on the offender's progress in the 22996
programs. The court also may impose on the offender any other 22997
conditions of community control that it considers necessary. 22998

If the court grants unlimited driving privileges to a 22999
first-time offender under section 4510.022 of the Revised Code, 23000
all penalties imposed upon the offender by the court under 23001
division (G)(1)(a)(i) of this section for the offense apply, 23002
except that the court shall suspend any mandatory or additional 23003
jail term imposed by the court under division (G)(1)(a)(i) of 23004
this section upon granting unlimited driving privileges in 23005
accordance with section 4510.022 of the Revised Code. 23006

(ii) If the sentence is being imposed for a violation of 23007
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23008

section, except as otherwise provided in this division, a 23009
mandatory jail term of at least three consecutive days and a 23010
requirement that the offender attend, for three consecutive 23011
days, a drivers' intervention program that is certified pursuant 23012
to section 5119.38 of the Revised Code. As used in this 23013
division, three consecutive days means seventy-two consecutive 23014
hours. If the court determines that the offender is not 23015
conducive to treatment in a drivers' intervention program, if 23016
the offender refuses to attend a drivers' intervention program, 23017
or if the jail at which the offender is to serve the jail term 23018
imposed can provide a driver's intervention program, the court 23019
shall sentence the offender to a mandatory jail term of at least 23020
six consecutive days. 23021

If the court grants unlimited driving privileges to a 23022
first-time offender under section 4510.022 of the Revised Code, 23023
all penalties imposed upon the offender by the court under 23024
division (G) (1) (a) (ii) of this section for the offense apply, 23025
except that the court shall suspend any mandatory or additional 23026
jail term imposed by the court under division (G) (1) (a) (ii) of 23027
this section upon granting unlimited driving privileges in 23028
accordance with section 4510.022 of the Revised Code. 23029

The court may require the offender, under a community 23030
control sanction imposed under section 2929.25 of the Revised 23031
Code, to attend and satisfactorily complete any treatment or 23032
education programs that comply with the minimum standards 23033
adopted pursuant to Chapter 5119. of the Revised Code by the 23034
director of mental health and addiction services, in addition to 23035
the required attendance at drivers' intervention program, that 23036
the operators of the drivers' intervention program determine 23037
that the offender should attend and to report periodically to 23038
the court on the offender's progress in the programs. The court 23039

also may impose any other conditions of community control on the 23040
offender that it considers necessary. 23041

(iii) In all cases, a fine of not less than three hundred 23042
seventy-five and not more than one thousand seventy-five 23043
dollars; 23044

(iv) In all cases, a suspension of the offender's driver's 23045
or commercial driver's license or permit or nonresident 23046
operating privilege for a definite period of one to three years. 23047
The court may grant limited driving privileges relative to the 23048
suspension under sections 4510.021 and 4510.13 of the Revised 23049
Code. The court may grant unlimited driving privileges with an 23050
ignition interlock device relative to the suspension and may 23051
reduce the period of suspension as authorized under section 23052
4510.022 of the Revised Code. 23053

(b) Except as otherwise provided in division (G) (1) (e) of 23054
this section, an offender who, within ten years of the offense, 23055
previously has been convicted of or pleaded guilty to one 23056
violation of division (A) ~~or (B)~~ of this section or one other 23057
equivalent offense is guilty of a misdemeanor of the first 23058
degree. The court shall sentence the offender to all of the 23059
following: 23060

(i) If the sentence is being imposed for a violation of 23061
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 23062
a mandatory jail term of ten consecutive days. The court shall 23063
impose the ten-day mandatory jail term under this division 23064
unless, subject to division (G) (3) of this section, it instead 23065
imposes a sentence under that division consisting of both a jail 23066
term and a term of house arrest with electronic monitoring, with 23067
continuous alcohol monitoring, or with both electronic 23068
monitoring and continuous alcohol monitoring. The court may 23069

impose a jail term in addition to the ten-day mandatory jail 23070
term. The cumulative jail term imposed for the offense shall not 23071
exceed six months. 23072

In addition to the jail term or the term of house arrest 23073
with electronic monitoring or continuous alcohol monitoring or 23074
both types of monitoring and jail term, the court shall require 23075
the offender to be assessed by a community addiction services 23076
provider that is authorized by section 5119.21 of the Revised 23077
Code, subject to division (I) of this section, and shall order 23078
the offender to follow the treatment recommendations of the 23079
services provider. The purpose of the assessment is to determine 23080
the degree of the offender's alcohol usage and to determine 23081
whether or not treatment is warranted. Upon the request of the 23082
court, the services provider shall submit the results of the 23083
assessment to the court, including all treatment recommendations 23084
and clinical diagnoses related to alcohol use. 23085

(ii) If the sentence is being imposed for a violation of 23086
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23087
section, except as otherwise provided in this division, a 23088
mandatory jail term of twenty consecutive days. The court shall 23089
impose the twenty-day mandatory jail term under this division 23090
unless, subject to division (G)(3) of this section, it instead 23091
imposes a sentence under that division consisting of both a jail 23092
term and a term of house arrest with electronic monitoring, with 23093
continuous alcohol monitoring, or with both electronic 23094
monitoring and continuous alcohol monitoring. The court may 23095
impose a jail term in addition to the twenty-day mandatory jail 23096
term. The cumulative jail term imposed for the offense shall not 23097
exceed six months. 23098

In addition to the jail term or the term of house arrest 23099

with electronic monitoring or continuous alcohol monitoring or 23100
both types of monitoring and jail term, the court shall require 23101
the offender to be assessed by a community addiction service 23102
provider that is authorized by section 5119.21 of the Revised 23103
Code, subject to division (I) of this section, and shall order 23104
the offender to follow the treatment recommendations of the 23105
services provider. The purpose of the assessment is to determine 23106
the degree of the offender's alcohol usage and to determine 23107
whether or not treatment is warranted. Upon the request of the 23108
court, the services provider shall submit the results of the 23109
assessment to the court, including all treatment recommendations 23110
and clinical diagnoses related to alcohol use. 23111

(iii) In all cases, notwithstanding the fines set forth in 23112
Chapter 2929. of the Revised Code, a fine of not less than five 23113
hundred twenty-five and not more than one thousand six hundred 23114
twenty-five dollars; 23115

(iv) In all cases, a suspension of the offender's driver's 23116
license, commercial driver's license, temporary instruction 23117
permit, probationary license, or nonresident operating privilege 23118
for a definite period of one to seven years. The court may grant 23119
limited driving privileges relative to the suspension under 23120
sections 4510.021 and 4510.13 of the Revised Code. 23121

(v) In all cases, if the vehicle is registered in the 23122
offender's name, immobilization of the vehicle involved in the 23123
offense for ninety days in accordance with section 4503.233 of 23124
the Revised Code and impoundment of the license plates of that 23125
vehicle for ninety days. 23126

(c) Except as otherwise provided in division (G) (1) (e) of 23127
this section, an offender who, within ten years of the offense, 23128
previously has been convicted of or pleaded guilty to two 23129

violations of division (A) ~~or (B)~~ of this section or other 23130
equivalent offenses is guilty of a misdemeanor. The court shall 23131
sentence the offender to all of the following: 23132

(i) If the sentence is being imposed for a violation of 23133
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 23134
a mandatory jail term of thirty consecutive days. The court 23135
shall impose the thirty-day mandatory jail term under this 23136
division unless, subject to division (G)(3) of this section, it 23137
instead imposes a sentence under that division consisting of 23138
both a jail term and a term of house arrest with electronic 23139
monitoring, with continuous alcohol monitoring, or with both 23140
electronic monitoring and continuous alcohol monitoring. The 23141
court may impose a jail term in addition to the thirty-day 23142
mandatory jail term. Notwithstanding the jail terms set forth in 23143
sections 2929.21 to 2929.28 of the Revised Code, the additional 23144
jail term shall not exceed one year, and the cumulative jail 23145
term imposed for the offense shall not exceed one year. 23146

(ii) If the sentence is being imposed for a violation of 23147
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23148
section, a mandatory jail term of sixty consecutive days. The 23149
court shall impose the sixty-day mandatory jail term under this 23150
division unless, subject to division (G)(3) of this section, it 23151
instead imposes a sentence under that division consisting of 23152
both a jail term and a term of house arrest with electronic 23153
monitoring, with continuous alcohol monitoring, or with both 23154
electronic monitoring and continuous alcohol monitoring. The 23155
court may impose a jail term in addition to the sixty-day 23156
mandatory jail term. Notwithstanding the jail terms set forth in 23157
sections 2929.21 to 2929.28 of the Revised Code, the additional 23158
jail term shall not exceed one year, and the cumulative jail 23159
term imposed for the offense shall not exceed one year. 23160

(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 23191
equivalent offenses ~~or~~, an offender who, within twenty years of 23192
the offense, previously has been convicted of or pleaded guilty 23193
to five or more violations of that nature, or an offender who 23194
previously has been convicted of or pleaded guilty to a 23195
specification of the type described in section 2941.1413 of the 23196
Revised Code is guilty of a felony of the fourth degree. The 23197
court shall sentence the offender to all of the following: 23198

(i) If the sentence is being imposed for a violation of 23199
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 23200
a mandatory prison term of one, two, three, four, or five years 23201
as required by and in accordance with division (G) (2) of section 23202
2929.13 of the Revised Code if the offender also is convicted of 23203
or also pleads guilty to a specification of the type described 23204
in section 2941.1413 of the Revised Code or, in the discretion 23205
of the court, either a mandatory term of local incarceration of 23206
sixty consecutive days in accordance with division (G) (1) of 23207
section 2929.13 of the Revised Code or a mandatory prison term 23208
of sixty consecutive days in accordance with division (G) (2) of 23209
that section if the offender is not convicted of and does not 23210
plead guilty to a specification of that type. If the court 23211
imposes a mandatory term of local incarceration, it may impose a 23212
jail term in addition to the sixty-day mandatory term, the 23213
cumulative total of the mandatory term and the jail term for the 23214
offense shall not exceed one year, and, except as provided in 23215
division (A) (1) of section 2929.13 of the Revised Code, no 23216
prison term is authorized for the offense. If the court imposes 23217
a mandatory prison term, notwithstanding division (A) (4) of 23218
section 2929.14 of the Revised Code, it also may sentence the 23219
offender to a definite prison term that shall be not less than 23220
six months and not more than thirty months and the prison terms 23221

shall be imposed as described in division (G) (2) of section 23222
2929.13 of the Revised Code. If the court imposes a mandatory 23223
prison term or mandatory prison term and additional prison term, 23224
in addition to the term or terms so imposed, the court also may 23225
sentence the offender to a community control sanction for the 23226
offense, but the offender shall serve all of the prison terms so 23227
imposed prior to serving the community control sanction. 23228

(ii) If the sentence is being imposed for a violation of 23229
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 23230
section, a mandatory prison term of one, two, three, four, or 23231
five years as required by and in accordance with division (G) (2) 23232
of section 2929.13 of the Revised Code if the offender also is 23233
convicted of or also pleads guilty to a specification of the 23234
type described in section 2941.1413 of the Revised Code or, in 23235
the discretion of the court, either a mandatory term of local 23236
incarceration of one hundred twenty consecutive days in 23237
accordance with division (G) (1) of section 2929.13 of the 23238
Revised Code or a mandatory prison term of one hundred twenty 23239
consecutive days in accordance with division (G) (2) of that 23240
section if the offender is not convicted of and does not plead 23241
guilty to a specification of that type. If the court imposes a 23242
mandatory term of local incarceration, it may impose a jail term 23243
in addition to the one hundred twenty-day mandatory term, the 23244
cumulative total of the mandatory term and the jail term for the 23245
offense shall not exceed one year, and, except as provided in 23246
division (A) (1) of section 2929.13 of the Revised Code, no 23247
prison term is authorized for the offense. If the court imposes 23248
a mandatory prison term, notwithstanding division (A) (4) of 23249
section 2929.14 of the Revised Code, it also may sentence the 23250
offender to a definite prison term that shall be not less than 23251
six months and not more than thirty months and the prison terms 23252

shall be imposed as described in division (G) (2) of section 23253
2929.13 of the Revised Code. If the court imposes a mandatory 23254
prison term or mandatory prison term and additional prison term, 23255
in addition to the term or terms so imposed, the court also may 23256
sentence the offender to a community control sanction for the 23257
offense, but the offender shall serve all of the prison terms so 23258
imposed prior to serving the community control sanction. 23259

(iii) In all cases, notwithstanding section 2929.18 of the 23260
Revised Code, a fine of not less than one thousand three hundred 23261
fifty nor more than ten thousand five hundred dollars; 23262

(iv) In all cases, a class two license suspension of the 23263
offender's driver's license, commercial driver's license, 23264
temporary instruction permit, probationary license, or 23265
nonresident operating privilege from the range specified in 23266
division (A) (2) of section 4510.02 of the Revised Code. The 23267
court may grant limited driving privileges relative to the 23268
suspension under sections 4510.021 and 4510.13 of the Revised 23269
Code. 23270

(v) In all cases, if the vehicle is registered in the 23271
offender's name, criminal forfeiture of the vehicle involved in 23272
the offense in accordance with section 4503.234 of the Revised 23273
Code. Division (G) (6) of this section applies regarding any 23274
vehicle that is subject to an order of criminal forfeiture under 23275
this division. 23276

(vi) In all cases, the court shall order the offender to 23277
participate with a community addiction services provider 23278
authorized by section 5119.21 of the Revised Code, subject to 23279
division (I) of this section, and shall order the offender to 23280
follow the treatment recommendations of the services provider. 23281
The operator of the services provider shall determine and assess 23282

the degree of the offender's alcohol dependency and shall make 23283
recommendations for treatment. Upon the request of the court, 23284
the services provider shall submit the results of the assessment 23285
to the court, including all treatment recommendations and 23286
clinical diagnoses related to alcohol use. 23287

(vii) In all cases, if the court sentences the offender to 23288
a mandatory term of local incarceration, in addition to the 23289
mandatory term, the court, pursuant to section 2929.17 of the 23290
Revised Code, may impose a term of house arrest with electronic 23291
monitoring. The term shall not commence until after the offender 23292
has served the mandatory term of local incarceration. 23293

(e) An offender who previously has been convicted of or 23294
pleaded guilty to a violation of division (A) of this section 23295
that was a felony, regardless of when the violation and the 23296
conviction or guilty plea occurred, is guilty of a felony of the 23297
third degree. The court shall sentence the offender to all of 23298
the following: 23299

(i) If the offender is being sentenced for a violation of 23300
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 23301
a mandatory prison term of one, two, three, four, or five years 23302
as required by and in accordance with division (G)(2) of section 23303
2929.13 of the Revised Code if the offender also is convicted of 23304
or also pleads guilty to a specification of the type described 23305
in section 2941.1413 of the Revised Code or a mandatory prison 23306
term of sixty consecutive days in accordance with division (G) 23307
(2) of section 2929.13 of the Revised Code if the offender is 23308
not convicted of and does not plead guilty to a specification of 23309
that type. The court may impose a prison term in addition to the 23310
mandatory prison term. The cumulative total of a sixty-day 23311
mandatory prison term and the additional prison term for the 23312

offense shall not exceed five years. In addition to the 23313
mandatory prison term or mandatory prison term and additional 23314
prison term the court imposes, the court also may sentence the 23315
offender to a community control sanction for the offense, but 23316
the offender shall serve all of the prison terms so imposed 23317
prior to serving the community control sanction. 23318

(ii) If the sentence is being imposed for a violation of 23319
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23320
section, a mandatory prison term of one, two, three, four, or 23321
five years as required by and in accordance with division (G)(2) 23322
of section 2929.13 of the Revised Code if the offender also is 23323
convicted of or also pleads guilty to a specification of the 23324
type described in section 2941.1413 of the Revised Code or a 23325
mandatory prison term of one hundred twenty consecutive days in 23326
accordance with division (G)(2) of section 2929.13 of the 23327
Revised Code if the offender is not convicted of and does not 23328
plead guilty to a specification of that type. The court may 23329
impose a prison term in addition to the mandatory prison term. 23330
The cumulative total of a one hundred twenty-day mandatory 23331
prison term and the additional prison term for the offense shall 23332
not exceed five years. In addition to the mandatory prison term 23333
or mandatory prison term and additional prison term the court 23334
imposes, the court also may sentence the offender to a community 23335
control sanction for the offense, but the offender shall serve 23336
all of the prison terms so imposed prior to serving the 23337
community control sanction. 23338

(iii) In all cases, notwithstanding section 2929.18 of the 23339
Revised Code, a fine of not less than one thousand three hundred 23340
fifty nor more than ten thousand five hundred dollars; 23341

(iv) In all cases, a class two license suspension of the 23342

offender's driver's license, commercial driver's license, 23343
temporary instruction permit, probationary license, or 23344
nonresident operating privilege from the range specified in 23345
division (A) (2) of section 4510.02 of the Revised Code. The 23346
court may grant limited driving privileges relative to the 23347
suspension under sections 4510.021 and 4510.13 of the Revised 23348
Code. 23349

(v) In all cases, if the vehicle is registered in the 23350
offender's name, criminal forfeiture of the vehicle involved in 23351
the offense in accordance with section 4503.234 of the Revised 23352
Code. Division (G) (6) of this section applies regarding any 23353
vehicle that is subject to an order of criminal forfeiture under 23354
this division. 23355

(vi) In all cases, the court shall order the offender to 23356
participate with a community addiction services provider 23357
authorized by section 5119.21 of the Revised Code, subject to 23358
division (I) of this section, and shall order the offender to 23359
follow the treatment recommendations of the services provider. 23360
The operator of the services provider shall determine and assess 23361
the degree of the offender's alcohol dependency and shall make 23362
recommendations for treatment. Upon the request of the court, 23363
the services provider shall submit the results of the assessment 23364
to the court, including all treatment recommendations and 23365
clinical diagnoses related to alcohol use. 23366

(2) An offender who is convicted of or pleads guilty to a 23367
violation of division (A) of this section and who subsequently 23368
seeks reinstatement of the driver's or occupational driver's 23369
license or permit or nonresident operating privilege suspended 23370
under this section as a result of the conviction or guilty plea 23371
shall pay a reinstatement fee as provided in division (F) (2) of 23372

section 4511.191 of the Revised Code. 23373

(3) If an offender is sentenced to a jail term under 23374
division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this 23375
section and if, within sixty days of sentencing of the offender, 23376
the court issues a written finding on the record that, due to 23377
the unavailability of space at the jail where the offender is 23378
required to serve the term, the offender will not be able to 23379
begin serving that term within the sixty-day period following 23380
the date of sentencing, the court may impose an alternative 23381
sentence under this division that includes a term of house 23382
arrest with electronic monitoring, with continuous alcohol 23383
monitoring, or with both electronic monitoring and continuous 23384
alcohol monitoring. 23385

As an alternative to a mandatory jail term of ten 23386
consecutive days required by division (G)(1)(b)(i) of this 23387
section, the court, under this division, may sentence the 23388
offender to five consecutive days in jail and not less than 23389
eighteen consecutive days of house arrest with electronic 23390
monitoring, with continuous alcohol monitoring, or with both 23391
electronic monitoring and continuous alcohol monitoring. The 23392
cumulative total of the five consecutive days in jail and the 23393
period of house arrest with electronic monitoring, continuous 23394
alcohol monitoring, or both types of monitoring shall not exceed 23395
six months. The five consecutive days in jail do not have to be 23396
served prior to or consecutively to the period of house arrest. 23397

As an alternative to the mandatory jail term of twenty 23398
consecutive days required by division (G)(1)(b)(ii) of this 23399
section, the court, under this division, may sentence the 23400
offender to ten consecutive days in jail and not less than 23401
thirty-six consecutive days of house arrest with electronic 23402

monitoring, with continuous alcohol monitoring, or with both 23403
electronic monitoring and continuous alcohol monitoring. The 23404
cumulative total of the ten consecutive days in jail and the 23405
period of house arrest with electronic monitoring, continuous 23406
alcohol monitoring, or both types of monitoring shall not exceed 23407
six months. The ten consecutive days in jail do not have to be 23408
served prior to or consecutively to the period of house arrest. 23409

As an alternative to a mandatory jail term of thirty 23410
consecutive days required by division (G)(1)(c)(i) of this 23411
section, the court, under this division, may sentence the 23412
offender to fifteen consecutive days in jail and not less than 23413
fifty-five consecutive days of house arrest with electronic 23414
monitoring, with continuous alcohol monitoring, or with both 23415
electronic monitoring and continuous alcohol monitoring. The 23416
cumulative total of the fifteen consecutive days in jail and the 23417
period of house arrest with electronic monitoring, continuous 23418
alcohol monitoring, or both types of monitoring shall not exceed 23419
one year. The fifteen consecutive days in jail do not have to be 23420
served prior to or consecutively to the period of house arrest. 23421

As an alternative to the mandatory jail term of sixty 23422
consecutive days required by division (G)(1)(c)(ii) of this 23423
section, the court, under this division, may sentence the 23424
offender to thirty consecutive days in jail and not less than 23425
one hundred ten consecutive days of house arrest with electronic 23426
monitoring, with continuous alcohol monitoring, or with both 23427
electronic monitoring and continuous alcohol monitoring. The 23428
cumulative total of the thirty consecutive days in jail and the 23429
period of house arrest with electronic monitoring, continuous 23430
alcohol monitoring, or both types of monitoring shall not exceed 23431
one year. The thirty consecutive days in jail do not have to be 23432
served prior to or consecutively to the period of house arrest. 23433

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section and if section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of section 4503.231 of the Revised Code.

(5) Fines imposed under this section for a violation of division (A) of this section shall be distributed as follows:

(a) Twenty-five dollars of the fine imposed under division (G)(1)(a)(iii), thirty-five dollars of the fine imposed under division (G)(1)(b)(iii), one hundred twenty-three dollars of the fine imposed under division (G)(1)(c)(iii), and two hundred ten dollars of the fine imposed under division (G)(1)(d)(iii) or (e)(iii) of this section shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the

influence of alcohol, and other information relating to the 23465
operation of a vehicle under the influence of alcohol and the 23466
consumption of alcoholic beverages. 23467

(b) Fifty dollars of the fine imposed under division (G) 23468
(1) (a) (iii) of this section shall be paid to the political 23469
subdivision that pays the cost of housing the offender during 23470
the offender's term of incarceration. If the offender is being 23471
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 23472
(e), or (j) of this section and was confined as a result of the 23473
offense prior to being sentenced for the offense but is not 23474
sentenced to a term of incarceration, the fifty dollars shall be 23475
paid to the political subdivision that paid the cost of housing 23476
the offender during that period of confinement. The political 23477
subdivision shall use the share under this division to pay or 23478
reimburse incarceration or treatment costs it incurs in housing 23479
or providing drug and alcohol treatment to persons who violate 23480
this section or a municipal OVI ordinance, costs of any 23481
immobilizing or disabling device used on the offender's vehicle, 23482
and costs of electronic house arrest equipment needed for 23483
persons who violate this section. 23484

(c) Twenty-five dollars of the fine imposed under division 23485
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 23486
division (G) (1) (b) (iii) of this section shall be deposited into 23487
the county or municipal indigent drivers' alcohol treatment fund 23488
under the control of that court, as created by the county or 23489
municipal corporation under division (F) of section 4511.191 of 23490
the Revised Code. 23491

(d) One hundred fifteen dollars of the fine imposed under 23492
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 23493
the fine imposed under division (G) (1) (c) (iii), and four hundred 23494

forty dollars of the fine imposed under division (G) (1) (d) (iii) 23495
or (e) (iii) of this section shall be paid to the political 23496
subdivision that pays the cost of housing the offender during 23497
the offender's term of incarceration. The political subdivision 23498
shall use this share to pay or reimburse incarceration or 23499
treatment costs it incurs in housing or providing drug and 23500
alcohol treatment to persons who violate this section or a 23501
municipal OVI ordinance, costs for any immobilizing or disabling 23502
device used on the offender's vehicle, and costs of electronic 23503
house arrest equipment needed for persons who violate this 23504
section. 23505

(e) Fifty dollars of the fine imposed under divisions (G) 23506
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 23507
(G) (1) (e) (iii) of this section shall be deposited into the 23508
special projects fund of the court in which the offender was 23509
convicted and that is established under division (E) (1) of 23510
section 2303.201, division (B) (1) of section 1901.26, or 23511
division (B) (1) of section 1907.24 of the Revised Code, to be 23512
used exclusively to cover the cost of immobilizing or disabling 23513
devices, including certified ignition interlock devices, and 23514
remote alcohol monitoring devices for indigent offenders who are 23515
required by a judge to use either of these devices. If the court 23516
in which the offender was convicted does not have a special 23517
projects fund that is established under division (E) (1) of 23518
section 2303.201, division (B) (1) of section 1901.26, or 23519
division (B) (1) of section 1907.24 of the Revised Code, the 23520
fifty dollars shall be deposited into the indigent drivers 23521
interlock and alcohol monitoring fund under division (I) of 23522
section 4511.191 of the Revised Code. 23523

(f) Seventy-five dollars of the fine imposed under 23524
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 23525

fine imposed under division (G) (1) (b) (iii), two hundred fifty 23526
dollars of the fine imposed under division (G) (1) (c) (iii), and 23527
five hundred dollars of the fine imposed under division (G) (1) 23528
(d) (iii) or (e) (iii) of this section shall be transmitted to the 23529
treasurer of state for deposit into the indigent defense support 23530
fund established under section 120.08 of the Revised Code. 23531

(g) The balance of the fine imposed under division (G) (1) 23532
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 23533
section shall be disbursed as otherwise provided by law. 23534

(6) If title to a motor vehicle that is subject to an 23535
order of criminal forfeiture under division (G) (1) (c), (d), or 23536
(e) of this section is assigned or transferred and division (B) 23537
(2) or (3) of section 4503.234 of the Revised Code applies, in 23538
addition to or independent of any other penalty established by 23539
law, the court may fine the offender the value of the vehicle as 23540
determined by publications of the national automobile dealers 23541
association. The proceeds of any fine so imposed shall be 23542
distributed in accordance with division (C) (2) of that section. 23543

(7) In all cases in which an offender is sentenced under 23544
division (G) of this section, the offender shall provide the 23545
court with proof of financial responsibility as defined in 23546
section 4509.01 of the Revised Code. If the offender fails to 23547
provide that proof of financial responsibility, the court, in 23548
addition to any other penalties provided by law, may order 23549
restitution pursuant to section 2929.18 or 2929.28 of the 23550
Revised Code in an amount not exceeding five thousand dollars 23551
for any economic loss arising from an accident or collision that 23552
was the direct and proximate result of the offender's operation 23553
of the vehicle before, during, or after committing the offense 23554
for which the offender is sentenced under division (G) of this 23555

section. 23556

(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply: 23557
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(a) The offender is convicted of or pleads guilty to a violation of division (A) of this section. 23561
23562

(b) The test or tests were of the offender's whole blood, blood serum or plasma, or urine. 23563
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(c) The test or tests indicated that the offender had a prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense. 23565
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(9) As used in division (G) of this section, "electronic monitoring," "mandatory prison term," and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code. 23570
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(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows: 23574
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(1) Except as otherwise provided in division (H) (2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (6) of section 4510.02 of the Revised Code. The 23577
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court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code. If the court grants unlimited driving privileges under section 4510.022 of the Revised Code, the court shall suspend any jail term imposed under division (H) (1) of this section as required under that section.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) ~~or (B)~~ of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (4) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

~~(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1416 of the Revised Code and if the court imposes a jail term for the violation of division (B) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of section 2929.24 of the Revised Code.~~

~~(4)~~ The offender shall provide the court with proof of

financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (B) of this section.

(I) (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Chapter 5119. of the Revised Code by the director of mental health and addiction services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(K) Division (A) (1) (j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley

while the person has a concentration of a listed controlled 23645
substance or a listed metabolite of a controlled substance in 23646
the person's whole blood, blood serum or plasma, or urine that 23647
equals or exceeds the amount specified in that division, if both 23648
of the following apply: 23649

(1) The person obtained the controlled substance pursuant 23650
to a prescription issued by a licensed health professional 23651
authorized to prescribe drugs. 23652

(2) The person injected, ingested, or inhaled the 23653
controlled substance in accordance with the health 23654
professional's directions. 23655

(L) The prohibited concentrations of a controlled 23656
substance or a metabolite of a controlled substance listed in 23657
division (A)(1)(j) of this section also apply in a prosecution 23658
of a violation of division (D) of section 2923.16 of the Revised 23659
Code in the same manner as if the offender is being prosecuted 23660
for a prohibited concentration of alcohol. 23661

(M) All terms defined in section 4510.01 of the Revised 23662
Code apply to this section. If the meaning of a term defined in 23663
section 4510.01 of the Revised Code conflicts with the meaning 23664
of the same term as defined in section 4501.01 or 4511.01 of the 23665
Revised Code, the term as defined in section 4510.01 of the 23666
Revised Code applies to this section. 23667

(N) (1) The Ohio Traffic Rules in effect on January 1, 23668
2004, as adopted by the supreme court under authority of section 23669
2937.46 of the Revised Code, do not apply to felony violations 23670
of this section. Subject to division (N)(2) of this section, the 23671
Rules of Criminal Procedure apply to felony violations of this 23672
section. 23673

(2) If, on or after January 1, 2004, the supreme court 23674
modifies the Ohio Traffic Rules to provide procedures to govern 23675
felony violations of this section, the modified rules shall 23676
apply to felony violations of this section. 23677

Sec. 4511.191. (A) (1) As used in this section: 23678

(a) "Physical control" has the same meaning as in section 23679
4511.194 of the Revised Code. 23680

(b) "Alcohol monitoring device" means any device that 23681
provides for continuous alcohol monitoring, any ignition 23682
interlock device, any immobilizing or disabling device other 23683
than an ignition interlock device that is constantly available 23684
to monitor the concentration of alcohol in a person's system, or 23685
any other device that provides for the automatic testing and 23686
periodic reporting of alcohol consumption by a person and that a 23687
court orders a person to use as a sanction imposed as a result 23688
of the person's conviction of or plea of guilty to an offense. 23689

(c) "Community addiction services provider" has the same 23690
meaning as in section 5119.01 of the Revised Code. 23691

(2) Any person who operates a vehicle, streetcar, or 23692
trackless trolley upon a highway or any public or private 23693
property used by the public for vehicular travel or parking 23694
within this state or who is in physical control of a vehicle, 23695
streetcar, or trackless trolley shall be deemed to have given 23696
consent to a chemical test or tests of the person's whole blood, 23697
blood serum or plasma, breath, or urine to determine the 23698
alcohol, drug of abuse, controlled substance, metabolite of a 23699
controlled substance, or combination content of the person's 23700
whole blood, blood serum or plasma, breath, or urine if arrested 23701
for a violation of division (A) or (B) of section 4511.19 of the 23702

Revised Code, section 4511.194 of the Revised Code or a 23703
substantially equivalent municipal ordinance, or a municipal OVI 23704
ordinance. 23705

(3) The chemical test or tests under division (A)(2) of 23706
this section shall be administered at the request of a law 23707
enforcement officer having reasonable grounds to believe the 23708
person was operating or in physical control of a vehicle, 23709
streetcar, or trackless trolley in violation of a division, 23710
section, or ordinance identified in division (A)(2) of this 23711
section. The law enforcement agency by which the officer is 23712
employed shall designate which of the tests shall be 23713
administered. 23714

(4) Any person who is dead or unconscious, or who 23715
otherwise is in a condition rendering the person incapable of 23716
refusal, shall be deemed to have consented as provided in 23717
division (A)(2) of this section, and the test or tests may be 23718
administered, subject to sections 313.12 to 313.16 of the 23719
Revised Code. 23720

(5) (a) If a law enforcement officer arrests a person for a 23721
violation of division (A) or (B) of section 4511.19 of the 23722
Revised Code, section 4511.194 of the Revised Code or a 23723
substantially equivalent municipal ordinance, or a municipal OVI 23724
ordinance and if the person if convicted would be required to be 23725
sentenced under division (G)(1)(c), (d), or (e) of section 23726
4511.19 of the Revised Code, the law enforcement officer shall 23727
request the person to submit, and the person shall submit, to a 23728
chemical test or tests of the person's whole blood, blood serum 23729
or plasma, breath, or urine for the purpose of determining the 23730
alcohol, drug of abuse, controlled substance, metabolite of a 23731
controlled substance, or combination content of the person's 23732

whole blood, blood serum or plasma, breath, or urine. A law 23733
enforcement officer who makes a request pursuant to this 23734
division that a person submit to a chemical test or tests is not 23735
required to advise the person of the consequences of submitting 23736
to, or refusing to submit to, the test or tests and is not 23737
required to give the person the form described in division (B) 23738
of section 4511.192 of the Revised Code, but the officer shall 23739
advise the person at the time of the arrest that if the person 23740
refuses to take a chemical test the officer may employ whatever 23741
reasonable means are necessary to ensure that the person submits 23742
to a chemical test of the person's whole blood or blood serum or 23743
plasma. The officer shall also advise the person at the time of 23744
the arrest that the person may have an independent chemical test 23745
taken at the person's own expense. Divisions (A) (3) and (4) of 23746
this section apply to the administration of a chemical test or 23747
tests pursuant to this division. 23748

(b) If a person refuses to submit to a chemical test upon 23749
a request made pursuant to division (A) (5) (a) of this section, 23750
the law enforcement officer who made the request may employ 23751
whatever reasonable means are necessary to ensure that the 23752
person submits to a chemical test of the person's whole blood or 23753
blood serum or plasma. A law enforcement officer who acts 23754
pursuant to this division to ensure that a person submits to a 23755
chemical test of the person's whole blood or blood serum or 23756
plasma is immune from criminal and civil liability based upon a 23757
claim for assault and battery or any other claim for the acts, 23758
unless the officer so acted with malicious purpose, in bad 23759
faith, or in a wanton or reckless manner. 23760

(B) (1) Upon receipt of the sworn report of a law 23761
enforcement officer who arrested a person for a violation of 23762
division (A) or (B) of section 4511.19 of the Revised Code, 23763

section 4511.194 of the Revised Code or a substantially 23764
equivalent municipal ordinance, or a municipal OVI ordinance 23765
that was completed and sent to the registrar of motor vehicles 23766
and a court pursuant to section 4511.192 of the Revised Code in 23767
regard to a person who refused to take the designated chemical 23768
test, the registrar shall enter into the registrar's records the 23769
fact that the person's driver's or commercial driver's license 23770
or permit or nonresident operating privilege was suspended by 23771
the arresting officer under this division and that section and 23772
the period of the suspension, as determined under this section. 23773
The suspension shall be subject to appeal as provided in section 23774
4511.197 of the Revised Code. The suspension shall be for 23775
whichever of the following periods applies: 23776

(a) Except when division (B) (1) (b), (c), or (d) of this 23777
section applies and specifies a different class or length of 23778
suspension, the suspension shall be a class C suspension for the 23779
period of time specified in division (B) (3) of section 4510.02 23780
of the Revised Code. 23781

(b) If the arrested person, within ten years of the date 23782
on which the person refused the request to consent to the 23783
chemical test, had refused one previous request to consent to a 23784
chemical test or had been convicted of or pleaded guilty to one 23785
violation of division (A) ~~or (B)~~ of section 4511.19 of the 23786
Revised Code or one other equivalent offense, the suspension 23787
shall be a class B suspension imposed for the period of time 23788
specified in division (B) (2) of section 4510.02 of the Revised 23789
Code. 23790

(c) If the arrested person, within ten years of the date 23791
on which the person refused the request to consent to the 23792
chemical test, had refused two previous requests to consent to a 23793

chemical test, had been convicted of or pleaded guilty to two 23794
violations of division (A) ~~or (B)~~ of section 4511.19 of the 23795
Revised Code or other equivalent offenses, or had refused one 23796
previous request to consent to a chemical test and also had been 23797
convicted of or pleaded guilty to one violation of division (A) 23798
~~or (B)~~ of section 4511.19 of the Revised Code or other 23799
equivalent offenses, which violation or offense arose from an 23800
incident other than the incident that led to the refusal, the 23801
suspension shall be a class A suspension imposed for the period 23802
of time specified in division (B) (1) of section 4510.02 of the 23803
Revised Code. 23804

(d) If the arrested person, within ten years of the date 23805
on which the person refused the request to consent to the 23806
chemical test, had refused three or more previous requests to 23807
consent to a chemical test, had been convicted of or pleaded 23808
guilty to three or more violations of division (A) ~~or (B)~~ of 23809
section 4511.19 of the Revised Code or other equivalent 23810
offenses, or had refused a number of previous requests to 23811
consent to a chemical test and also had been convicted of or 23812
pleaded guilty to a number of violations of division (A) ~~or (B)~~ 23813
of section 4511.19 of the Revised Code or other equivalent 23814
offenses that cumulatively total three or more such refusals, 23815
convictions, and guilty pleas, the suspension shall be for five 23816
years. 23817

(2) The registrar shall terminate a suspension of the 23818
driver's or commercial driver's license or permit of a resident 23819
or of the operating privilege of a nonresident, or a denial of a 23820
driver's or commercial driver's license or permit, imposed 23821
pursuant to division (B) (1) of this section upon receipt of 23822
notice that the person has entered a plea of guilty to, or that 23823
the person has been convicted after entering a plea of no 23824

contest to, operating a vehicle in violation of section 4511.19 23825
of the Revised Code or in violation of a municipal OVI 23826
ordinance, if the offense for which the conviction is had or the 23827
plea is entered arose from the same incident that led to the 23828
suspension or denial. 23829

The registrar shall credit against any judicial suspension 23830
of a person's driver's or commercial driver's license or permit 23831
or nonresident operating privilege imposed pursuant to section 23832
4511.19 of the Revised Code, or pursuant to section 4510.07 of 23833
the Revised Code for a violation of a municipal OVI ordinance, 23834
any time during which the person serves a related suspension 23835
imposed pursuant to division (B) (1) of this section. 23836

(C) (1) Upon receipt of the sworn report of the law 23837
enforcement officer who arrested a person for a violation of 23838
division (A) or (B) of section 4511.19 of the Revised Code or a 23839
municipal OVI ordinance that was completed and sent to the 23840
registrar and a court pursuant to section 4511.192 of the 23841
Revised Code in regard to a person whose test results indicate 23842
that the person's whole blood, blood serum or plasma, breath, or 23843
urine contained at least the concentration of alcohol specified 23844
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 23845
the Revised Code or at least the concentration of a listed 23846
controlled substance or a listed metabolite of a controlled 23847
substance specified in division (A) (1) (j) of section 4511.19 of 23848
the Revised Code, the registrar shall enter into the registrar's 23849
records the fact that the person's driver's or commercial 23850
driver's license or permit or nonresident operating privilege 23851
was suspended by the arresting officer under this division and 23852
section 4511.192 of the Revised Code and the period of the 23853
suspension, as determined under divisions (C) (1) (a) to (d) of 23854
this section. The suspension shall be subject to appeal as 23855

provided in section 4511.197 of the Revised Code. The suspension 23856
described in this division does not apply to, and shall not be 23857
imposed upon, a person arrested for a violation of section 23858
4511.194 of the Revised Code or a substantially equivalent 23859
municipal ordinance who submits to a designated chemical test. 23860
The suspension shall be for whichever of the following periods 23861
applies: 23862

(a) Except when division (C) (1) (b), (c), or (d) of this 23863
section applies and specifies a different period, the suspension 23864
shall be a class E suspension imposed for the period of time 23865
specified in division (B) (5) of section 4510.02 of the Revised 23866
Code. 23867

(b) The suspension shall be a class C suspension for the 23868
period of time specified in division (B) (3) of section 4510.02 23869
of the Revised Code if the person has been convicted of or 23870
pleaded guilty to, within ten years of the date the test was 23871
conducted, one violation of division (A) ~~or (B)~~ of section 23872
4511.19 of the Revised Code or one other equivalent offense. 23873

(c) If, within ten years of the date the test was 23874
conducted, the person has been convicted of or pleaded guilty to 23875
two violations of a statute or ordinance described in division 23876
(C) (1) (b) of this section, the suspension shall be a class B 23877
suspension imposed for the period of time specified in division 23878
(B) (2) of section 4510.02 of the Revised Code. 23879

(d) If, within ten years of the date the test was 23880
conducted, the person has been convicted of or pleaded guilty to 23881
more than two violations of a statute or ordinance described in 23882
division (C) (1) (b) of this section, the suspension shall be a 23883
class A suspension imposed for the period of time specified in 23884
division (B) (1) of section 4510.02 of the Revised Code. 23885

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or

(B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F) (1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F) (3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. Money credited to the fund under this section shall be used for purposes identified under section 5119.22 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established in the state treasury. The department of mental health and addiction services shall distribute the moneys in that fund to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (H) of this section to be used only as provided in division (H) (3) of this section.

Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund under division (H) of this section because the director of mental health and addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code, upon certification of the amount by the director of mental health and addiction services.

(d) Seventy-five dollars shall be credited to the opportunities for Ohioans with disabilities agency established by section 3304.15 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and for any other purpose or program of the agency to rehabilitate persons with disabilities to help them become employed and independent.

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F) (4) of this section.

(f) Thirty dollars shall be credited to the public safety - highway purposes fund created by section 4501.06 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of

the Revised Code. 24007

(h) Fifty dollars shall be credited to the indigent 24008
drivers interlock and alcohol monitoring fund, which is hereby 24009
established in the state treasury. Moneys in the fund shall be 24010
distributed by the department of public safety to the county 24011
indigent drivers interlock and alcohol monitoring funds, the 24012
county juvenile indigent drivers interlock and alcohol 24013
monitoring funds, and the municipal indigent drivers interlock 24014
and alcohol monitoring funds that are required to be established 24015
by counties and municipal corporations pursuant to this section, 24016
and shall be used only to pay the cost of an immobilizing or 24017
disabling device, including a certified ignition interlock 24018
device, or an alcohol monitoring device used by an offender or 24019
juvenile offender who is ordered to use the device by a county, 24020
juvenile, or municipal court judge and who is determined by the 24021
county, juvenile, or municipal court judge not to have the means 24022
to pay for the person's use of the device. 24023

(3) If a person's driver's or commercial driver's license 24024
or permit is suspended under this section, under section 24025
4511.196 or division (G) of section 4511.19 of the Revised Code, 24026
under section 4510.07 of the Revised Code for a violation of a 24027
municipal OVI ordinance or under any combination of the 24028
suspensions described in division (F) (3) of this section, and if 24029
the suspensions arise from a single incident or a single set of 24030
facts and circumstances, the person is liable for payment of, 24031
and shall be required to pay to the registrar or an eligible 24032
deputy registrar, only one reinstatement fee of four hundred 24033
seventy-five dollars. The reinstatement fee shall be distributed 24034
by the bureau in accordance with division (F) (2) of this 24035
section. 24036

(4) The attorney general shall use amounts in the drug 24037
abuse resistance education programs fund to award grants to law 24038
enforcement agencies to establish and implement drug abuse 24039
resistance education programs in public schools. Grants awarded 24040
to a law enforcement agency under this section shall be used by 24041
the agency to pay for not more than fifty per cent of the amount 24042
of the salaries of law enforcement officers who conduct drug 24043
abuse resistance education programs in public schools. The 24044
attorney general shall not use more than six per cent of the 24045
amounts the attorney general's office receives under division 24046
(F) (2) (e) of this section to pay the costs it incurs in 24047
administering the grant program established by division (F) (2) 24048
(e) of this section and in providing training and materials 24049
relating to drug abuse resistance education programs. 24050

The attorney general shall report to the governor and the 24051
general assembly each fiscal year on the progress made in 24052
establishing and implementing drug abuse resistance education 24053
programs. These reports shall include an evaluation of the 24054
effectiveness of these programs. 24055

(5) In addition to the reinstatement fee under this 24056
section, if the person pays the reinstatement fee to a deputy 24057
registrar, the deputy registrar shall collect a service fee of 24058
ten dollars to compensate the deputy registrar for services 24059
performed under this section. The deputy registrar shall retain 24060
eight dollars of the service fee and shall transmit the 24061
reinstatement fee, plus two dollars of the service fee, to the 24062
registrar in the manner the registrar shall determine. 24063

(G) Suspension of a commercial driver's license under 24064
division (B) or (C) of this section shall be concurrent with any 24065
period of disqualification under section 3123.611 or 4506.16 of 24066

the Revised Code or any period of suspension under section 24067
3123.58 of the Revised Code. No person who is disqualified for 24068
life from holding a commercial driver's license under section 24069
4506.16 of the Revised Code shall be issued a driver's license 24070
under Chapter 4507. of the Revised Code during the period for 24071
which the commercial driver's license was suspended under 24072
division (B) or (C) of this section. No person whose commercial 24073
driver's license is suspended under division (B) or (C) of this 24074
section shall be issued a driver's license under Chapter 4507. 24075
of the Revised Code during the period of the suspension. 24076

(H) (1) Each county shall establish an indigent drivers 24077
alcohol treatment fund and a juvenile indigent drivers alcohol 24078
treatment fund. Each municipal corporation in which there is a 24079
municipal court shall establish an indigent drivers alcohol 24080
treatment fund. All revenue that the general assembly 24081
appropriates to the indigent drivers alcohol treatment fund for 24082
transfer to a county indigent drivers alcohol treatment fund, a 24083
county juvenile indigent drivers alcohol treatment fund, or a 24084
municipal indigent drivers alcohol treatment fund, all portions 24085
of fees that are paid under division (F) of this section and 24086
that are credited under that division to the indigent drivers 24087
alcohol treatment fund in the state treasury for a county 24088
indigent drivers alcohol treatment fund, a county juvenile 24089
indigent drivers alcohol treatment fund, or a municipal indigent 24090
drivers alcohol treatment fund, all portions of additional costs 24091
imposed under section 2949.094 of the Revised Code that are 24092
specified for deposit into a county, county juvenile, or 24093
municipal indigent drivers alcohol treatment fund by that 24094
section, and all portions of fines that are specified for 24095
deposit into a county or municipal indigent drivers alcohol 24096
treatment fund by section 4511.193 of the Revised Code shall be 24097

deposited into that county indigent drivers alcohol treatment 24098
fund, county juvenile indigent drivers alcohol treatment fund, 24099
or municipal indigent drivers alcohol treatment fund. The 24100
portions of the fees paid under division (F) of this section 24101
that are to be so deposited shall be determined in accordance 24102
with division (H) (2) of this section. Additionally, all portions 24103
of fines that are paid for a violation of section 4511.19 of the 24104
Revised Code or of any prohibition contained in Chapter 4510. of 24105
the Revised Code, and that are required under section 4511.19 or 24106
any provision of Chapter 4510. of the Revised Code to be 24107
deposited into a county indigent drivers alcohol treatment fund 24108
or municipal indigent drivers alcohol treatment fund shall be 24109
deposited into the appropriate fund in accordance with the 24110
applicable division of the section or provision. 24111

(2) That portion of the license reinstatement fee that is 24112
paid under division (F) of this section and that is credited 24113
under that division to the indigent drivers alcohol treatment 24114
fund shall be deposited into a county indigent drivers alcohol 24115
treatment fund, a county juvenile indigent drivers alcohol 24116
treatment fund, or a municipal indigent drivers alcohol 24117
treatment fund as follows: 24118

(a) Regarding a suspension imposed under this section, 24119
that portion of the fee shall be deposited as follows: 24120

(i) If the fee is paid by a person who was charged in a 24121
county court with the violation that resulted in the suspension 24122
or in the imposition of the court costs, the portion shall be 24123
deposited into the county indigent drivers alcohol treatment 24124
fund under the control of that court; 24125

(ii) If the fee is paid by a person who was charged in a 24126
juvenile court with the violation that resulted in the 24127

suspension or in the imposition of the court costs, the portion 24128
shall be deposited into the county juvenile indigent drivers 24129
alcohol treatment fund established in the county served by the 24130
court; 24131

(iii) If the fee is paid by a person who was charged in a 24132
municipal court with the violation that resulted in the 24133
suspension or in the imposition of the court costs, the portion 24134
shall be deposited into the municipal indigent drivers alcohol 24135
treatment fund under the control of that court. 24136

(b) Regarding a suspension imposed under section 4511.19 24137
of the Revised Code or under section 4510.07 of the Revised Code 24138
for a violation of a municipal OVI ordinance, that portion of 24139
the fee shall be deposited as follows: 24140

(i) If the fee is paid by a person whose license or permit 24141
was suspended by a county court, the portion shall be deposited 24142
into the county indigent drivers alcohol treatment fund under 24143
the control of that court; 24144

(ii) If the fee is paid by a person whose license or 24145
permit was suspended by a municipal court, the portion shall be 24146
deposited into the municipal indigent drivers alcohol treatment 24147
fund under the control of that court. 24148

(3) (a) As used in division (H) (3) of this section, 24149
"indigent person" means a person who is convicted of a violation 24150
of division (A) or (B) of section 4511.19 of the Revised Code or 24151
a substantially similar municipal ordinance or found to be a 24152
juvenile traffic offender by reason of a violation of division 24153
(A) or (B) of section 4511.19 of the Revised Code or a 24154
substantially similar municipal ordinance, who is ordered by the 24155
court to attend an alcohol and drug addiction treatment program, 24156

and who is determined by the court under division (H) (5) of this 24157
section to be unable to pay the cost of the assessment or the 24158
cost of attendance at the treatment program. 24159

(b) A county, juvenile, or municipal court judge, by 24160
order, may make expenditures from a county indigent drivers 24161
alcohol treatment fund, a county juvenile indigent drivers 24162
alcohol treatment fund, or a municipal indigent drivers alcohol 24163
treatment fund with respect to an indigent person for any of the 24164
following: 24165

(i) To pay the cost of an assessment that is conducted by 24166
an appropriately licensed clinician at either a driver 24167
intervention program that is certified under section 5119.38 of 24168
the Revised Code or at a community addiction services provider 24169
whose alcohol and drug addiction services are certified under 24170
section 5119.36 of the Revised Code; 24171

(ii) To pay the cost of alcohol addiction services, drug 24172
addiction services, or integrated alcohol and drug addiction 24173
services at a community addiction services provider whose 24174
alcohol and drug addiction services are certified under section 24175
5119.36 of the Revised Code; 24176

(iii) To pay the cost of transportation to attend an 24177
assessment as provided under division (H) (3) (b) (i) of this 24178
section or addiction services as provided under division (H) (3) 24179
(b) (ii) of this section. 24180

The alcohol and drug addiction services board or the board 24181
of alcohol, drug addiction, and mental health services 24182
established pursuant to section 340.02 or 340.021 of the Revised 24183
Code and serving the alcohol, drug addiction, and mental health 24184
service district in which the court is located shall administer 24185

the indigent drivers alcohol treatment program of the court. 24186
When a court orders an offender or juvenile traffic offender to 24187
obtain an assessment or attend an alcohol and drug addiction 24188
treatment program, the board shall determine which program is 24189
suitable to meet the needs of the offender or juvenile traffic 24190
offender, and when a suitable program is located and space is 24191
available at the program, the offender or juvenile traffic 24192
offender shall attend the program designated by the board. A 24193
reasonable amount not to exceed five per cent of the amounts 24194
credited to and deposited into the county indigent drivers 24195
alcohol treatment fund, the county juvenile indigent drivers 24196
alcohol treatment fund, or the municipal indigent drivers 24197
alcohol treatment fund serving every court whose program is 24198
administered by that board shall be paid to the board to cover 24199
the costs it incurs in administering those indigent drivers 24200
alcohol treatment programs. 24201

(c) Upon exhaustion of moneys in the indigent drivers 24202
interlock and alcohol monitoring fund for the use of an alcohol 24203
monitoring device, a county, juvenile, or municipal court judge 24204
may use moneys in the county indigent drivers alcohol treatment 24205
fund, county juvenile indigent drivers alcohol treatment fund, 24206
or municipal indigent drivers alcohol treatment fund in either 24207
of the following manners: 24208

(i) If the source of the moneys was an appropriation of 24209
the general assembly, a portion of a fee that was paid under 24210
division (F) of this section, a portion of a fine that was 24211
specified for deposit into the fund by section 4511.193 of the 24212
Revised Code, or a portion of a fine that was paid for a 24213
violation of section 4511.19 of the Revised Code or of a 24214
provision contained in Chapter 4510. of the Revised Code that 24215
was required to be deposited into the fund, to pay for the 24216

continued use of an alcohol monitoring device by an offender or 24217
juvenile traffic offender, in conjunction with a treatment 24218
program approved by the department of mental health and 24219
addiction services, when such use is determined clinically 24220
necessary by the treatment program and when the court determines 24221
that the offender or juvenile traffic offender is unable to pay 24222
all or part of the daily monitoring or cost of the device; 24223

(ii) If the source of the moneys was a portion of an 24224
additional court cost imposed under section 2949.094 of the 24225
Revised Code, to pay for the continued use of an alcohol 24226
monitoring device by an offender or juvenile traffic offender 24227
when the court determines that the offender or juvenile traffic 24228
offender is unable to pay all or part of the daily monitoring or 24229
cost of the device. The moneys may be used for a device as 24230
described in this division if the use of the device is in 24231
conjunction with a treatment program approved by the department 24232
of mental health and addiction services, when the use of the 24233
device is determined clinically necessary by the treatment 24234
program, but the use of a device is not required to be in 24235
conjunction with a treatment program approved by the department 24236
in order for the moneys to be used for the device as described 24237
in this division. 24238

(4) If a county, juvenile, or municipal court determines, 24239
in consultation with the alcohol and drug addiction services 24240
board or the board of alcohol, drug addiction, and mental health 24241
services established pursuant to section 340.02 or 340.021 of 24242
the Revised Code and serving the alcohol, drug addiction, and 24243
mental health district in which the court is located, that the 24244
funds in the county indigent drivers alcohol treatment fund, the 24245
county juvenile indigent drivers alcohol treatment fund, or the 24246
municipal indigent drivers alcohol treatment fund under the 24247

control of the court are more than sufficient to satisfy the 24248
purpose for which the fund was established, as specified in 24249
divisions (H) (1) to (3) of this section, the court may declare a 24250
surplus in the fund. If the court declares a surplus in the 24251
fund, the court may take one or more of the following actions 24252
with regard to the amount of the surplus in the fund: 24253

(a) Expend any of the surplus amount for alcohol and drug 24254
abuse assessment and treatment, and for the cost of 24255
transportation related to assessment and treatment, of persons 24256
who are charged in the court with committing a criminal offense 24257
or with being a delinquent child or juvenile traffic offender 24258
and in relation to whom both of the following apply: 24259

(i) The court determines that substance abuse was a 24260
contributing factor leading to the criminal or delinquent 24261
activity or the juvenile traffic offense with which the person 24262
is charged. 24263

(ii) The court determines that the person is unable to pay 24264
the cost of the alcohol and drug abuse assessment and treatment 24265
for which the surplus money will be used. 24266

(b) Expend any of the surplus amount to pay all or part of 24267
the cost of purchasing alcohol monitoring devices to be used in 24268
conjunction with division (H) (3) (c) of this section, upon 24269
exhaustion of moneys in the indigent drivers interlock and 24270
alcohol monitoring fund for the use of an alcohol monitoring 24271
device. 24272

(c) Transfer to another court in the same county any of 24273
the surplus amount to be utilized in a manner consistent with 24274
division (H) (3) of this section. If surplus funds are 24275
transferred to another court, the court that transfers the funds 24276

shall notify the alcohol and drug addiction services board or 24277
the board of alcohol, drug addiction, and mental health services 24278
that serves the alcohol, drug addiction, and mental health 24279
service district in which that court is located. 24280

(d) Transfer to the alcohol and drug addiction services 24281
board or the board of alcohol, drug addiction, and mental health 24282
services that serves the alcohol, drug addiction, and mental 24283
health service district in which the court is located any of the 24284
surplus amount to be utilized in a manner consistent with 24285
division (H) (3) of this section or for board contracted recovery 24286
support services. 24287

(e) Expend any of the surplus amount for the cost of 24288
staffing, equipment, training, drug testing, supplies, and other 24289
expenses of any specialized docket program established within 24290
the court and certified by the supreme court. 24291

(5) In order to determine if an offender does not have the 24292
means to pay for the offender's attendance at an alcohol and 24293
drug addiction treatment program for purposes of division (H) (3) 24294
of this section or if an alleged offender or delinquent child is 24295
unable to pay the costs specified in division (H) (4) of this 24296
section, the court shall use the indigent client eligibility 24297
guidelines and the standards of indigency established by the 24298
state public defender to make the determination. 24299

(6) The court shall identify and refer any community 24300
addiction services provider that intends to provide alcohol and 24301
drug addiction services and has not had its alcohol and drug 24302
addiction services certified under section 5119.36 of the 24303
Revised Code and that is interested in receiving amounts from 24304
the surplus in the fund declared under division (H) (4) of this 24305
section to the department of mental health and addiction 24306

services in order for the community addiction services provider 24307
to have its alcohol and drug addiction services certified by the 24308
department. The department shall keep a record of applicant 24309
referrals received pursuant to this division and shall submit a 24310
report on the referrals each year to the general assembly. If a 24311
community addiction services provider interested in having its 24312
alcohol and drug addiction services certified makes an 24313
application pursuant to section 5119.36 of the Revised Code, the 24314
community addiction services provider is eligible to receive 24315
surplus funds as long as the application is pending with the 24316
department. The department of mental health and addiction 24317
services must offer technical assistance to the applicant. If 24318
the interested community addiction services provider withdraws 24319
the certification application, the department must notify the 24320
court, and the court shall not provide the interested community 24321
addiction services provider with any further surplus funds. 24322

(7) (a) Each alcohol and drug addiction services board and 24323
board of alcohol, drug addiction, and mental health services 24324
established pursuant to section 340.02 or 340.021 of the Revised 24325
Code shall submit to the department of mental health and 24326
addiction services an annual report for each indigent drivers 24327
alcohol treatment fund in that board's area. 24328

(b) The report, which shall be submitted not later than 24329
sixty days after the end of the state fiscal year, shall provide 24330
the total payment that was made from the fund, including the 24331
number of indigent consumers that received treatment services 24332
and the number of indigent consumers that received an alcohol 24333
monitoring device. The report shall identify the treatment 24334
program and expenditure for an alcohol monitoring device for 24335
which that payment was made. The report shall include the fiscal 24336
year balance of each indigent drivers alcohol treatment fund 24337

located in that board's area. In the event that a surplus is 24338
declared in the fund pursuant to division (H) (4) of this 24339
section, the report also shall provide the total payment that 24340
was made from the surplus moneys and identify the authorized 24341
purpose for which that payment was made. 24342

(c) If a board is unable to obtain adequate information to 24343
develop the report to submit to the department for a particular 24344
indigent drivers alcohol treatment fund, the board shall submit 24345
a report detailing the effort made in obtaining the information. 24346

(I) (1) Each county shall establish an indigent drivers 24347
interlock and alcohol monitoring fund and a juvenile indigent 24348
drivers interlock and alcohol treatment fund. Each municipal 24349
corporation in which there is a municipal court shall establish 24350
an indigent drivers interlock and alcohol monitoring fund. All 24351
revenue that the general assembly appropriates to the indigent 24352
drivers interlock and alcohol monitoring fund for transfer to a 24353
county indigent drivers interlock and alcohol monitoring fund, a 24354
county juvenile indigent drivers interlock and alcohol 24355
monitoring fund, or a municipal indigent drivers interlock and 24356
alcohol monitoring fund, all portions of license reinstatement 24357
fees that are paid under division (F) (2) of this section and 24358
that are credited under that division to the indigent drivers 24359
interlock and alcohol monitoring fund in the state treasury, and 24360
all portions of fines that are paid under division (G) of 24361
section 4511.19 of the Revised Code and that are credited by 24362
division (G) (5) (e) of that section to the indigent drivers 24363
interlock and alcohol monitoring fund in the state treasury 24364
shall be deposited in the appropriate fund in accordance with 24365
division (I) (2) of this section. 24366

(2) That portion of the license reinstatement fee that is 24367

paid under division (F) of this section and that portion of the 24368
fine paid under division (G) of section 4511.19 of the Revised 24369
Code and that is credited under either division to the indigent 24370
drivers interlock and alcohol monitoring fund shall be deposited 24371
into a county indigent drivers interlock and alcohol monitoring 24372
fund, a county juvenile indigent drivers interlock and alcohol 24373
monitoring fund, or a municipal indigent drivers interlock and 24374
alcohol monitoring fund as follows: 24375

(a) If the fee or fine is paid by a person who was charged 24376
in a county court with the violation that resulted in the 24377
suspension or fine, the portion shall be deposited into the 24378
county indigent drivers interlock and alcohol monitoring fund 24379
under the control of that court. 24380

(b) If the fee or fine is paid by a person who was charged 24381
in a juvenile court with the violation that resulted in the 24382
suspension or fine, the portion shall be deposited into the 24383
county juvenile indigent drivers interlock and alcohol 24384
monitoring fund established in the county served by the court. 24385

(c) If the fee or fine is paid by a person who was charged 24386
in a municipal court with the violation that resulted in the 24387
suspension, the portion shall be deposited into the municipal 24388
indigent drivers interlock and alcohol monitoring fund under the 24389
control of that court. 24390

(3) If a county, juvenile, or municipal court determines 24391
that the funds in the county indigent drivers interlock and 24392
alcohol monitoring fund, the county juvenile indigent drivers 24393
interlock and alcohol monitoring fund, or the municipal indigent 24394
drivers interlock and alcohol monitoring fund under the control 24395
of that court are more than sufficient to satisfy the purpose 24396
for which the fund was established as specified in division (F) 24397

(2) (h) of this section, the court may declare a surplus in the 24398
fund. The court then may order the transfer of a specified 24399
amount into the county indigent drivers alcohol treatment fund, 24400
the county juvenile indigent drivers alcohol treatment fund, or 24401
the municipal indigent drivers alcohol treatment fund under the 24402
control of that court to be utilized in accordance with division 24403
(H) of this section. 24404

Sec. 4511.192. (A) Except as provided in division (A) (5) 24405
of section 4511.191 of the Revised Code, the arresting law 24406
enforcement officer shall give advice in accordance with this 24407
section to any person under arrest for a violation of division 24408
(A) or (B) of section 4511.19 of the Revised Code, section 24409
4511.194 of the Revised Code or a substantially equivalent 24410
municipal ordinance, or a municipal OVI ordinance. The officer 24411
shall give that advice in a written form that contains the 24412
information described in division (B) of this section and shall 24413
read the advice to the person. The form shall contain a 24414
statement that the form was shown to the person under arrest and 24415
read to the person by the arresting officer. One or more persons 24416
shall witness the arresting officer's reading of the form, and 24417
the witnesses shall certify to this fact by signing the form. 24418
The person must submit to the chemical test or tests, subsequent 24419
to the request of the arresting officer, within two hours of the 24420
time of the alleged violation and, if the person does not submit 24421
to the test or tests within that two-hour time limit, the 24422
failure to submit automatically constitutes a refusal to submit 24423
to the test or tests. 24424

(B) Except as provided in division (A) (5) of section 24425
4511.191 of the Revised Code, if a person is under arrest as 24426
described in division (A) of this section, before the person may 24427
be requested to submit to a chemical test or tests to determine 24428

the alcohol, drug of abuse, controlled substance, metabolite of 24429
a controlled substance, or combination content of the person's 24430
whole blood, blood serum or plasma, breath, or urine, the 24431
arresting officer shall read the following form to the person: 24432

"You now are under arrest for (specifically state the 24433
offense under state law or a substantially equivalent municipal 24434
ordinance for which the person was arrested - operating a 24435
vehicle under the influence of alcohol, a drug, or a combination 24436
of them; operating a vehicle while under the influence of a 24437
listed controlled substance or a listed metabolite of a 24438
controlled substance; operating a vehicle after underage alcohol 24439
consumption; or having physical control of a vehicle while under 24440
the influence). 24441

If you refuse to take any chemical test required by law, 24442
your Ohio driving privileges will be suspended immediately, and 24443
you will have to pay a fee to have the privileges reinstated. If 24444
you have a prior conviction of OVI, ~~OVUAC,~~ or operating a 24445
vehicle while under the influence of a listed controlled 24446
substance or a listed metabolite of a controlled substance under 24447
state or municipal law within the preceding twenty years, you 24448
now are under arrest for state OVI, and, if you refuse to take a 24449
chemical test, you will face increased penalties if you 24450
subsequently are convicted of the state OVI. 24451

(Read this part unless the person is under arrest for 24452
solely having physical control of a vehicle while under the 24453
influence.) If you take any chemical test required by law and 24454
are found to be at or over the prohibited amount of alcohol, a 24455
controlled substance, or a metabolite of a controlled substance 24456
in your whole blood, blood serum or plasma, breath, or urine as 24457
set by law, your Ohio driving privileges will be suspended 24458

immediately, and you will have to pay a fee to have the 24459
privileges reinstated. 24460

If you take a chemical test, you may have an independent 24461
chemical test taken at your own expense." 24462

(C) If the arresting law enforcement officer does not ask 24463
a person under arrest as described in division (A) of this 24464
section or division (A) (5) of section 4511.191 of the Revised 24465
Code to submit to a chemical test or tests under section 24466
4511.191 of the Revised Code, the arresting officer shall seize 24467
the Ohio or out-of-state driver's or commercial driver's license 24468
or permit of the person and immediately forward it to the court 24469
in which the arrested person is to appear on the charge. If the 24470
arrested person is not in possession of the person's license or 24471
permit or it is not in the person's vehicle, the officer shall 24472
order the person to surrender it to the law enforcement agency 24473
that employs the officer within twenty-four hours after the 24474
arrest, and, upon the surrender, the agency immediately shall 24475
forward the license or permit to the court in which the person 24476
is to appear on the charge. Upon receipt of the license or 24477
permit, the court shall retain it pending the arrested person's 24478
initial appearance and any action taken under section 4511.196 24479
of the Revised Code. 24480

(D) (1) If a law enforcement officer asks a person under 24481
arrest as described in division (A) (5) of section 4511.191 of 24482
the Revised Code to submit to a chemical test or tests under 24483
that section and the test results indicate a prohibited 24484
concentration of alcohol, a controlled substance, or a 24485
metabolite of a controlled substance in the person's whole 24486
blood, blood serum or plasma, breath, or urine at the time of 24487
the alleged offense, or if a law enforcement officer asks a 24488

person under arrest as described in division (A) of this section 24489
to submit to a chemical test or tests under section 4511.191 of 24490
the Revised Code, the officer advises the person in accordance 24491
with this section of the consequences of the person's refusal or 24492
submission, and either the person refuses to submit to the test 24493
or tests or, unless the arrest was for a violation of section 24494
4511.194 of the Revised Code or a substantially equivalent 24495
municipal ordinance, the person submits to the test or tests and 24496
the test results indicate a prohibited concentration of alcohol, 24497
a controlled substance, or a metabolite of a controlled 24498
substance in the person's whole blood, blood serum or plasma, 24499
breath, or urine at the time of the alleged offense, the 24500
arresting officer shall do all of the following: 24501

(a) On behalf of the registrar of motor vehicles, notify 24502
the person that, independent of any penalties or sanctions 24503
imposed upon the person, the person's Ohio driver's or 24504
commercial driver's license or permit or nonresident operating 24505
privilege is suspended immediately, that the suspension will 24506
last at least until the person's initial appearance on the 24507
charge, which will be held within five days after the date of 24508
the person's arrest or the issuance of a citation to the person, 24509
and that the person may appeal the suspension at the initial 24510
appearance or during the period of time ending thirty days after 24511
that initial appearance; 24512

(b) Seize the driver's or commercial driver's license or 24513
permit of the person and immediately forward it to the 24514
registrar. If the arrested person is not in possession of the 24515
person's license or permit or it is not in the person's vehicle, 24516
the officer shall order the person to surrender it to the law 24517
enforcement agency that employs the officer within twenty-four 24518
hours after the person is given notice of the suspension, and, 24519

upon the surrender, the officer's employing agency immediately 24520
shall forward the license or permit to the registrar. 24521

(c) Verify the person's current residence and, if it 24522
differs from that on the person's driver's or commercial 24523
driver's license or permit, notify the registrar of the change; 24524

(d) Send to the registrar, within forty-eight hours after 24525
the arrest of the person, a sworn report that includes all of 24526
the following statements: 24527

(i) That the officer had reasonable grounds to believe 24528
that, at the time of the arrest, the arrested person was 24529
operating a vehicle, streetcar, or trackless trolley in 24530
violation of division (A) or (B) of section 4511.19 of the 24531
Revised Code or a municipal OVI ordinance or for being in 24532
physical control of a stationary vehicle, streetcar, or 24533
trackless trolley in violation of section 4511.194 of the 24534
Revised Code or a substantially equivalent municipal ordinance; 24535

(ii) That the person was arrested and charged with a 24536
violation of division (A) or (B) of section 4511.19 of the 24537
Revised Code, section 4511.194 of the Revised Code or a 24538
substantially equivalent municipal ordinance, or a municipal OVI 24539
ordinance; 24540

(iii) Unless division (D) (1) (d) (v) of this section 24541
applies, that the officer asked the person to take the 24542
designated chemical test or tests, advised the person in 24543
accordance with this section of the consequences of submitting 24544
to, or refusing to take, the test or tests, and gave the person 24545
the form described in division (B) of this section; 24546

(iv) Unless division (D) (1) (d) (v) of this section applies, 24547
that either the person refused to submit to the chemical test or 24548

tests or, unless the arrest was for a violation of section 24549
4511.194 of the Revised Code or a substantially equivalent 24550
municipal ordinance, the person submitted to the chemical test 24551
or tests and the test results indicate a prohibited 24552
concentration of alcohol, a controlled substance, or a 24553
metabolite of a controlled substance in the person's whole 24554
blood, blood serum or plasma, breath, or urine at the time of 24555
the alleged offense; 24556

(v) If the person was under arrest as described in 24557
division (A) (5) of section 4511.191 of the Revised Code and the 24558
chemical test or tests were performed in accordance with that 24559
division, that the person was under arrest as described in that 24560
division, that the chemical test or tests were performed in 24561
accordance with that division, and that test results indicated a 24562
prohibited concentration of alcohol, a controlled substance, or 24563
a metabolite of a controlled substance in the person's whole 24564
blood, blood serum or plasma, breath, or urine at the time of 24565
the alleged offense. 24566

(2) Division (D) (1) of this section does not apply to a 24567
person who is arrested for a violation of section 4511.194 of 24568
the Revised Code or a substantially equivalent municipal 24569
ordinance, who is asked by a law enforcement officer to submit 24570
to a chemical test or tests under section 4511.191 of the 24571
Revised Code, and who submits to the test or tests, regardless 24572
of the amount of alcohol, a controlled substance, or a 24573
metabolite of a controlled substance that the test results 24574
indicate is present in the person's whole blood, blood serum or 24575
plasma, breath, or urine. 24576

(E) The arresting officer shall give the officer's sworn 24577
report that is completed under this section to the arrested 24578

person at the time of the arrest, or the registrar of motor 24579
vehicles shall send the report to the person by regular first 24580
class mail as soon as possible after receipt of the report, but 24581
not later than fourteen days after receipt of it. An arresting 24582
officer may give an unsworn report to the arrested person at the 24583
time of the arrest provided the report is complete when given to 24584
the arrested person and subsequently is sworn to by the 24585
arresting officer. As soon as possible, but not later than 24586
forty-eight hours after the arrest of the person, the arresting 24587
officer shall send a copy of the sworn report to the court in 24588
which the arrested person is to appear on the charge for which 24589
the person was arrested. 24590

(F) The sworn report of an arresting officer completed 24591
under this section is prima-facie proof of the information and 24592
statements that it contains. It shall be admitted and considered 24593
as prima-facie proof of the information and statements that it 24594
contains in any appeal under section 4511.197 of the Revised 24595
Code relative to any suspension of a person's driver's or 24596
commercial driver's license or permit or nonresident operating 24597
privilege that results from the arrest covered by the report. 24598

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 24599
for a violation of a municipal OVI ordinance shall be deposited 24600
into the municipal or county indigent drivers alcohol treatment 24601
fund created pursuant to division (H) of section 4511.191 of the 24602
Revised Code in accordance with this section and section 733.40, 24603
divisions (A), (B), and (C) of section 1901.024, division (F) of 24604
section 1901.31, or division (C) of section 1907.20 of the 24605
Revised Code. Regardless of whether the fine is imposed by a 24606
municipal court, a mayor's court, or a juvenile court, if the 24607
fine was imposed for a violation of an ordinance of a municipal 24608
corporation that is within the jurisdiction of a county-operated 24609

municipal court or a municipal court that is not a county- 24610
operated municipal court, the twenty-five dollars that is 24611
subject to this section shall be deposited into the indigent 24612
drivers alcohol treatment fund of the county in which that 24613
municipal corporation is located if the municipal court that has 24614
jurisdiction over that municipal corporation is a county- 24615
operated municipal court or of the municipal corporation in 24616
which is located the municipal court that has jurisdiction over 24617
that municipal corporation if that municipal court is not a 24618
county-operated municipal court. Regardless of whether the fine 24619
is imposed by a county court, a mayor's court, or a juvenile 24620
court, if the fine was imposed for a violation of an ordinance 24621
of a municipal corporation that is within the jurisdiction of a 24622
county court, the twenty-five dollars that is subject to this 24623
section shall be deposited into the indigent drivers alcohol 24624
treatment fund of the county in which is located the county 24625
court that has jurisdiction over that municipal corporation. The 24626
deposit shall be made in accordance with section 733.40, 24627
divisions (A), (B), and (C) of section 1901.024, division (F) of 24628
section 1901.31, or division (C) of section 1907.20 of the 24629
Revised Code. 24630

(B) Any court cost imposed as a result of a violation of a 24631
municipal ordinance that is a moving violation and designated 24632
for an indigent drivers alcohol treatment fund established 24633
pursuant to division (H) of section 4511.191 of the Revised Code 24634
shall be deposited into the municipal or county indigent drivers 24635
alcohol treatment fund created pursuant to division (H) of 24636
section 4511.191 of the Revised Code in accordance with this 24637
section and section 733.40, divisions (A), (B), and (C) of 24638
section 1901.024, division (F) of section 1901.31, or division 24639
(C) of section 1907.20 of the Revised Code. Regardless of 24640

whether the court cost is imposed by a municipal court, a 24641
mayor's court, or a juvenile court, if the court cost was 24642
imposed for a violation of an ordinance of a municipal 24643
corporation that is within the jurisdiction of a county-operated 24644
municipal court or a municipal court that is not a county- 24645
operated municipal court, the court cost that is subject to this 24646
section shall be deposited into the indigent drivers alcohol 24647
treatment fund of the county in which that municipal corporation 24648
is located if the municipal court that has jurisdiction over 24649
that municipal corporation is a county-operated municipal court 24650
or of the municipal corporation in which is located the 24651
municipal court that has jurisdiction over that municipal 24652
corporation if that municipal court is not a county-operated 24653
municipal court. Regardless of whether the court cost is imposed 24654
by a county court, a mayor's court, or a juvenile court, if the 24655
court cost was imposed for a violation of an ordinance of a 24656
municipal corporation that is within the jurisdiction of a 24657
county court, the court cost that is subject to this section 24658
shall be deposited into the indigent drivers alcohol treatment 24659
fund of the county in which is located the county court that has 24660
jurisdiction over that municipal corporation. The deposit shall 24661
be made in accordance with section 733.40, divisions (A), (B), 24662
and (C) of section 1901.024, division (F) of section 1901.31, or 24663
division (C) of section 1907.20 of the Revised Code. 24664

(C) (1) The requirements and sanctions imposed by divisions 24665
(C) (1) and (2) of this section are an adjunct to and derive from 24666
the state's exclusive authority over the registration and 24667
titling of motor vehicles and do not comprise a part of the 24668
criminal sentence to be imposed upon a person who violates a 24669
municipal OVI ordinance. 24670

(2) If a person is convicted of or pleads guilty to a 24671

violation of a municipal OVI ordinance, if the vehicle the 24672
offender was operating at the time of the offense is registered 24673
in the offender's name, and if, within ten years of the current 24674
offense, the offender has been convicted of or pleaded guilty to 24675
one or more violations of division (A) ~~or (B)~~ of section 4511.19 24676
of the Revised Code or one or more other equivalent offenses, 24677
the court, in addition to and independent of any sentence that 24678
it imposes upon the offender for the offense, shall do whichever 24679
of the following is applicable: 24680

(a) Except as otherwise provided in division (C) (2) (b) of 24681
this section, if, within ten years of the current offense, the 24682
offender has been convicted of or pleaded guilty to one 24683
violation described in division (C) (2) of this section, the 24684
court shall order the immobilization for ninety days of that 24685
vehicle and the impoundment for ninety days of the license 24686
plates of that vehicle. The order for the immobilization and 24687
impoundment shall be issued and enforced in accordance with 24688
section 4503.233 of the Revised Code. 24689

(b) If, within ten years of the current offense, the 24690
offender has been convicted of or pleaded guilty to two or more 24691
violations described in division (C) (2) of this section, or if 24692
the offender previously has been convicted of or pleaded guilty 24693
to a violation of division (A) of section 4511.19 of the Revised 24694
Code under circumstances in which the violation was a felony and 24695
regardless of when the violation and the conviction or guilty 24696
plea occurred, the court shall order the criminal forfeiture to 24697
the state of that vehicle. The order of criminal forfeiture 24698
shall be issued and enforced in accordance with section 4503.234 24699
of the Revised Code. 24700

(D) As used in this section, "county-operated municipal 24701

court" has the same meaning as in section 1901.03 of the Revised Code. 24702
24703

Sec. 4511.195. (A) As used in this section: 24704

(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. 24705
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(2) "Vehicle owner" means either of the following: 24709

(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; 24710
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(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. 24713
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(3) "Interested party" includes the owner of a vehicle seized under this section, all lienholders, the arrested person, the owner of the place of storage at which a vehicle seized under this section is stored, and the person or entity that caused the vehicle to be removed. 24719
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(B) (1) The arresting officer or another officer of the law enforcement agency that employs the arresting officer, in addition to any action that the arresting officer is required or authorized to take by section 4511.19 or 4511.191 of the Revised Code or by any other provision of law, shall seize the vehicle that a person was operating at the time of the alleged offense and its license plates if the vehicle is registered in the 24724
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arrested person's name and if either of the following applies: 24731

(a) The person is arrested for a violation of division (A) 24732
of section 4511.19 of the Revised Code or of a municipal OVI 24733
ordinance and, within ten years of the alleged violation, the 24734
person previously has been convicted of or pleaded guilty to one 24735
or more violations of division (A) ~~or (B)~~ of section 4511.19 of 24736
the Revised Code or one or more other equivalent offenses. 24737

(b) The person is arrested for a violation of division (A) 24738
of section 4511.19 of the Revised Code or of a municipal OVI 24739
ordinance and the person previously has been convicted of or 24740
pleaded guilty to a violation of division (A) of section 4511.19 24741
of the Revised Code under circumstances in which the violation 24742
was a felony, regardless of when the prior felony violation of 24743
division (A) of section 4511.19 of the Revised Code and the 24744
conviction or guilty plea occurred. 24745

(2) A law enforcement agency that employs a law 24746
enforcement officer who makes an arrest of a type that is 24747
described in division (B)(1) of this section and that involves a 24748
rented or leased vehicle that is being rented or leased for a 24749
period of thirty days or less shall notify, within twenty-four 24750
hours after the officer makes the arrest, the lessor or owner of 24751
the vehicle regarding the circumstances of the arrest and the 24752
location at which the vehicle may be picked up. At the time of 24753
the seizure of the vehicle, the law enforcement officer who made 24754
the arrest shall give the arrested person written notice that 24755
the vehicle and its license plates have been seized; that the 24756
vehicle either will be kept by the officer's law enforcement 24757
agency or will be immobilized at least until the operator's 24758
initial appearance on the charge of the offense for which the 24759
arrest was made; that, at the initial appearance, the court in 24760

certain circumstances may order that the vehicle and license 24761
plates be released to the arrested person until the disposition 24762
of that charge; and that, if the arrested person is convicted of 24763
that charge, the court generally must order the immobilization 24764
of the vehicle and the impoundment of its license plates, or the 24765
forfeiture of the vehicle. 24766

(3) The arresting officer or a law enforcement officer of 24767
the agency that employs the arresting officer shall give written 24768
notice of the seizure to the court that will conduct the initial 24769
appearance of the arrested person on the charges arising out of 24770
the arrest. Upon receipt of the notice, the court promptly shall 24771
determine whether the arrested person is the vehicle owner. If 24772
the court determines that the arrested person is not the vehicle 24773
owner, it promptly shall send by regular mail written notice of 24774
the seizure to the vehicle's registered owner. The written 24775
notice shall contain all of the information required by division 24776
(B) (2) of this section to be in a notice to be given to the 24777
arrested person and also shall specify the date, time, and place 24778
of the arrested person's initial appearance. The notice also 24779
shall inform the vehicle owner that if title to a motor vehicle 24780
that is subject to an order for criminal forfeiture under this 24781
section is assigned or transferred and division (B) (2) or (3) of 24782
section 4503.234 of the Revised Code applies, the court may fine 24783
the arrested person the value of the vehicle. The notice also 24784
shall state that if the vehicle is immobilized under division 24785
(A) of section 4503.233 of the Revised Code, seven days after 24786
the end of the period of immobilization a law enforcement agency 24787
will send the vehicle owner a notice, informing the owner that 24788
if the release of the vehicle is not obtained in accordance with 24789
division (D) (3) of section 4503.233 of the Revised Code, the 24790
vehicle shall be forfeited. The notice also shall inform the 24791

vehicle owner that the vehicle owner may be charged expenses or 24792
charges incurred under this section and section 4503.233 of the 24793
Revised Code for the removal and storage of the vehicle. 24794

The written notice that is given to the arrested person 24795
also shall state that if the person is convicted of or pleads 24796
guilty to the offense and the court issues an immobilization and 24797
impoundment order relative to that vehicle, division (D)(4) of 24798
section 4503.233 of the Revised Code prohibits the vehicle from 24799
being sold during the period of immobilization without the prior 24800
approval of the court. 24801

(4) At or before the initial appearance, the vehicle owner 24802
may file a motion requesting the court to order that the vehicle 24803
and its license plates be released to the vehicle owner. Except 24804
as provided in this division and subject to the payment of 24805
expenses or charges incurred in the removal and storage of the 24806
vehicle, the court, in its discretion, then may issue an order 24807
releasing the vehicle and its license plates to the vehicle 24808
owner. Such an order may be conditioned upon such terms as the 24809
court determines appropriate, including the posting of a bond in 24810
an amount determined by the court. If the arrested person is not 24811
the vehicle owner and if the vehicle owner is not present at the 24812
arrested person's initial appearance, and if the court believes 24813
that the vehicle owner was not provided with adequate notice of 24814
the initial appearance, the court, in its discretion, may allow 24815
the vehicle owner to file a motion within seven days of the 24816
initial appearance. If the court allows the vehicle owner to 24817
file such a motion after the initial appearance, the extension 24818
of time granted by the court does not extend the time within 24819
which the initial appearance is to be conducted. If the court 24820
issues an order for the release of the vehicle and its license 24821
plates, a copy of the order shall be made available to the 24822

vehicle owner. If the vehicle owner presents a copy of the order 24823
to the law enforcement agency that employs the law enforcement 24824
officer who arrested the arrested person, the law enforcement 24825
agency promptly shall release the vehicle and its license plates 24826
to the vehicle owner upon payment by the vehicle owner of any 24827
expenses or charges incurred in the removal and storage of the 24828
vehicle. 24829

(5) A vehicle seized under division (B)(1) of this section 24830
either shall be towed to a place specified by the law 24831
enforcement agency that employs the arresting officer to be 24832
safely kept by the agency at that place for the time and in the 24833
manner specified in this section or shall be otherwise 24834
immobilized for the time and in the manner specified in this 24835
section. The license plates shall remain on the seized vehicle 24836
unless otherwise ordered by the court. No vehicle that is seized 24837
and either towed or immobilized pursuant to this division shall 24838
be considered contraband for purposes of Chapter 2981. of the 24839
Revised Code. The vehicle shall not be immobilized at any place 24840
other than a commercially operated private storage lot, a place 24841
owned by a law enforcement agency or other government agency, or 24842
a place to which one of the following applies: 24843

(a) The place is leased by or otherwise under the control 24844
of a law enforcement agency or other government agency. 24845

(b) The place is owned by the vehicle operator, the 24846
vehicle operator's spouse, or a parent or child of the vehicle 24847
operator. 24848

(c) The place is owned by a private person or entity, and, 24849
prior to the immobilization, the private entity or person that 24850
owns the place, or the authorized agent of that private entity 24851
or person, has given express written consent for the 24852

immobilization to be carried out at that place. 24853

(d) The place is a street or highway on which the vehicle 24854
is parked in accordance with the law. 24855

(C) (1) A vehicle seized under division (B) of this section 24856
shall be safely kept at the place to which it is towed or 24857
otherwise moved by the law enforcement agency that employs the 24858
arresting officer until the initial appearance of the arrested 24859
person relative to the charge in question. The license plates 24860
shall remain on the seized vehicle unless otherwise ordered by 24861
the court. 24862

(2) (a) At the initial appearance or not less than seven 24863
days prior to the date of final disposition, the court shall 24864
notify the arrested person that, if title to a motor vehicle 24865
that is subject to an order for criminal forfeiture under this 24866
section is assigned or transferred and division (B) (2) or (3) of 24867
section 4503.234 of the Revised Code applies, the court may fine 24868
the arrested person the value of the vehicle. If, at the initial 24869
appearance, the arrested person pleads guilty to the violation 24870
of division (A) of section 4511.19 of the Revised Code or of the 24871
municipal OVI ordinance or pleads no contest to and is convicted 24872
of the violation, the court shall impose sentence upon the 24873
person as provided by law or ordinance; the court shall order 24874
the immobilization of the vehicle the arrested person was 24875
operating at the time of the offense if registered in the 24876
arrested person's name and the impoundment of its license plates 24877
under section 4503.233 and section 4511.19 or 4511.193 of the 24878
Revised Code or the criminal forfeiture to the state of the 24879
vehicle if registered in the arrested person's name under 24880
section 4503.234 and section 4511.19 or 4511.193 of the Revised 24881
Code, whichever is applicable; and the vehicle and its license 24882

plates shall not be returned or released to the arrested person. 24883

(b) If, at any time, the charge that the arrested person 24884
violated division (A) of section 4511.19 of the Revised Code or 24885
the municipal OVI ordinance is dismissed for any reason, the 24886
court shall order that the vehicle seized at the time of the 24887
arrest and its license plates immediately be released to the 24888
person. 24889

(D) If a vehicle and its license plates are seized under 24890
division (B) of this section and are not returned or released to 24891
the arrested person pursuant to division (C) of this section, 24892
the vehicle and its license plates shall be retained until the 24893
final disposition of the charge in question. Upon the final 24894
disposition of that charge, the court shall do whichever of the 24895
following is applicable: 24896

(1) If the arrested person is convicted of or pleads 24897
guilty to the violation of division (A) of section 4511.19 of 24898
the Revised Code or of the municipal OVI ordinance, the court 24899
shall impose sentence upon the person as provided by law or 24900
ordinance and shall order the immobilization of the vehicle the 24901
person was operating at the time of the offense if it is 24902
registered in the arrested person's name and the impoundment of 24903
its license plates under section 4503.233 and section 4511.19 or 24904
4511.193 of the Revised Code, or the criminal forfeiture of the 24905
vehicle if it is registered in the arrested person's name under 24906
section 4503.234 and section 4511.19 or 4511.193 of the Revised 24907
Code, whichever is applicable. 24908

(2) If the arrested person is found not guilty of the 24909
violation of division (A) of section 4511.19 of the Revised Code 24910
or of the municipal OVI ordinance, the court shall order that 24911
the vehicle and its license plates immediately be released to 24912

the arrested person. 24913

(3) If the charge that the arrested person violated 24914
division (A) of section 4511.19 of the Revised Code or the 24915
municipal OVI ordinance is dismissed for any reason, the court 24916
shall order that the vehicle and its license plates immediately 24917
be released to the arrested person. 24918

(4) If the impoundment of the vehicle was not authorized 24919
under this section, the court shall order that the vehicle and 24920
its license plates be returned immediately to the arrested 24921
person or, if the arrested person is not the vehicle owner, to 24922
the vehicle owner, and shall order that the state or political 24923
subdivision of the law enforcement agency served by the law 24924
enforcement officer who seized the vehicle pay all expenses and 24925
charges incurred in its removal and storage. 24926

(E) If a vehicle is seized under division (B) of this 24927
section, the time between the seizure of the vehicle and either 24928
its release to the arrested person under division (C) of this 24929
section or the issuance of an order of immobilization of the 24930
vehicle under section 4503.233 of the Revised Code shall be 24931
credited against the period of immobilization ordered by the 24932
court. 24933

(F) (1) Except as provided in division (D) (4) of this 24934
section, the arrested person may be charged expenses or charges 24935
incurred in the removal and storage of the immobilized vehicle. 24936
The court with jurisdiction over the case, after notice to all 24937
interested parties, including lienholders, and after an 24938
opportunity for them to be heard, if the court finds that the 24939
arrested person does not intend to seek release of the vehicle 24940
at the end of the period of immobilization under section 24941
4503.233 of the Revised Code or that the arrested person is not 24942

or will not be able to pay the expenses and charges incurred in 24943
its removal and storage, may order that title to the vehicle be 24944
transferred, in order of priority, first into the name of the 24945
person or entity that removed it, next into the name of a 24946
lienholder, or lastly into the name of the owner of the place of 24947
storage. 24948

Any lienholder that receives title under a court order 24949
shall do so on the condition that it pay any expenses or charges 24950
incurred in the vehicle's removal and storage. If the person or 24951
entity that receives title to the vehicle is the person or 24952
entity that removed it, the person or entity shall receive title 24953
on the condition that it pay any lien on the vehicle. The court 24954
shall not order that title be transferred to any person or 24955
entity other than the owner of the place of storage if the 24956
person or entity refuses to receive the title. Any person or 24957
entity that receives title either may keep title to the vehicle 24958
or may dispose of the vehicle in any legal manner that it 24959
considers appropriate, including assignment of the certificate 24960
of title to the motor vehicle to a salvage dealer or a scrap 24961
metal processing facility. The person or entity shall not 24962
transfer the vehicle to the person who is the vehicle's 24963
immediate previous owner. 24964

If the person or entity that receives title assigns the 24965
motor vehicle to a salvage dealer or scrap metal processing 24966
facility, the person or entity shall send the assigned 24967
certificate of title to the motor vehicle to the clerk of the 24968
court of common pleas of the county in which the salvage dealer 24969
or scrap metal processing facility is located. The person or 24970
entity shall mark the face of the certificate of title with the 24971
words "FOR DESTRUCTION" and shall deliver a photocopy of the 24972
certificate of title to the salvage dealer or scrap metal 24973

processing facility for its records. 24974

(2) Whenever a court issues an order under division (F) (1) 24975
of this section, the court also shall order removal of the 24976
license plates from the vehicle and cause them to be sent to the 24977
registrar of motor vehicles if they have not already been sent 24978
to the registrar. Thereafter, no further proceedings shall take 24979
place under this section or under section 4503.233 of the 24980
Revised Code. 24981

(3) Prior to initiating a proceeding under division (F) (1) 24982
of this section, and upon payment of the fee under division (B) 24983
of section 4505.14 of the Revised Code, any interested party may 24984
cause a search to be made of the public records of the bureau of 24985
motor vehicles or the clerk of the court of common pleas, to 24986
ascertain the identity of any lienholder of the vehicle. The 24987
initiating party shall furnish this information to the clerk of 24988
the court with jurisdiction over the case, and the clerk shall 24989
provide notice to the arrested person, any lienholder, and any 24990
other interested parties listed by the initiating party, at the 24991
last known address supplied by the initiating party, by 24992
certified mail or, at the option of the initiating party, by 24993
personal service or ordinary mail. 24994

Sec. 4511.204. (A) No person shall ~~drive-operate~~ a motor 24995
vehicle, trackless trolley, or streetcar on any street, highway, 24996
or property open to the public for vehicular traffic while using 24997
~~a handheld, holding, or physically supporting with any part of~~ 24998
~~the person's body an~~ electronic wireless communications device 24999
~~to write, send, or read a text-based communication.~~ 25000

(B) Division (A) of this section does not apply to any of 25001
the following: 25002

(1) A person using ~~a handheld~~ an electronic wireless 25003
communications device ~~in that manner for emergency purposes,~~ 25004
~~including an emergency to make contact,~~ for emergency purposes, 25005
with a law enforcement agency, hospital or health care provider, 25006
fire department, or other similar emergency agency or entity; 25007

(2) A person driving a public safety vehicle ~~who uses a~~ 25008
~~handheld~~ while using an electronic wireless communications 25009
device ~~in that manner~~ in the course of the person's duties; 25010

(3) A person using ~~a handheld~~ an electronic wireless 25011
communications device ~~in that manner whose~~ when the person's 25012
motor vehicle is in a stationary position and ~~who~~ is outside a 25013
lane of travel, at a traffic control signal that is currently 25014
directing traffic to stop, or parked on a road or highway due to 25015
an emergency or road closure; 25016

(4) A person ~~reading, selecting, or entering a name or~~ 25017
~~telephone number in a handheld~~ using and holding an electronic 25018
wireless communications device directly near the person's ear 25019
for the purpose of making ~~or,~~ receiving, or conducting a 25020
telephone call, provided that the person does not manually enter 25021
letters, numbers, or symbols into the device; 25022

(5) A person receiving wireless messages on ~~a~~ an 25023
electronic wireless communications device regarding the 25024
operation or navigation of a motor vehicle; safety-related 25025
information, including emergency, traffic, or weather alerts; or 25026
data used primarily by the motor vehicle, provided that the 25027
person does not hold or support the device with any part of the 25028
person's body; 25029

(6) A person ~~receiving wireless messages via radio~~ 25030
~~waves~~ using the speaker phone function of the electronic wireless 25031

communications device, provided that the person does not hold or 25032
support the device with any part of the person's body; 25033

(7) A person using ~~a~~ an electronic wireless communications 25034
device for navigation purposes, provided that the person does 25035
not do either of the following during the use: 25036

(a) Manually enter letters, numbers, or symbols into the 25037
device; 25038

(b) Hold or support the device with any part of the 25039
person's body; 25040

(8) A person ~~conducting wireless interpersonal~~ 25041
~~communication with a device that does not require manually~~ 25042
~~entering letters, numbers, or symbols or reading text messages,~~ 25043
~~except to activate, deactivate, or initiate the device or using~~ 25044
a feature or function of the electronic wireless communications 25045
device with a single touch or single swipe, provided that the 25046
person does not do either of the following during the use: 25047

(a) Manually enter letters, numbers, or symbols into the 25048
device; 25049

(b) Hold or support the device with any part of the 25050
person's body; 25051

(9) A person operating a commercial truck while using a 25052
mobile data terminal that transmits and receives data; 25053

(10) A person operating a utility service vehicle or a 25054
vehicle for or on behalf of a utility, if the person is acting 25055
in response to an emergency, power outage, or circumstance that 25056
affects the health or safety of individuals; 25057

(11) A person using a handheld ~~an~~ electronic wireless 25058
communications device in conjunction with a voice-operated or 25059

hands-free device—feature or function of the vehicle or of the 25060
device without the use of either hand except to activate, 25061
deactivate, or initiate the feature or function with a single 25062
touch or swipe, provided the person does not hold or support the 25063
device with any part of the person's body; 25064

(12) A person using technology that physically or 25065
electronically integrates the device into the motor vehicle, 25066
provided that the person does not do either of the following 25067
during the use: 25068

(a) Manually enter letters, numbers, or symbols into the 25069
device; 25070

(b) Hold or support the device with any part of the 25071
person's body. 25072

(13) A person storing an electronic wireless 25073
communications device in a holster, harness, or article of 25074
clothing on the person's body. 25075

~~(C) (1) Notwithstanding any provision of law to the~~ 25076
~~contrary, no law enforcement officer shall cause an operator of~~ 25077
~~an automobile being operated on any street or highway to stop~~ 25078
~~the automobile for the sole purpose of determining whether a~~ 25079
~~violation of division (A) of this section has been or is being~~ 25080
~~committed or for the sole purpose of issuing a ticket, citation,~~ 25081
~~or summons for a violation of that nature or causing the arrest~~ 25082
~~of or commencing a prosecution of a person for a violation of~~ 25083
~~that nature, and no law enforcement officer shall view the~~ 25084
~~interior or visually inspect any automobile being operated on~~ 25085
~~any street or highway for the sole purpose of determining~~ 25086
~~whether a violation of that nature has been or is being~~ 25087
~~committed.~~ 25088

~~(2)~~ On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

(2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:

(a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(b) Ensure that such report indicates the offender's race.

~~(D)~~ (1) Whoever violates division (A) of this section is guilty of operating a minor motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

(a) Except as provided in divisions (D) (1) (b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit,

probationary license, or nonresident operating privilege for 25118
ninety days. 25119

(d) Notwithstanding divisions (D) (1) (a) to (c) of this 25120
section, if the offender was operating the motor vehicle at the 25121
time of the violation in a construction zone where a sign was 25122
posted in accordance with section 4511.98 of the Revised Code, 25123
the court, in addition to all other penalties provided by law, 25124
shall impose upon the offender a fine of two times the amount 25125
imposed for the violation under division (D) (1) (a), (b), or (c) 25126
of this section, as applicable. 25127

(2) In lieu of payment of the fine of one hundred fifty 25128
dollars under division (D) (1) (a) of this section and the 25129
assessment of points under division (D) (4) of this section, the 25130
offender instead may elect to attend the distracted driving 25131
safety course, as described in section 4511.991 of the Revised 25132
Code. If the offender attends and successfully completes the 25133
course, the offender shall be issued written evidence that the 25134
offender successfully completed the course. The offender shall 25135
not be required to pay the fine and shall not have the points 25136
assessed against that offender's driver's license if the 25137
offender submits the written evidence to the court. 25138

(3) The court may impose any other penalty authorized 25139
under sections 2929.21 to 2929.28 of the Revised Code. However, 25140
the court shall not impose a fine or a suspension not otherwise 25141
specified in division (D) (1) of this section. The court also 25142
shall not impose a jail term or community residential sanction. 25143

(4) Except as provided in division (D) (2) of this section, 25144
points shall be assessed for a violation of division (A) of this 25145
section in accordance with section 4510.036 of the Revised Code. 25146

(5) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 25147
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(E) This section shall not be construed as invalidating, preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in this section for violations of this section. 25153
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(F) A prosecution for ~~a~~an offense in violation of this section does not preclude a prosecution for ~~a~~an offense in violation of a substantially equivalent municipal ordinance based on the same conduct. However, ~~if an offender is convicted of or pleads guilty to a violation of this section and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct,~~ the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code. 25158
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~~(G)~~(G) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device. 25167
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(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic 25173
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wireless communications device. The officer shall not do any of 25177
the following: 25178

(a) Access the device without a warrant, unless the 25179
operator voluntarily and unequivocally gives consent for the 25180
officer to access the device; 25181

(b) Confiscate the device while awaiting the issuance of a 25182
warrant to access the device; 25183

(c) Obtain consent from the operator to access the device 25184
through coercion or any other improper means. Any consent by the 25185
operator to access the device shall be voluntary and unequivocal 25186
before the officer may access the device without a warrant. 25187

(H) As used in this section: 25188

(1) "Electronic wireless communications device" includes 25189
any of the following: 25190

(a) A wireless telephone; 25191

(b) A text-messaging device; 25192

(c) A personal digital assistant; 25193

(d) A computer, including a laptop computer and a computer 25194
tablet; 25195

(e) Any device capable of displaying a video, movie, 25196
broadcast television image, or visual image; 25197

(f) Any other substantially similar wireless device that 25198
is designed or used to communicate text, initiate or receive 25199
communication, or exchange information or data. 25200

An "electronic wireless communications device" does not 25201
include a two-way radio transmitter or receiver used by a person 25202
who is licensed by the federal communications commission to 25203

participate in the amateur radio service. 25204

(2) "Voice-operated or hands-free ~~device~~feature or
function" means a ~~device~~feature or function that allows the
user to vocally compose or send, or to listen to a text-based
communication a person to use an electronic wireless
communications device without the use of either hand, except to
activate ~~or~~, deactivate ~~a~~, or initiate the feature or function
with a single touch or single swipe. 25205
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(3) ~~"Write, send, or read a text based communication"~~
~~means to manually write or send, or read a text based~~
~~communication using an electronic wireless communications~~
~~device, including manually writing or sending, or reading~~
~~communications referred to as text messages, instant messages,~~
~~or electronic mail~~"Utility" means an entity specified in
division (A), (C), (D), (E), or (G) of section 4905.03 of the
Revised Code. 25212
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(4) "Utility service vehicle" means a vehicle owned or
operated by a utility. 25220
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Sec. 4511.21. (A) No person shall operate a motor vehicle,
trackless trolley, or streetcar at a speed greater or less than
is reasonable or proper, having due regard to the traffic,
surface, and width of the street or highway and any other
conditions, and no person shall drive any motor vehicle,
trackless trolley, or streetcar in and upon any street or
highway at a greater speed than will permit the person to bring
it to a stop within the assured clear distance ahead. 25222
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(B) It is prima-facie lawful, in the absence of a lower
limit declared or established pursuant to this section by the
director of transportation or local authorities, for the 25230
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operator of a motor vehicle, trackless trolley, or streetcar to 25233
operate the same at a speed not exceeding the following: 25234

(1) (a) Twenty miles per hour in school zones during school 25235
recess and while children are going to or leaving school during 25236
the opening or closing hours, and when twenty miles per hour 25237
school speed limit signs are erected; except that, on 25238
controlled-access highways and expressways, if the right-of-way 25239
line fence has been erected without pedestrian opening, the 25240
speed shall be governed by division (B) (4) of this section and 25241
on freeways, if the right-of-way line fence has been erected 25242
without pedestrian opening, the speed shall be governed by 25243
divisions (B) (10) and (11) of this section. The end of every 25244
school zone may be marked by a sign indicating the end of the 25245
zone. Nothing in this section or in the manual and 25246
specifications for a uniform system of traffic control devices 25247
shall be construed to require school zones to be indicated by 25248
signs equipped with flashing or other lights, or giving other 25249
special notice of the hours in which the school zone speed limit 25250
is in effect. 25251

(b) As used in this section and in section 4511.212 of the 25252
Revised Code, "school" means all of the following: 25253

(i) Any school chartered under section 3301.16 of the 25254
Revised Code; 25255

(ii) Any nonchartered school that during the preceding 25256
year filed with the department of education in compliance with 25257
rule 3301-35-08 of the Ohio Administrative Code, a copy of the 25258
school's report for the parents of the school's pupils 25259
certifying that the school meets Ohio minimum standards for 25260
nonchartered, nontax-supported schools and presents evidence of 25261
this filing to the jurisdiction from which it is requesting the 25262

establishment of a school zone; 25263

(iii) Any special elementary school that in writing 25264
requests the county engineer of the county in which the special 25265
elementary school is located to create a school zone at the 25266
location of that school. Upon receipt of such a written request, 25267
the county engineer shall create a school zone at that location 25268
by erecting the appropriate signs. 25269

(iv) Any preschool education program operated by an 25270
educational service center that is located on a street or 25271
highway with a speed limit of forty-five miles per hour or more, 25272
when the educational service center in writing requests that the 25273
county engineer of the county in which the program is located 25274
create a school zone at the location of that program. Upon 25275
receipt of such a written request, the county engineer shall 25276
create a school zone at that location by erecting the 25277
appropriate signs. 25278

(c) As used in this section, "school zone" means that 25279
portion of a street or highway passing a school fronting upon 25280
the street or highway that is encompassed by projecting the 25281
school property lines to the fronting street or highway, and 25282
also includes that portion of a state highway. Upon request from 25283
local authorities for streets and highways under their 25284
jurisdiction and that portion of a state highway under the 25285
jurisdiction of the director of transportation or a request from 25286
a county engineer in the case of a school zone for a special 25287
elementary school, the director may extend the traditional 25288
school zone boundaries. The distances in divisions (B) (1) (c) (i), 25289
(ii), and (iii) of this section shall not exceed three hundred 25290
feet per approach per direction and are bounded by whichever of 25291
the following distances or combinations thereof the director 25292

approves as most appropriate:	25293
(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction;	25294 25295 25296
(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;	25297 25298 25299
(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.	25300 25301 25302 25303
Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B) (1) (a) and (c) of this section.	25304 25305 25306 25307 25308 25309
(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.	25310 25311 25312
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	25313 25314 25315 25316 25317 25318 25319 25320 25321

of the township, or lying adjacent to the property of a school 25322
that is operated by such county board, that includes a crosswalk 25323
customarily used by children going to or leaving a school during 25324
recess and opening and closing hours, whenever the distance, as 25325
measured in a straight line, from the school property line 25326
nearest the crosswalk to the nearest point of the crosswalk is 25327
no more than one thousand three hundred twenty feet. Such a 25328
school zone shall include the distance encompassed by the 25329
crosswalk and extending three hundred feet on each approach 25330
direction of the state route. 25331

(e) As used in this section, "special elementary school" 25332
means a school that meets all of the following criteria: 25333

(i) It is not chartered and does not receive tax revenue 25334
from any source. 25335

(ii) It does not educate children beyond the eighth grade. 25336

(iii) It is located outside the limits of a municipal 25337
corporation. 25338

(iv) A majority of the total number of students enrolled 25339
at the school are not related by blood. 25340

(v) The principal or other person in charge of the special 25341
elementary school annually sends a report to the superintendent 25342
of the school district in which the special elementary school is 25343
located indicating the total number of students enrolled at the 25344
school, but otherwise the principal or other person in charge 25345
does not report any other information or data to the 25346
superintendent. 25347

(2) Twenty-five miles per hour in all other portions of a 25348
municipal corporation, except on state routes outside business 25349
districts, through highways outside business districts, and 25350

alleys;	25351
(3) Thirty-five miles per hour on all state routes or	25352
through highways within municipal corporations outside business	25353
districts, except as provided in divisions (B)(4) and (6) of	25354
this section;	25355
(4) Fifty miles per hour on controlled-access highways and	25356
expressways within municipal corporations, except as provided in	25357
divisions (B)(12), (13), (14), (15), and (16) of this section;	25358
(5) Fifty-five miles per hour on highways outside	25359
municipal corporations, other than highways within island	25360
jurisdictions as provided in division (B)(8) of this section,	25361
highways as provided in divisions (B)(9) and (10) of this	25362
section, and highways, expressways, and freeways as provided in	25363
divisions (B)(12), (13), (14), and (16) of this section;	25364
(6) Fifty miles per hour on state routes within municipal	25365
corporations outside urban districts unless a lower prima-facie	25366
speed is established as further provided in this section;	25367
(7) Fifteen miles per hour on all alleys within the	25368
municipal corporation;	25369
(8) Thirty-five miles per hour on highways outside	25370
municipal corporations that are within an island jurisdiction;	25371
(9) Thirty-five miles per hour on through highways, except	25372
state routes, that are outside municipal corporations and that	25373
are within a national park with boundaries extending through two	25374
or more counties;	25375
(10) Sixty miles per hour on two-lane state routes outside	25376
municipal corporations as established by the director under	25377
division (H)(2) of this section;	25378

(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;	25379 25380 25381
(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;	25382 25383 25384 25385
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	25386 25387
(14) Seventy miles per hour on all rural freeways;	25388
(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) (16) of this section;	25389 25390 25391 25392 25393
(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.	25394 25395 25396
(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B) (1) (a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.	25397 25398 25399 25400 25401 25402 25403 25404 25405 25406
(D) No person shall operate a motor vehicle, trackless	25407

trolley, or streetcar upon a street or highway as follows: 25408

(1) At a speed exceeding fifty-five miles per hour, except 25409
upon a two-lane state route as provided in division (B) (10) of 25410
this section and upon a highway, expressway, or freeway as 25411
provided in divisions (B) (12), (13), (14), and (16) of this 25412
section; 25413

(2) At a speed exceeding sixty miles per hour upon a two- 25414
lane state route as provided in division (B) (10) of this section 25415
and upon a highway as provided in division (B) (12) of this 25416
section; 25417

(3) At a speed exceeding sixty-five miles per hour upon an 25418
expressway as provided in division (B) (13) or upon a freeway as 25419
provided in division (B) (16) of this section, except upon a 25420
freeway as provided in division (B) (14) of this section; 25421

(4) At a speed exceeding seventy miles per hour upon a 25422
freeway as provided in division (B) (14) of this section; 25423

(5) At a speed exceeding the posted speed limit upon a 25424
highway, expressway, or freeway for which the director has 25425
determined and declared a speed limit pursuant to division (I) 25426
(2) or (L) (2) of this section. 25427

(E) In every charge of violation of this section the 25428
affidavit and warrant shall specify the time, place, and speed 25429
at which the defendant is alleged to have driven, and in charges 25430
made in reliance upon division (C) of this section also the 25431
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or 25432
(9) of, or a limit declared or established pursuant to, this 25433
section declares is prima-facie lawful at the time and place of 25434
such alleged violation, except that in affidavits where a person 25435
is alleged to have driven at a greater speed than will permit 25436

the person to bring the vehicle to a stop within the assured 25437
clear distance ahead the affidavit and warrant need not specify 25438
the speed at which the defendant is alleged to have driven. 25439

(F) When a speed in excess of both a prima-facie 25440
limitation and a limitation in division (D) of this section is 25441
alleged, the defendant shall be charged in a single affidavit, 25442
alleging a single act, with a violation indicated of both 25443
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 25444
section, or of a limit declared or established pursuant to this 25445
section by the director or local authorities, and of the 25446
limitation in division (D) of this section. If the court finds a 25447
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 25448
or (9) of, or a limit declared or established pursuant to, this 25449
section has occurred, it shall enter a judgment of conviction 25450
under such division and dismiss the charge under division (D) of 25451
this section. If it finds no violation of division (B) (1) (a), 25452
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 25453
established pursuant to, this section, it shall then consider 25454
whether the evidence supports a conviction under division (D) of 25455
this section. 25456

(G) Points shall be assessed for violation of a limitation 25457
under division (D) of this section in accordance with section 25458
4510.036 of the Revised Code. 25459

(H) (1) Whenever the director determines upon the basis of 25460
criteria established by an engineering study, as defined by the 25461
director, that any speed limit set forth in divisions (B) (1) (a) 25462
to (D) of this section is greater or less than is reasonable or 25463
safe under the conditions found to exist at any portion of a 25464
street or highway under the jurisdiction of the director, the 25465
director shall determine and declare a reasonable and safe 25466

prima-facie speed limit, which shall be effective when 25467
appropriate signs giving notice of it are erected at the 25468
location. 25469

(2) Whenever the director determines upon the basis of 25470
criteria established by an engineering study, as defined by the 25471
director, that the speed limit of fifty-five miles per hour on a 25472
two-lane state route outside a municipal corporation is less 25473
than is reasonable or safe under the conditions found to exist 25474
at that portion of the state route, the director may determine 25475
and declare a speed limit of sixty miles per hour for that 25476
portion of the state route, which shall be effective when 25477
appropriate signs giving notice of it are erected at the 25478
location. 25479

(3) (a) For purposes of the safe and orderly movement of 25480
traffic upon any portion of a street or highway under the 25481
jurisdiction of the director, the director may establish a 25482
variable speed limit that is different than the speed limit 25483
established by or under this section on all or portions of 25484
interstate six hundred seventy, interstate two hundred seventy- 25485
five, and interstate ninety commencing at the intersection of 25486
that interstate with interstate seventy-one and continuing to 25487
the border of the state of Ohio with the state of Pennsylvania. 25488
The director shall establish criteria for determining the 25489
appropriate use of variable speed limits and shall establish 25490
variable speed limits in accordance with the criteria. The 25491
director may establish variable speed limits based upon the time 25492
of day, weather conditions, traffic incidents, or other factors 25493
that affect the safe speed on a street or highway. The director 25494
shall not establish a variable speed limit that is based on a 25495
particular type or class of vehicle. A variable speed limit 25496
established by the director under this section is effective when 25497

appropriate signs giving notice of the speed limit are displayed 25498
at the location. 25499

(b) Except for variable speed limits established under 25500
division (H) (3) (a) of this section, the director shall establish 25501
a variable speed limit under the authority granted to the 25502
director by this section on not more than two additional 25503
highways and only pursuant to criteria established in rules 25504
adopted in accordance with Chapter 119. of the Revised Code. The 25505
rules shall be based on the criteria described in division (H) 25506
(3) (a) of this section. The rules also shall establish the 25507
parameters of any engineering study necessary for determining 25508
when variable speed limits are appropriate. 25509

(4) Nothing in this section shall be construed to limit 25510
the authority of the director to establish speed limits within a 25511
construction zone as authorized under section 4511.98 of the 25512
Revised Code. 25513

(I) (1) Except as provided in divisions (I) (2), (J), (K), 25514
and (N) of this section, whenever local authorities determine 25515
upon the basis of criteria established by an engineering study, 25516
as defined by the director, that the speed permitted by 25517
divisions (B) (1) (a) to (D) of this section, on any part of a 25518
highway under their jurisdiction, is greater than is reasonable 25519
and safe under the conditions found to exist at such location, 25520
the local authorities may by resolution request the director to 25521
determine and declare a reasonable and safe prima-facie speed 25522
limit. Upon receipt of such request the director may determine 25523
and declare a reasonable and safe prima-facie speed limit at 25524
such location, and if the director does so, then such declared 25525
speed limit shall become effective only when appropriate signs 25526
giving notice thereof are erected at such location by the local 25527

authorities. The director may withdraw the declaration of a 25528
prima-facie speed limit whenever in the director's opinion the 25529
altered prima-facie speed limit becomes unreasonable. Upon such 25530
withdrawal, the declared prima-facie speed limit shall become 25531
ineffective and the signs relating thereto shall be immediately 25532
removed by the local authorities. 25533

(2) A local authority may determine on the basis of 25534
criteria established by an engineering study, as defined by the 25535
director, that the speed limit of sixty-five or seventy miles 25536
per hour on a portion of a freeway under its jurisdiction is 25537
greater than is reasonable or safe under the conditions found to 25538
exist at that portion of the freeway. If the local authority 25539
makes such a determination, the local authority by resolution 25540
may request the director to determine and declare a reasonable 25541
and safe speed limit of not less than fifty-five miles per hour 25542
for that portion of the freeway. If the director takes such 25543
action, the declared speed limit becomes effective only when 25544
appropriate signs giving notice of it are erected at such 25545
location by the local authority. 25546

(J) Local authorities in their respective jurisdictions 25547
may authorize by ordinance higher prima-facie speeds than those 25548
stated in this section upon through highways, or upon highways 25549
or portions thereof where there are no intersections, or between 25550
widely spaced intersections, provided signs are erected giving 25551
notice of the authorized speed, but local authorities shall not 25552
modify or alter the basic rule set forth in division (A) of this 25553
section or in any event authorize by ordinance a speed in excess 25554
of the maximum speed permitted by division (D) of this section 25555
for the specified type of highway. 25556

Alteration of prima-facie limits on state routes by local 25557

authorities shall not be effective until the alteration has been 25558
approved by the director. The director may withdraw approval of 25559
any altered prima-facie speed limits whenever in the director's 25560
opinion any altered prima-facie speed becomes unreasonable, and 25561
upon such withdrawal, the altered prima-facie speed shall become 25562
ineffective and the signs relating thereto shall be immediately 25563
removed by the local authorities. 25564

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 25565
this section, "unimproved highway" means a highway consisting of 25566
any of the following: 25567

(a) Unimproved earth; 25568

(b) Unimproved graded and drained earth; 25569

(c) Gravel. 25570

(2) Except as otherwise provided in divisions (K) (4) and 25571
(5) of this section, whenever a board of township trustees 25572
determines upon the basis of criteria established by an 25573
engineering study, as defined by the director, that the speed 25574
permitted by division (B) (5) of this section on any part of an 25575
unimproved highway under its jurisdiction and in the 25576
unincorporated territory of the township is greater than is 25577
reasonable or safe under the conditions found to exist at the 25578
location, the board may by resolution declare a reasonable and 25579
safe prima-facie speed limit of fifty-five but not less than 25580
twenty-five miles per hour. An altered speed limit adopted by a 25581
board of township trustees under this division becomes effective 25582
when appropriate traffic control devices, as prescribed in 25583
section 4511.11 of the Revised Code, giving notice thereof are 25584
erected at the location, which shall be no sooner than sixty 25585
days after adoption of the resolution. 25586

(3) (a) Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K) (2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4) (a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K) (2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by division (B) (5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K) (2) of this section for altering the prima-facie

speed limit on the highway. Except as otherwise provided in 25618
division (K) (4) (b) of this section, no speed limit altered 25619
pursuant to division (K) (4) (a) of this section may be withdrawn 25620
unless the boards of township trustees of both townships 25621
determine that the altered prima-facie speed limit previously 25622
adopted becomes unreasonable and each board adopts a resolution 25623
withdrawing the altered prima-facie speed limit pursuant to the 25624
procedure specified in division (K) (3) (a) of this section. 25625

(b) Whenever a highway described in division (K) (4) (a) of 25626
this section ceases to be an unimproved highway and two boards 25627
of township trustees have adopted an altered prima-facie speed 25628
limit pursuant to division (K) (4) (a) of this section, both 25629
boards shall, by resolution, withdraw the altered prima-facie 25630
speed limit as soon as the highway ceases to be unimproved. Upon 25631
the adoption of the resolution, the altered prima-facie speed 25632
limit becomes ineffective and the traffic control devices 25633
relating thereto shall be immediately removed. 25634

(5) As used in division (K) (5) of this section: 25635

(a) "Commercial subdivision" means any platted territory 25636
outside the limits of a municipal corporation and fronting a 25637
highway where, for a distance of three hundred feet or more, the 25638
frontage is improved with buildings in use for commercial 25639
purposes, or where the entire length of the highway is less than 25640
three hundred feet long and the frontage is improved with 25641
buildings in use for commercial purposes. 25642

(b) "Residential subdivision" means any platted territory 25643
outside the limits of a municipal corporation and fronting a 25644
highway, where, for a distance of three hundred feet or more, 25645
the frontage is improved with residences or residences and 25646
buildings in use for business, or where the entire length of the 25647

highway is less than three hundred feet long and the frontage is 25648
improved with residences or residences and buildings in use for 25649
business. 25650

Whenever a board of township trustees finds upon the basis 25651
of criteria established by an engineering study, as defined by 25652
the director, that the prima-facie speed permitted by division 25653
(B) (5) of this section on any part of a highway under its 25654
jurisdiction that is located in a commercial or residential 25655
subdivision, except on highways or portions thereof at the 25656
entrances to which vehicular traffic from the majority of 25657
intersecting highways is required to yield the right-of-way to 25658
vehicles on such highways in obedience to stop or yield signs or 25659
traffic control signals, is greater than is reasonable and safe 25660
under the conditions found to exist at the location, the board 25661
may by resolution declare a reasonable and safe prima-facie 25662
speed limit of less than fifty-five but not less than twenty- 25663
five miles per hour at the location. An altered speed limit 25664
adopted by a board of township trustees under this division 25665
shall become effective when appropriate signs giving notice 25666
thereof are erected at the location by the township. Whenever, 25667
in the opinion of a board of township trustees, any altered 25668
prima-facie speed limit established by it under this division 25669
becomes unreasonable, it may adopt a resolution withdrawing the 25670
altered prima-facie speed, and upon such withdrawal, the altered 25671
prima-facie speed shall become ineffective, and the signs 25672
relating thereto shall be immediately removed by the township. 25673

(L) (1) The director of transportation, based upon an 25674
engineering study, as defined by the director, of a highway, 25675
expressway, or freeway described in division (B) (12), (13), 25676
(14), (15), or (16) of this section, in consultation with the 25677
director of public safety and, if applicable, the local 25678

authority having jurisdiction over the studied highway, 25679
expressway, or freeway, may determine and declare that the speed 25680
limit established on such highway, expressway, or freeway under 25681
division (B) (12), (13), (14), (15), or (16) of this section 25682
either is reasonable and safe or is more or less than that which 25683
is reasonable and safe. 25684

(2) If the established speed limit for a highway, 25685
expressway, or freeway studied pursuant to division (L) (1) of 25686
this section is determined to be more or less than that which is 25687
reasonable and safe, the director of transportation, in 25688
consultation with the director of public safety and, if 25689
applicable, the local authority having jurisdiction over the 25690
studied highway, expressway, or freeway, shall determine and 25691
declare a reasonable and safe speed limit for that highway, 25692
expressway, or freeway. 25693

(M) (1) (a) If the boundary of two local authorities rests 25694
on the centerline of a highway and both authorities have 25695
jurisdiction over the highway, the speed limit for the part of 25696
the highway within their joint jurisdiction shall be either one 25697
of the following as agreed to by both authorities: 25698

(i) Either prima-facie speed limit permitted by division 25699
(B) of this section; 25700

(ii) An altered speed limit determined and posted in 25701
accordance with this section. 25702

(b) If the local authorities are unable to reach an 25703
agreement, the speed limit shall remain as established and 25704
posted under this section. 25705

(2) Neither local authority may declare an altered prima- 25706
facie speed limit pursuant to this section on the part of the 25707

highway under their joint jurisdiction unless both of the local 25708
authorities determine, upon the basis of criteria established by 25709
an engineering study, as defined by the director, that the speed 25710
permitted by this section is greater than is reasonable or safe 25711
under the conditions found to exist at the location and both 25712
authorities agree upon a uniform reasonable and safe prima-facie 25713
speed limit of less than fifty-five but not less than twenty- 25714
five miles per hour for that location. If both authorities so 25715
agree, each shall follow the procedure specified in this section 25716
for altering the prima-facie speed limit on the highway, and the 25717
speed limit for the part of the highway within their joint 25718
jurisdiction shall be uniformly altered. No altered speed limit 25719
may be withdrawn unless both local authorities determine that 25720
the altered prima-facie speed limit previously adopted becomes 25721
unreasonable and each adopts a resolution withdrawing the 25722
altered prima-facie speed limit pursuant to the procedure 25723
specified in this section. 25724

(N) The legislative authority of a municipal corporation 25725
or township in which a boarding school is located, by resolution 25726
or ordinance, may establish a boarding school zone. The 25727
legislative authority may alter the speed limit on any street or 25728
highway within the boarding school zone and shall specify the 25729
hours during which the altered speed limit is in effect. For 25730
purposes of determining the boundaries of the boarding school 25731
zone, the altered speed limit within the boarding school zone, 25732
and the hours the altered speed limit is in effect, the 25733
legislative authority shall consult with the administration of 25734
the boarding school and with the county engineer or other 25735
appropriate engineer, as applicable. A boarding school zone 25736
speed limit becomes effective only when appropriate signs giving 25737
notice thereof are erected at the appropriate locations. 25738

(0) As used in this section:	25739
(1) "Interstate system" has the same meaning as in 23 U.S.C. 101.	25740 25741
(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.	25742 25743 25744
(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.	25745 25746 25747 25748
(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.	25749 25750 25751 25752
(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.	25753 25754 25755 25756
(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.	25757 25758
(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.	25759 25760 25761 25762
(P) (1) A violation of any provision of this section is one of the following:	25763 25764
(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;	25765 25766

(b) If, within one year of the offense, the offender 25767
previously has been convicted of or pleaded guilty to two 25768
violations of any provision of this section or of any provision 25769
of a municipal ordinance that is substantially similar to any 25770
provision of this section, a misdemeanor of the fourth degree; 25771

(c) If, within one year of the offense, the offender 25772
previously has been convicted of or pleaded guilty to three or 25773
more violations of any provision of this section or of any 25774
provision of a municipal ordinance that is substantially similar 25775
to any provision of this section, a misdemeanor of the third 25776
degree. 25777

~~(2) If the offender has not previously been convicted of or~~ 25778
~~pleaded guilty to a violation of any provision of this~~ 25779
~~section or of any provision of a municipal ordinance that is~~ 25780
~~substantially similar to this section and operated a motor~~ 25781
vehicle faster than thirty-five miles an hour in a business 25782
district of a municipal corporation, faster than fifty miles an 25783
hour in other portions of a municipal corporation, or faster 25784
than thirty-five miles an hour in a school zone during recess or 25785
while children are going to or leaving school during the 25786
school's opening or closing hours, a misdemeanor of the fourth 25787
degree. Division (P) (2) of this section does not apply if 25788
penalties may be imposed under division (P) (1) (b) or (c) of this 25789
section. 25790

(3) Notwithstanding division (P) (1) of this section, if 25791
the offender operated a motor vehicle in a construction zone 25792
where a sign was then posted in accordance with section 4511.98 25793
of the Revised Code, the court, in addition to all other 25794
penalties provided by law, shall impose upon the offender a fine 25795
of two times the usual amount imposed for the violation. No 25796

court shall impose a fine of two times the usual amount imposed 25797
for the violation upon an offender if the offender alleges, in 25798
an affidavit filed with the court prior to the offender's 25799
sentencing, that the offender is indigent and is unable to pay 25800
the fine imposed pursuant to this division and if the court 25801
determines that the offender is an indigent person and unable to 25802
pay the fine. 25803

(4) If the offender commits the offense while distracted 25804
and the distracting activity is a contributing factor to the 25805
commission of the offense, the offender is subject to the 25806
additional fine established under section 4511.991 of the 25807
Revised Code. 25808

Sec. 4511.991. (A) As used in this section and each 25809
section referenced in division (B) of this section, all of the 25810
following apply: 25811

(1) "Distracted" means doing either of the following while 25812
operating a vehicle: 25813

(a) Using ~~a handheld~~ an electronic wireless communications 25814
device, as defined in section 4511.204 of the Revised Code, 25815
~~except when utilizing any of the following:~~ 25816

~~(i) The device's speakerphone function;~~ 25817

~~(ii) A wireless technology standard for exchanging data 25818
over short distances;~~ 25819

~~(iii) A "voice operated or hands free" device that allows 25820
the person to use the electronic wireless communications device 25821
without the use of either hand except to activate, deactivate, 25822
or initiate a feature or function;~~ 25823

~~(iv) Any device that is physically or electronically 25824~~

~~integrated into the motor vehicle in violation of that section.~~ 25825

(b) Engaging in any activity that is not necessary to the 25826
operation of a vehicle and impairs, or reasonably would be 25827
expected to impair, the ability of the operator to drive the 25828
vehicle safely. 25829

(2) "Distracted" does not include operating a motor 25830
vehicle while wearing an earphone or earplug over or in both 25831
ears at the same time. A person who so wears earphones or 25832
earplugs may be charged with a violation of section 4511.84 of 25833
the Revised Code. 25834

(3) "Distracted" does not include conducting any activity 25835
while operating a utility service vehicle or a vehicle for or on 25836
behalf of a utility, provided that the driver of the vehicle is 25837
acting in response to an emergency, power outage, or a 25838
circumstance affecting the health or safety of individuals. 25839

As used in division (A) (3) of this section: 25840

(a) "Utility" means an entity specified in division (A), 25841
(C), (D), (E), or (G) of section 4905.03 of the Revised Code. 25842

(b) "Utility service vehicle" means a vehicle owned or 25843
operated by a utility. 25844

(B) If an offender violates section 4511.03, 4511.051, 25845
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 25846
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 25847
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 25848
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 25849
4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 25850
4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 25851
4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 25852
4511.73 of the Revised Code while distracted and the distracting 25853

activity is a contributing factor to the commission of the 25854
violation, the offender is subject to the applicable penalty for 25855
the violation and, notwithstanding section 2929.28 of the 25856
Revised Code, is subject to an additional fine of not more than 25857
one hundred dollars as follows: 25858

(1) Subject to Traffic Rule 13, if a law enforcement 25859
officer issues an offender a ticket, citation, or summons for a 25860
violation of any of the aforementioned sections of the Revised 25861
Code that indicates that the offender was distracted while 25862
committing the violation and that the distracting activity was a 25863
contributing factor to the commission of the violation, the 25864
offender may enter a written plea of guilty and waive the 25865
offender's right to contest the ticket, citation, or summons in 25866
a trial provided that the offender pays the total amount of the 25867
fine established for the violation and pays the additional fine 25868
of one hundred dollars. 25869

In lieu of payment of the additional fine of one hundred 25870
dollars, the offender instead may elect to attend a distracted 25871
driving safety course, the duration and contents of which shall 25872
be established by the director of public safety. If the offender 25873
attends and successfully completes the course, the offender 25874
shall be issued written evidence that the offender successfully 25875
completed the course. The offender shall be required to pay the 25876
total amount of the fine established for the violation, but 25877
shall not be required to pay the additional fine of one hundred 25878
dollars, so long as the offender submits to the court both the 25879
offender's payment in full and such written evidence. 25880

(2) If the offender appears in person to contest the 25881
ticket, citation, or summons in a trial and the offender pleads 25882
guilty to or is convicted of the violation, the court, in 25883

addition to all other penalties provided by law, may impose the 25884
applicable penalty for the violation and may impose the 25885
additional fine of not more than one hundred dollars. 25886

If the court imposes upon the offender the applicable 25887
penalty for the violation and an additional fine of not more 25888
than one hundred dollars, the court shall inform the offender 25889
that, in lieu of payment of the additional fine of not more than 25890
one hundred dollars, the offender instead may elect to attend 25891
the distracted driving safety course described in division (B) 25892
(1) of this section. If the offender elects the course option 25893
and attends and successfully completes the course, the offender 25894
shall be issued written evidence that the offender successfully 25895
completed the course. The offender shall be required to pay the 25896
total amount of the fine established for the violation, but 25897
shall not be required to pay the additional fine of not more 25898
than one hundred dollars, so long as the offender submits to the 25899
court the offender's payment and such written evidence. 25900

(C) If a law enforcement officer issues an offender a 25901
ticket, citation, or summons for a violation of any of the 25902
sections of the Revised Code listed in division (B) of this 25903
section that indicates that the offender was distracted while 25904
committing the violation and that the distracting activity was a 25905
contributing factor to the commission of the violation, the 25906
officer shall do both of the following: 25907

(1) Report the issuance of the ticket, citation, or 25908
summons to the officer's law enforcement agency; 25909

(2) Ensure that such report indicates the offender's race. 25910

Sec. 4511.992. (A) A law enforcement agency shall compile 25911
the information from reports submitted in accordance with 25912

division (C) (2) of section 4511.204 and division (C) of section 25913
4511.991 of the Revised Code. Every other month, the agency 25914
shall prepare a report that describes the number and race of the 25915
offenders who received a ticket, citation, or summons under 25916
those sections during the prior two months. Upon completion of 25917
the report, the agency shall send the report to the attorney 25918
general. 25919

(B) The attorney general shall complete an annual report 25920
that is based on the reports submitted by law enforcement 25921
agencies under division (A) of this section during the prior 25922
one-year period. The report shall describe both of the 25923
following: 25924

(1) The total number of offenders by race who received a 25925
ticket, citation, or summons for each of the following: 25926

(a) A violation of division (A) of section 4511.204 of the 25927
Revised Code that indicates that the offender operated a motor 25928
vehicle while using an electronic wireless communication device; 25929

(b) A violation of any of the sections of the Revised Code 25930
listed in division (B) of section 4511.991 of the Revised Code 25931
that indicates that the offender was distracted while committing 25932
the violation and that the distracting activity was a 25933
contributing factor to the commission of the violation. 25934

(2) The information specified under division (B) (1) of 25935
this section listed by law enforcement agency. 25936

Upon completion of the annual report, the attorney general 25937
shall submit it to the governor, the speaker of the house of 25938
representatives, and the president of the senate. 25939

Sec. 4723.28. (A) The board of nursing, by a vote of a 25940
quorum, may impose one or more of the following sanctions if it 25941

finds that a person committed fraud in passing an examination 25942
required to obtain a license or dialysis technician certificate 25943
issued by the board or to have committed fraud, 25944
misrepresentation, or deception in applying for or securing any 25945
nursing license or dialysis technician certificate issued by the 25946
board: deny, revoke, suspend, or place restrictions on any 25947
nursing license or dialysis technician certificate issued by the 25948
board; reprimand or otherwise discipline a holder of a nursing 25949
license or dialysis technician certificate; or impose a fine of 25950
not more than five hundred dollars per violation. 25951

(B) Except as provided in section 4723.092 of the Revised 25952
Code, the board of nursing, by a vote of a quorum, may impose 25953
one or more of the following sanctions: deny, revoke, suspend, 25954
or place restrictions on any nursing license or dialysis 25955
technician certificate issued by the board; reprimand or 25956
otherwise discipline a holder of a nursing license or dialysis 25957
technician certificate; or impose a fine of not more than five 25958
hundred dollars per violation. The sanctions may be imposed for 25959
any of the following: 25960

(1) Denial, revocation, suspension, or restriction of 25961
authority to engage in a licensed profession or practice a 25962
health care occupation, including nursing or practice as a 25963
dialysis technician, for any reason other than a failure to 25964
renew, in Ohio or another state or jurisdiction; 25965

(2) Engaging in the practice of nursing or engaging in 25966
practice as a dialysis technician, having failed to renew a 25967
nursing license or dialysis technician certificate issued under 25968
this chapter, or while a nursing license or dialysis technician 25969
certificate is under suspension; 25970

(3) Conviction of, a plea of guilty to, a judicial finding 25971

of guilt of, a judicial finding of guilt resulting from a plea 25972
of no contest to, or a judicial finding of eligibility for a 25973
pretrial diversion or similar program or for intervention in 25974
lieu of conviction for, a misdemeanor committed in the course of 25975
practice; 25976

(4) Conviction of, a plea of guilty to, a judicial finding 25977
of guilt of, a judicial finding of guilt resulting from a plea 25978
of no contest to, or a judicial finding of eligibility for a 25979
pretrial diversion or similar program or for intervention in 25980
lieu of conviction for, any felony or of any crime involving 25981
gross immorality or moral turpitude; 25982

(5) Selling, giving away, or administering drugs or 25983
therapeutic devices for other than legal and legitimate 25984
therapeutic purposes; or conviction of, a plea of guilty to, a 25985
judicial finding of guilt of, a judicial finding of guilt 25986
resulting from a plea of no contest to, or a judicial finding of 25987
eligibility for a pretrial diversion or similar program or for 25988
intervention in lieu of conviction for, violating any municipal, 25989
state, county, or federal drug law; 25990

(6) Conviction of, a plea of guilty to, a judicial finding 25991
of guilt of, a judicial finding of guilt resulting from a plea 25992
of no contest to, or a judicial finding of eligibility for a 25993
pretrial diversion or similar program or for intervention in 25994
lieu of conviction for, an act in another jurisdiction that 25995
would constitute a felony or a crime of moral turpitude in Ohio; 25996

(7) Conviction of, a plea of guilty to, a judicial finding 25997
of guilt of, a judicial finding of guilt resulting from a plea 25998
of no contest to, or a judicial finding of eligibility for a 25999
pretrial diversion or similar program or for intervention in 26000
lieu of conviction for, an act in the course of practice in 26001

another jurisdiction that would constitute a misdemeanor in	26002
Ohio;	26003
(8) Self-administering or otherwise taking into the body	26004
any dangerous drug, as defined in section 4729.01 of the Revised	26005
Code, in any way that is not in accordance with a legal, valid	26006
prescription issued for that individual, or self-administering	26007
or otherwise taking into the body any drug that is a schedule I	26008
controlled substance;	26009
(9) Habitual or excessive use of controlled substances,	26010
other habit-forming drugs, or alcohol or other chemical	26011
substances to an extent that impairs the individual's ability to	26012
provide safe nursing care or safe dialysis care;	26013
(10) Impairment of the ability to practice according to	26014
acceptable and prevailing standards of safe nursing care or safe	26015
dialysis care because of the use of drugs, alcohol, or other	26016
chemical substances;	26017
(11) Impairment of the ability to practice according to	26018
acceptable and prevailing standards of safe nursing care or safe	26019
dialysis care because of a physical or mental disability;	26020
(12) Assaulting or causing harm to a patient or depriving	26021
a patient of the means to summon assistance;	26022
(13) Misappropriation or attempted misappropriation of	26023
money or anything of value in the course of practice;	26024
(14) Adjudication by a probate court of being mentally ill	26025
or mentally incompetent. The board may reinstate the person's	26026
nursing license or dialysis technician certificate upon	26027
adjudication by a probate court of the person's restoration to	26028
competency or upon submission to the board of other proof of	26029
competency.	26030

(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;	26031 26032 26033
(16) Violation of this chapter or any rules adopted under it;	26034 26035
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	26036 26037
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	26038 26039 26040
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	26041 26042
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	26043 26044 26045
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	26046 26047 26048
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	26049 26050 26051
(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;	26052 26053 26054
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	26055 26056 26057

(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 such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	26058 26059 26060 26061 26062 26063
(b) Advertising that the nurse 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 such nursing services, would otherwise be required to pay.	26064 26065 26066 26067 26068
(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;	26069 26070 26071
(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	26072 26073 26074
(27) In the case of an advanced practice registered nurse:	26075
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	26076 26077 26078
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	26079 26080
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	26081 26082 26083 26084 26085

(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	26086 26087 26088 26089 26090
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	26091 26092
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	26093 26094 26095
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	26096 26097 26098 26099
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	26100 26101
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	26102 26103 26104
(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	26105 26106
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	26107 26108 26109 26110
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the	26111 26112 26113

Revised Code; 26114

(36) The revocation, suspension, restriction, reduction, 26115
or termination of clinical privileges by the United States 26116
department of defense or department of veterans affairs or the 26117
termination or suspension of a certificate of registration to 26118
prescribe drugs by the drug enforcement administration of the 26119
United States department of justice; 26120

(37) In the case of an advanced practice registered nurse 26121
who is designated as a clinical nurse specialist, certified 26122
nurse-midwife, or certified nurse practitioner, failure to 26123
comply with the terms of a consult agreement entered into with a 26124
pharmacist pursuant to section 4729.39 of the Revised Code. 26125

(C) Disciplinary actions taken by the board under 26126
divisions (A) and (B) of this section shall be taken pursuant to 26127
an adjudication conducted under Chapter 119. of the Revised 26128
Code, except that in lieu of a hearing, the board may enter into 26129
a consent agreement with an individual to resolve an allegation 26130
of a violation of this chapter or any rule adopted under it. A 26131
consent agreement, when ratified by a vote of a quorum, shall 26132
constitute the findings and order of the board with respect to 26133
the matter addressed in the agreement. If the board refuses to 26134
ratify a consent agreement, the admissions and findings 26135
contained in the agreement shall be of no effect. 26136

(D) The hearings of the board shall be conducted in 26137
accordance with Chapter 119. of the Revised Code, the board may 26138
appoint a hearing examiner, as provided in section 119.09 of the 26139
Revised Code, to conduct any hearing the board is authorized to 26140
hold under Chapter 119. of the Revised Code. 26141

In any instance in which the board is required under 26142

Chapter 119. of the Revised Code to give notice of an 26143
opportunity for a hearing and the applicant, licensee, or 26144
certificate holder does not make a timely request for a hearing 26145
in accordance with section 119.07 of the Revised Code, the board 26146
is not required to hold a hearing, but may adopt, by a vote of a 26147
quorum, a final order that contains the board's findings. In the 26148
final order, the board may order any of the sanctions listed in 26149
division (A) or (B) of this section. 26150

(E) If a criminal action is brought against a registered 26151
nurse, licensed practical nurse, or dialysis technician for an 26152
act or crime described in divisions (B) (3) to (7) of this 26153
section and the action is dismissed by the trial court other 26154
than on the merits, the board shall conduct an adjudication to 26155
determine whether the registered nurse, licensed practical 26156
nurse, or dialysis technician committed the act on which the 26157
action was based. If the board determines on the basis of the 26158
adjudication that the registered nurse, licensed practical 26159
nurse, or dialysis technician committed the act, or if the 26160
registered nurse, licensed practical nurse, or dialysis 26161
technician fails to participate in the adjudication, the board 26162
may take action as though the registered nurse, licensed 26163
practical nurse, or dialysis technician had been convicted of 26164
the act. 26165

If the board takes action on the basis of a conviction, 26166
plea, or a judicial finding as described in divisions (B) (3) to 26167
(7) of this section that is overturned on appeal, the registered 26168
nurse, licensed practical nurse, or dialysis technician may, on 26169
exhaustion of the appeal process, petition the board for 26170
reconsideration of its action. On receipt of the petition and 26171
supporting court documents, the board shall temporarily rescind 26172
its action. If the board determines that the decision on appeal 26173

was a decision on the merits, it shall permanently rescind its 26174
action. If the board determines that the decision on appeal was 26175
not a decision on the merits, it shall conduct an adjudication 26176
to determine whether the registered nurse, licensed practical 26177
nurse, or dialysis technician committed the act on which the 26178
original conviction, plea, or judicial finding was based. If the 26179
board determines on the basis of the adjudication that the 26180
registered nurse, licensed practical nurse, or dialysis 26181
technician committed such act, or if the registered nurse, 26182
licensed practical nurse, or dialysis technician does not 26183
request an adjudication, the board shall reinstate its action; 26184
otherwise, the board shall permanently rescind its action. 26185

Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of 26186
section 2953.32 or division (F) (1) of section 2953.39 of the 26187
Revised Code specifying that if records pertaining to a criminal 26188
case are sealed or expunged under that section the proceedings 26189
in the case shall be deemed not to have occurred, sealing or 26190
expungement of the following records on which the board has 26191
based an action under this section shall have no effect on the 26192
board's action or any sanction imposed by the board under this 26193
section: records of any conviction, guilty plea, judicial 26194
finding of guilt resulting from a plea of no contest, or a 26195
judicial finding of eligibility for a pretrial diversion program 26196
or intervention in lieu of conviction. 26197

The board shall not be required to seal, destroy, redact, 26198
or otherwise modify its records to reflect the court's sealing 26199
or expungement of conviction records. 26200

(F) The board may investigate an individual's criminal 26201
background in performing its duties under this section. As part 26202
of such investigation, the board may order the individual to 26203

submit, at the individual's expense, a request to the bureau of 26204
criminal identification and investigation for a criminal records 26205
check and check of federal bureau of investigation records in 26206
accordance with the procedure described in section 4723.091 of 26207
the Revised Code. 26208

(G) During the course of an investigation conducted under 26209
this section, the board may compel any registered nurse, 26210
licensed practical nurse, or dialysis technician or applicant 26211
under this chapter to submit to a mental or physical 26212
examination, or both, as required by the board and at the 26213
expense of the individual, if the board finds reason to believe 26214
that the individual under investigation may have a physical or 26215
mental impairment that may affect the individual's ability to 26216
provide safe nursing care. Failure of any individual to submit 26217
to a mental or physical examination when directed constitutes an 26218
admission of the allegations, unless the failure is due to 26219
circumstances beyond the individual's control, and a default and 26220
final order may be entered without the taking of testimony or 26221
presentation of evidence. 26222

If the board finds that an individual is impaired, the 26223
board shall require the individual to submit to care, 26224
counseling, or treatment approved or designated by the board, as 26225
a condition for initial, continued, reinstated, or renewed 26226
authority to practice. The individual shall be afforded an 26227
opportunity to demonstrate to the board that the individual can 26228
begin or resume the individual's occupation in compliance with 26229
acceptable and prevailing standards of care under the provisions 26230
of the individual's authority to practice. 26231

For purposes of this division, any registered nurse, 26232
licensed practical nurse, or dialysis technician or applicant 26233

under this chapter shall be deemed to have given consent to 26234
submit to a mental or physical examination when directed to do 26235
so in writing by the board, and to have waived all objections to 26236
the admissibility of testimony or examination reports that 26237
constitute a privileged communication. 26238

(H) The board shall investigate evidence that appears to 26239
show that any person has violated any provision of this chapter 26240
or any rule of the board. Any person may report to the board any 26241
information the person may have that appears to show a violation 26242
of any provision of this chapter or rule of the board. In the 26243
absence of bad faith, any person who reports such information or 26244
who testifies before the board in any adjudication conducted 26245
under Chapter 119. of the Revised Code shall not be liable for 26246
civil damages as a result of the report or testimony. 26247

(I) All of the following apply under this chapter with 26248
respect to the confidentiality of information: 26249

(1) Information received by the board pursuant to a 26250
complaint or an investigation is confidential and not subject to 26251
discovery in any civil action, except that the board may 26252
disclose information to law enforcement officers and government 26253
entities for purposes of an investigation of either a licensed 26254
health care professional, including a registered nurse, licensed 26255
practical nurse, or dialysis technician, or a person who may 26256
have engaged in the unauthorized practice of nursing or dialysis 26257
care. No law enforcement officer or government entity with 26258
knowledge of any information disclosed by the board pursuant to 26259
this division shall divulge the information to any other person 26260
or government entity except for the purpose of a government 26261
investigation, a prosecution, or an adjudication by a court or 26262
government entity. 26263

(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;	26322
(c) Impose a monetary penalty or forfeiture not to exceed	26323
in severity any fine designated under the Revised Code for a	26324
similar offense, or in the case of a violation of a section of	26325
the Revised Code that does not bear a penalty, a monetary	26326
penalty or forfeiture of not more than five hundred dollars.	26327
(2) Except as provided in division (I) of this section,	26328
the board may impose the sanctions listed in division (A) (1) of	26329
this section if the board finds a pharmacist or pharmacy intern:	26330
(a) Has been convicted of a felony, or a crime of moral	26331
turpitude, as defined in section 4776.10 of the Revised Code;	26332
(b) Engaged in dishonesty or unprofessional conduct in the	26333
practice of pharmacy;	26334
(c) Is addicted to or abusing alcohol or drugs or is	26335
impaired physically or mentally to such a degree as to render	26336
the pharmacist or pharmacy intern unfit to practice pharmacy;	26337
(d) Has been convicted of a misdemeanor related to, or	26338
committed in, the practice of pharmacy;	26339
(e) Violated, conspired to violate, attempted to violate,	26340
or aided and abetted the violation of any of the provisions of	26341
this chapter, sections 3715.52 to 3715.72 of the Revised Code,	26342
Chapter 2925. or 3719. of the Revised Code, or any rule adopted	26343
by the board under those provisions;	26344
(f) Permitted someone other than a pharmacist or pharmacy	26345
intern to practice pharmacy;	26346
(g) Knowingly lent the pharmacist's or pharmacy intern's	26347
name to an illegal practitioner of pharmacy or had a	26348
professional connection with an illegal practitioner of	26349

pharmacy;	26350
(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;	26351 26352 26353 26354 26355
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	26356 26357
(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;	26358 26359 26360 26361
(k) Failed to comply with an order of the board or a settlement agreement;	26362 26363
(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.	26364 26365 26366
(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.	26367 26368 26369 26370
(C) As used in this section:	26371
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	26372 26373
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	26374 26375
(2) Except as provided in section 4729.281, 4729.44, or	26376

4729.47 of the Revised Code, the dispensing or sale of any drug 26377
for which a prescription is required, without having received a 26378
prescription for the drug; 26379

(3) Knowingly dispensing medication pursuant to false or 26380
forged prescriptions; 26381

(4) Knowingly failing to maintain complete and accurate 26382
records of all dangerous drugs received or dispensed in 26383
compliance with federal laws and regulations and state laws and 26384
rules; 26385

(5) Obtaining any remuneration by fraud, 26386
misrepresentation, or deception; 26387

(6) Failing to conform to prevailing standards of care of 26388
similar pharmacists or pharmacy interns under the same or 26389
similar circumstances, whether or not actual injury to a patient 26390
is established; 26391

(7) Engaging in any other conduct that the board specifies 26392
as unprofessional conduct in the practice of pharmacy in rules 26393
adopted under section 4729.26 of the Revised Code. 26394

(D) The board may suspend a license under division (B) of 26395
section 3719.121 of the Revised Code by utilizing a telephone 26396
conference call to review the allegations and take a vote. 26397

(E) For purposes of this division, an individual 26398
authorized to practice as a pharmacist or pharmacy intern 26399
accepts the privilege of practicing in this state subject to 26400
supervision by the board. By filing an application for or 26401
holding a license to practice as a pharmacist or pharmacy 26402
intern, an individual gives consent to submit to a mental or 26403
physical examination when ordered to do so by the board in 26404
writing and waives all objections to the admissibility of 26405

testimony or examination reports that constitute privileged 26406
communications. 26407

If the board has reasonable cause to believe that an 26408
individual who is a pharmacist or pharmacy intern is physically 26409
or mentally impaired, the board may require the individual to 26410
submit to a physical or mental examination, or both. The expense 26411
of the examination is the responsibility of the individual 26412
required to be examined. 26413

Failure of an individual who is a pharmacist or pharmacy 26414
intern to submit to a physical or mental examination ordered by 26415
the board, unless the failure is due to circumstances beyond the 26416
individual's control, constitutes an admission of the 26417
allegations and a suspension order shall be entered without the 26418
taking of testimony or presentation of evidence. Any subsequent 26419
adjudication hearing under Chapter 119. of the Revised Code 26420
concerning failure to submit to an examination is limited to 26421
consideration of whether the failure was beyond the individual's 26422
control. 26423

If, based on the results of an examination ordered under 26424
this division, the board determines that the individual's 26425
ability to practice is impaired, the board shall suspend the 26426
individual's license or deny the individual's application and 26427
shall require the individual, as a condition for an initial, 26428
continued, reinstated, or renewed license to practice, to submit 26429
to a physical or mental examination and treatment. 26430

An order of suspension issued under this division shall 26431
not be subject to suspension by a court during pendency of any 26432
appeal filed under section 119.12 of the Revised Code. 26433

(F) If the board is required under Chapter 119. of the 26434

Revised Code to give notice of an opportunity for a hearing and 26435
the applicant or licensee does not make a timely request for a 26436
hearing in accordance with section 119.07 of the Revised Code, 26437
the board is not required to hold a hearing, but may adopt a 26438
final order that contains the board's findings. In the final 26439
order, the board may impose any of the sanctions listed in 26440
division (A) of this section. 26441

(G) Notwithstanding the provision of division ~~(C) (2)~~ (D) 26442
(2) of section 2953.32 or division (F) (1) of section 2953.39 of 26443
the Revised Code specifying that if records pertaining to a 26444
criminal case are sealed or expunged under that section the 26445
proceedings in the case must be deemed not to have occurred, 26446
sealing or expungement of the following records on which the 26447
board has based an action under this section shall have no 26448
effect on the board's action or any sanction imposed by the 26449
board under this section: records of any conviction, guilty 26450
plea, judicial finding of guilt resulting from a plea of no 26451
contest, or a judicial finding of eligibility for a pretrial 26452
diversion program or intervention in lieu of conviction. The 26453
board shall not be required to seal, destroy, redact, or 26454
otherwise modify its records to reflect the court's sealing or 26455
expungement of conviction records. 26456

(H) No pharmacist or pharmacy intern shall knowingly 26457
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 26458
(e) to (l) of this section. 26459

(I) The board shall not refuse to issue a license to an 26460
applicant for a conviction of an offense unless the refusal is 26461
in accordance with section 9.79 of the Revised Code. 26462

Sec. 4729.56. (A) (1) The state board of pharmacy, in 26463
accordance with Chapter 119. of the Revised Code, may impose any 26464

one or more of the following sanctions on a person licensed 26465
under division (B) (1) (a) of section 4729.52 of the Revised Code 26466
for any of the causes set forth in division (A) (2) of this 26467
section: 26468

 (a) Suspend, revoke, restrict, limit, or refuse to grant 26469
or renew a license; 26470

 (b) Reprimand or place the license holder on probation; 26471

 (c) Impose a monetary penalty or forfeiture not to exceed 26472
in severity any fine designated under the Revised Code for a 26473
similar offense or two thousand five hundred dollars if the acts 26474
committed are not classified as an offense by the Revised Code; 26475

 (2) The board may impose the sanctions set forth in 26476
division (A) (1) of this section for any of the following: 26477

 (a) Making any false material statements in an application 26478
for licensure under section 4729.52 of the Revised Code; 26479

 (b) Violating any federal, state, or local drug law; any 26480
provision of this chapter or Chapter 2925., 3715., or 3719. of 26481
the Revised Code; or any rule of the board; 26482

 (c) A conviction of a felony; 26483

 (d) Failing to satisfy the qualifications for licensure 26484
under section 4729.53 of the Revised Code or the rules of the 26485
board or ceasing to satisfy the qualifications after the 26486
registration is granted or renewed; 26487

 (e) Falsely or fraudulently promoting to the public a drug 26488
that is a controlled substance included in schedule I, II, III, 26489
IV, or V, except that nothing in this division prohibits a 26490
manufacturer, outsourcing facility, third-party logistics 26491
provider, repackager, or wholesale distributor of dangerous 26492

drugs from furnishing information concerning a controlled 26493
substance to a health care provider or licensed terminal 26494
distributor; 26495

(f) Violating any provision of the "Federal Food, Drug, 26496
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 26497
Chapter 3715. of the Revised Code; 26498

(g) Any other cause for which the board may impose 26499
sanctions as set forth in rules adopted under section 4729.26 of 26500
the Revised Code. 26501

(B) Upon the suspension or revocation of any license 26502
identified in division (B) (1) (a) of section 4729.52 of the 26503
Revised Code, the licensee shall immediately surrender the 26504
license to the board. 26505

(C) If the board suspends, revokes, or refuses to renew 26506
any license identified in division (B) (1) (a) of section 4729.52 26507
of the Revised Code and determines that there is clear and 26508
convincing evidence of a danger of immediate and serious harm to 26509
any person, the board may place under seal all dangerous drugs 26510
owned by or in the possession, custody, or control of the 26511
affected licensee. Except as provided in this division, the 26512
board shall not dispose of the dangerous drugs sealed under this 26513
division until the licensee exhausts all of the licensee's 26514
appeal rights under Chapter 119. of the Revised Code. The court 26515
involved in such an appeal may order the board, during the 26516
pendency of the appeal, to sell sealed dangerous drugs that are 26517
perishable. The board shall deposit the proceeds of the sale 26518
with the court. 26519

(D) If the board is required under Chapter 119. of the 26520
Revised Code to give notice of an opportunity for a hearing and 26521

the license holder does not make a timely request for a hearing 26522
in accordance with section 119.07 of the Revised Code, the board 26523
is not required to hold a hearing, but may adopt a final order 26524
that contains the board's findings. In the final order, the 26525
board may impose any of the sanctions listed in division (A) of 26526
this section. 26527

(E) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 26528
2953.32 or division (F) (1) of section 2953.39 of the Revised 26529
Code specifying that if records pertaining to a criminal case 26530
are sealed or expunged under that section the proceedings in the 26531
case must be deemed not to have occurred, sealing or expungement 26532
of the following records on which the board has based an action 26533
under this section shall have no effect on the board's action or 26534
any sanction imposed by the board under this section: records of 26535
any conviction, guilty plea, judicial finding of guilt resulting 26536
from a plea of no contest, or a judicial finding of eligibility 26537
for a pretrial diversion program or intervention in lieu of 26538
conviction. The board is not required to seal, destroy, redact, 26539
or otherwise modify its records to reflect the court's sealing 26540
or expungement of conviction records. 26541

Sec. 4729.57. (A) The state board of pharmacy may after 26542
notice and a hearing in accordance with Chapter 119. of the 26543
Revised Code, impose any one or more of the following sanctions 26544
on a terminal distributor of dangerous drugs for any of the 26545
causes set forth in division (B) of this section: 26546

(1) Suspend, revoke, restrict, limit, or refuse to grant 26547
or renew any license; 26548

(2) Reprimand or place the license holder on probation; 26549

(3) Impose a monetary penalty or forfeiture not to exceed 26550

in severity any fine designated under the Revised Code for a 26551
similar offense or one thousand dollars if the acts committed 26552
have not been classified as an offense by the Revised Code. 26553

(B) The board may impose the sanctions listed in division 26554
(A) of this section for any of the following: 26555

(1) Making any false material statements in an application 26556
for a license as a terminal distributor of dangerous drugs; 26557

(2) Violating any rule of the board; 26558

(3) Violating any provision of this chapter; 26559

(4) Except as provided in section 4729.89 of the Revised 26560
Code, violating any provision of the "Federal Food, Drug, and 26561
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 26562
3715. of the Revised Code; 26563

(5) Violating any provision of the federal drug abuse 26564
control laws or Chapter 2925. or 3719. of the Revised Code; 26565

(6) Falsely or fraudulently promoting to the public a 26566
dangerous drug, except that nothing in this division prohibits a 26567
terminal distributor of dangerous drugs from furnishing 26568
information concerning a dangerous drug to a health care 26569
provider or another licensed terminal distributor; 26570

(7) Ceasing to satisfy the qualifications of a terminal 26571
distributor of dangerous drugs set forth in section 4729.55 of 26572
the Revised Code; 26573

(8) Except as provided in division (C) of this section: 26574

(a) Waiving the payment of all or any part of a deductible 26575
or copayment that an individual, pursuant to a health insurance 26576
or health care policy, contract, or plan that covers the 26577

services provided by a terminal distributor of dangerous drugs, 26578
would otherwise be required to pay for the services if the 26579
waiver is used as an enticement to a patient or group of 26580
patients to receive pharmacy services from that terminal 26581
distributor; 26582

(b) Advertising that the terminal distributor will waive 26583
the payment of all or any part of a deductible or copayment that 26584
an individual, pursuant to a health insurance or health care 26585
policy, contract, or plan that covers the pharmaceutical 26586
services, would otherwise be required to pay for the services. 26587

(9) Conviction of a felony; 26588

(10) Any other cause for which the board may impose 26589
discipline as set forth in rules adopted under section 4729.26 26590
of the Revised Code. 26591

(C) Sanctions shall not be imposed under division (B) (8) 26592
of this section against any terminal distributor of dangerous 26593
drugs that waives deductibles and copayments as follows: 26594

(1) In compliance with a health benefit plan that 26595
expressly allows such a practice. Waiver of the deductibles or 26596
copayments shall be made only with the full knowledge and 26597
consent of the plan purchaser, payer, and third-party 26598
administrator. Documentation of the consent shall be made 26599
available to the board on request. 26600

(2) For professional services rendered to any other person 26601
licensed pursuant to this chapter to the extent allowed by this 26602
chapter and the rules of the board. 26603

(D) (1) Upon the suspension or revocation of a license 26604
issued to a terminal distributor of dangerous drugs or the 26605
refusal by the board to renew such a license, the distributor 26606

shall immediately surrender the license to the board. 26607

(2) (a) The board may place under seal all dangerous drugs 26608
that are owned by or in the possession, custody, or control of a 26609
terminal distributor at the time the license is suspended or 26610
revoked or at the time the board refuses to renew the license. 26611
Except as provided in division (D) (2) (b) of this section, 26612
dangerous drugs so sealed shall not be disposed of until appeal 26613
rights under Chapter 119. of the Revised Code have expired or an 26614
appeal filed pursuant to that chapter has been determined. 26615

(b) The court involved in an appeal filed pursuant to 26616
Chapter 119. of the Revised Code may order the board, during the 26617
pendency of the appeal, to sell sealed dangerous drugs that are 26618
perishable. The proceeds of such a sale shall be deposited with 26619
that court. 26620

(E) If the board is required under Chapter 119. of the 26621
Revised Code to give notice of an opportunity for a hearing and 26622
the license holder does not make a timely request for a hearing 26623
in accordance with section 119.07 of the Revised Code, the board 26624
is not required to hold a hearing, but may adopt a final order 26625
that contains the board's findings. In the final order, the 26626
board may impose any of the sanctions listed in division (A) of 26627
this section. 26628

(F) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 26629
2953.32 or division (F) (1) of section 2953.39 of the Revised 26630
Code specifying that if records pertaining to a criminal case 26631
are sealed or expunged under that section the proceedings in the 26632
case must be deemed not to have occurred, sealing or expungement 26633
of the following records on which the board has based an action 26634
under this section shall have no effect on the board's action or 26635
any sanction imposed by the board under this section: records of 26636

any conviction, guilty plea, judicial finding of guilt resulting 26637
from a plea of no contest, or a judicial finding of eligibility 26638
for a pretrial diversion program or intervention in lieu of 26639
conviction. The board is not required to seal, destroy, redact, 26640
or otherwise modify its records to reflect the court's sealing 26641
or expungement of conviction records. 26642

Sec. 4729.96. (A) (1) The state board of pharmacy, after 26643
notice and hearing in accordance with Chapter 119. of the 26644
Revised Code, may impose one or more of the following sanctions 26645
on a pharmacy technician trainee, registered pharmacy 26646
technician, or certified pharmacy technician if the board finds 26647
the individual engaged in any of the conduct set forth in 26648
division (A) (2) of this section: 26649

(a) Revoke, suspend, restrict, limit, or refuse to grant 26650
or renew a registration; 26651

(b) Reprimand or place the holder of the registration on 26652
probation; 26653

(c) Impose a monetary penalty or forfeiture not to exceed 26654
in severity any fine designated under the Revised Code for a 26655
similar offense, or in the case of a violation of a section of 26656
the Revised Code that does not bear a penalty, a monetary 26657
penalty or forfeiture of not more than five hundred dollars. 26658

(2) Except as provided in division (G) of this section, 26659
the board may impose the sanctions listed in division (A) (1) of 26660
this section if the board finds a pharmacy technician trainee, 26661
registered pharmacy technician, or certified pharmacy 26662
technician: 26663

(a) Has been convicted of a felony, or a crime of moral 26664
turpitude, as defined in section 4776.10 of the Revised Code; 26665

(b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code; 26666
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(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; 26669
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(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; 26672
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(e) Committed fraud, misrepresentation, or deception in applying for or securing a registration issued by the board under this chapter; 26677
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(f) Failed to comply with an order of the board or a settlement agreement; 26680
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(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. 26682
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(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. 26685
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(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 26689
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consent to submit to a mental or physical examination when 26695
ordered to do so by the board in writing and waives all 26696
objections to the admissibility of testimony or examination 26697
reports that constitute privileged communications. 26698

If the board has reasonable cause to believe that an 26699
individual who is a pharmacy technician trainee, registered 26700
pharmacy technician, or certified pharmacy technician is 26701
physically or mentally impaired, the board may require the 26702
individual to submit to a physical or mental examination, or 26703
both. The expense of the examination is the responsibility of 26704
the individual required to be examined. 26705

Failure of an individual who is a pharmacy technician 26706
trainee, registered pharmacy technician, or certified pharmacy 26707
technician to submit to a physical or mental examination ordered 26708
by the board, unless the failure is due to circumstances beyond 26709
the individual's control, constitutes an admission of the 26710
allegations and a suspension order shall be entered without the 26711
taking of testimony or presentation of evidence. Any subsequent 26712
adjudication hearing under Chapter 119. of the Revised Code 26713
concerning failure to submit to an examination is limited to 26714
consideration of whether the failure was beyond the individual's 26715
control. 26716

If, based on the results of an examination ordered under 26717
this division, the board determines that the individual's 26718
ability to practice is impaired, the board shall suspend the 26719
individual's registration or deny the individual's application 26720
and shall require the individual, as a condition for an initial, 26721
continued, reinstated, or renewed registration to practice, to 26722
submit to a physical or mental examination and treatment. 26723

An order of suspension issued under this division shall 26724

not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. 26725
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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. 26727
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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. 26735
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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. 26750
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(G) The board shall not refuse to issue a registration to 26754

an applicant because of a conviction of an offense unless the 26755
refusal is in accordance with section 9.79 of the Revised Code. 26756

Sec. 4730.25. (A) The state medical board, by an 26757
affirmative vote of not fewer than six members, may revoke or 26758
may refuse to grant a license to practice as a physician 26759
assistant to a person found by the board to have committed 26760
fraud, misrepresentation, or deception in applying for or 26761
securing the license. 26762

(B) Except as provided in division (N) of this section, 26763
the board, by an affirmative vote of not fewer than six members, 26764
shall, to the extent permitted by law, limit, revoke, or suspend 26765
an individual's license to practice as a physician assistant or 26766
prescriber number, refuse to issue a license to an applicant, 26767
refuse to renew a license, refuse to reinstate a license, or 26768
reprimand or place on probation the holder of a license for any 26769
of the following reasons: 26770

(1) Failure to practice in accordance with the supervising 26771
physician's supervision agreement with the physician assistant, 26772
including, if applicable, the policies of the health care 26773
facility in which the supervising physician and physician 26774
assistant are practicing; 26775

(2) Failure to comply with the requirements of this 26776
chapter, Chapter 4731. of the Revised Code, or any rules adopted 26777
by the board; 26778

(3) Violating or attempting to violate, directly or 26779
indirectly, or assisting in or abetting the violation of, or 26780
conspiring to violate, any provision of this chapter, Chapter 26781
4731. of the Revised Code, or the rules adopted by the board; 26782

(4) Inability to practice according to acceptable and 26783

prevailing standards of care by reason of mental illness or 26784
physical illness, including physical deterioration that 26785
adversely affects cognitive, motor, or perceptive skills; 26786

(5) Impairment of ability to practice according to 26787
acceptable and prevailing standards of care because of habitual 26788
or excessive use or abuse of drugs, alcohol, or other substances 26789
that impair ability to practice; 26790

(6) Administering drugs for purposes other than those 26791
authorized under this chapter; 26792

(7) Willfully betraying a professional confidence; 26793

(8) Making a false, fraudulent, deceptive, or misleading 26794
statement in soliciting or advertising for employment as a 26795
physician assistant; in connection with any solicitation or 26796
advertisement for patients; in relation to the practice of 26797
medicine as it pertains to physician assistants; or in securing 26798
or attempting to secure a license to practice as a physician 26799
assistant. 26800

As used in this division, "false, fraudulent, deceptive, 26801
or misleading statement" means a statement that includes a 26802
misrepresentation of fact, is likely to mislead or deceive 26803
because of a failure to disclose material facts, is intended or 26804
is likely to create false or unjustified expectations of 26805
favorable results, or includes representations or implications 26806
that in reasonable probability will cause an ordinarily prudent 26807
person to misunderstand or be deceived. 26808

(9) Representing, with the purpose of obtaining 26809
compensation or other advantage personally or for any other 26810
person, that an incurable disease or injury, or other incurable 26811
condition, can be permanently cured; 26812

- (10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 26813
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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; 26816
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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; 26819
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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; 26822
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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; 26826
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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; 26829
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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; 26832
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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; 26835
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- (18) Any of the following actions taken by the state 26840

agency responsible for regulating the practice of physician 26841
assistants in another state, for any reason other than the 26842
nonpayment of fees: the limitation, revocation, or suspension of 26843
an individual's license to practice; acceptance of an 26844
individual's license surrender; denial of a license; refusal to 26845
renew or reinstate a license; imposition of probation; or 26846
issuance of an order of censure or other reprimand; 26847

(19) A departure from, or failure to conform to, minimal 26848
standards of care of similar physician assistants under the same 26849
or similar circumstances, regardless of whether actual injury to 26850
a patient is established; 26851

(20) Violation of the conditions placed by the board on a 26852
license to practice as a physician assistant; 26853

(21) Failure to use universal blood and body fluid 26854
precautions established by rules adopted under section 4731.051 26855
of the Revised Code; 26856

(22) Failure to cooperate in an investigation conducted by 26857
the board under section 4730.26 of the Revised Code, including 26858
failure to comply with a subpoena or order issued by the board 26859
or failure to answer truthfully a question presented by the 26860
board at a deposition or in written interrogatories, except that 26861
failure to cooperate with an investigation shall not constitute 26862
grounds for discipline under this section if a court of 26863
competent jurisdiction has issued an order that either quashes a 26864
subpoena or permits the individual to withhold the testimony or 26865
evidence in issue; 26866

(23) Assisting suicide, as defined in section 3795.01 of 26867
the Revised Code; 26868

(24) Prescribing any drug or device to perform or induce 26869

an abortion, or otherwise performing or inducing an abortion; 26870

(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; 26871
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(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; 26874
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(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked; 26878
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(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; 26881
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(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code. 26887
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(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 26890
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respect to the matter addressed in the agreement. If the board 26899
refuses to ratify a consent agreement, the admissions and 26900
findings contained in the consent agreement shall be of no force 26901
or effect. 26902

(D) For purposes of divisions (B) (12), (15), and (16) of 26903
this section, the commission of the act may be established by a 26904
finding by the board, pursuant to an adjudication under Chapter 26905
119. of the Revised Code, that the applicant or license holder 26906
committed the act in question. The board shall have no 26907
jurisdiction under these divisions in cases where the trial 26908
court renders a final judgment in the license holder's favor and 26909
that judgment is based upon an adjudication on the merits. The 26910
board shall have jurisdiction under these divisions in cases 26911
where the trial court issues an order of dismissal upon 26912
technical or procedural grounds. 26913

(E) The sealing or expungement of conviction records by 26914
any court shall have no effect upon a prior board order entered 26915
under the provisions of this section or upon the board's 26916
jurisdiction to take action under the provisions of this section 26917
if, based upon a plea of guilty, a judicial finding of guilt, or 26918
a judicial finding of eligibility for intervention in lieu of 26919
conviction, the board issued a notice of opportunity for a 26920
hearing prior to the court's order to seal or expunge the 26921
records. The board shall not be required to seal, destroy, 26922
redact, or otherwise modify its records to reflect the court's 26923
sealing or expungement of conviction records. 26924

(F) For purposes of this division, any individual who 26925
holds a license issued under this chapter, or applies for a 26926
license issued under this chapter, shall be deemed to have given 26927
consent to submit to a mental or physical examination when 26928

directed to do so in writing by the board and to have waived all 26929
objections to the admissibility of testimony or examination 26930
reports that constitute a privileged communication. 26931

(1) In enforcing division (B)(4) of this section, the 26932
board, upon a showing of a possible violation, may compel any 26933
individual who holds a license issued under this chapter or who 26934
has applied for a license pursuant to this chapter to submit to 26935
a mental examination, physical examination, including an HIV 26936
test, or both a mental and physical examination. The expense of 26937
the examination is the responsibility of the individual 26938
compelled to be examined. Failure to submit to a mental or 26939
physical examination or consent to an HIV test ordered by the 26940
board constitutes an admission of the allegations against the 26941
individual unless the failure is due to circumstances beyond the 26942
individual's control, and a default and final order may be 26943
entered without the taking of testimony or presentation of 26944
evidence. If the board finds a physician assistant unable to 26945
practice because of the reasons set forth in division (B)(4) of 26946
this section, the board shall require the physician assistant to 26947
submit to care, counseling, or treatment by physicians approved 26948
or designated by the board, as a condition for an initial, 26949
continued, reinstated, or renewed license. An individual 26950
affected under this division shall be afforded an opportunity to 26951
demonstrate to the board the ability to resume practicing in 26952
compliance with acceptable and prevailing standards of care. 26953

(2) For purposes of division (B)(5) of this section, if 26954
the board has reason to believe that any individual who holds a 26955
license issued under this chapter or any applicant for a license 26956
suffers such impairment, the board may compel the individual to 26957
submit to a mental or physical examination, or both. The expense 26958
of the examination is the responsibility of the individual 26959

compelled to be examined. Any mental or physical examination 26960
required under this division shall be undertaken by a treatment 26961
provider or physician qualified to conduct such examination and 26962
chosen by the board. 26963

Failure to submit to a mental or physical examination 26964
ordered by the board constitutes an admission of the allegations 26965
against the individual unless the failure is due to 26966
circumstances beyond the individual's control, and a default and 26967
final order may be entered without the taking of testimony or 26968
presentation of evidence. If the board determines that the 26969
individual's ability to practice is impaired, the board shall 26970
suspend the individual's license or deny the individual's 26971
application and shall require the individual, as a condition for 26972
initial, continued, reinstated, or renewed licensure, to submit 26973
to treatment. 26974

Before being eligible to apply for reinstatement of a 26975
license suspended under this division, the physician assistant 26976
shall demonstrate to the board the ability to resume practice or 26977
prescribing in compliance with acceptable and prevailing 26978
standards of care. The demonstration shall include the 26979
following: 26980

(a) Certification from a treatment provider approved under 26981
section 4731.25 of the Revised Code that the individual has 26982
successfully completed any required inpatient treatment; 26983

(b) Evidence of continuing full compliance with an 26984
aftercare contract or consent agreement; 26985

(c) Two written reports indicating that the individual's 26986
ability to practice has been assessed and that the individual 26987
has been found capable of practicing according to acceptable and 26988

prevailing standards of care. The reports shall be made by 26989
individuals or providers approved by the board for making such 26990
assessments and shall describe the basis for their 26991
determination. 26992

The board may reinstate a license suspended under this 26993
division after such demonstration and after the individual has 26994
entered into a written consent agreement. 26995

When the impaired physician assistant resumes practice or 26996
prescribing, the board shall require continued monitoring of the 26997
physician assistant. The monitoring shall include compliance 26998
with the written consent agreement entered into before 26999
reinstatement or with conditions imposed by board order after a 27000
hearing, and, upon termination of the consent agreement, 27001
submission to the board for at least two years of annual written 27002
progress reports made under penalty of falsification stating 27003
whether the physician assistant has maintained sobriety. 27004

(G) If the secretary and supervising member determine that 27005
there is clear and convincing evidence that a physician 27006
assistant has violated division (B) of this section and that the 27007
individual's continued practice or prescribing presents a danger 27008
of immediate and serious harm to the public, they may recommend 27009
that the board suspend the individual's license without a prior 27010
hearing. Written allegations shall be prepared for consideration 27011
by the board. 27012

The board, upon review of those allegations and by an 27013
affirmative vote of not fewer than six of its members, excluding 27014
the secretary and supervising member, may suspend a license 27015
without a prior hearing. A telephone conference call may be 27016
utilized for reviewing the allegations and taking the vote on 27017
the summary suspension. 27018

The board shall issue a written order of suspension by 27019
certified mail or in person in accordance with section 119.07 of 27020
the Revised Code. The order shall not be subject to suspension 27021
by the court during pendency of any appeal filed under section 27022
119.12 of the Revised Code. If the physician assistant requests 27023
an adjudicatory hearing by the board, the date set for the 27024
hearing shall be within fifteen days, but not earlier than seven 27025
days, after the physician assistant requests the hearing, unless 27026
otherwise agreed to by both the board and the license holder. 27027

A summary suspension imposed under this division shall 27028
remain in effect, unless reversed on appeal, until a final 27029
adjudicative order issued by the board pursuant to this section 27030
and Chapter 119. of the Revised Code becomes effective. The 27031
board shall issue its final adjudicative order within sixty days 27032
after completion of its hearing. Failure to issue the order 27033
within sixty days shall result in dissolution of the summary 27034
suspension order, but shall not invalidate any subsequent, final 27035
adjudicative order. 27036

(H) If the board takes action under division (B) (11), 27037
(13), or (14) of this section, and the judicial finding of 27038
guilt, guilty plea, or judicial finding of eligibility for 27039
intervention in lieu of conviction is overturned on appeal, upon 27040
exhaustion of the criminal appeal, a petition for 27041
reconsideration of the order may be filed with the board along 27042
with appropriate court documents. Upon receipt of a petition and 27043
supporting court documents, the board shall reinstate the 27044
individual's license. The board may then hold an adjudication 27045
under Chapter 119. of the Revised Code to determine whether the 27046
individual committed the act in question. Notice of opportunity 27047
for hearing shall be given in accordance with Chapter 119. of 27048
the Revised Code. If the board finds, pursuant to an 27049

adjudication held under this division, that the individual 27050
committed the act, or if no hearing is requested, it may order 27051
any of the sanctions identified under division (B) of this 27052
section. 27053

(I) The license to practice issued to a physician 27054
assistant and the physician assistant's practice in this state 27055
are automatically suspended as of the date the physician 27056
assistant pleads guilty to, is found by a judge or jury to be 27057
guilty of, or is subject to a judicial finding of eligibility 27058
for intervention in lieu of conviction in this state or 27059
treatment or intervention in lieu of conviction in another state 27060
for any of the following criminal offenses in this state or a 27061
substantially equivalent criminal offense in another 27062
jurisdiction: aggravated murder, murder, voluntary manslaughter, 27063
felonious assault, kidnapping, rape, sexual battery, gross 27064
sexual imposition, aggravated arson, aggravated robbery, or 27065
aggravated burglary. Continued practice after the suspension 27066
shall be considered practicing without a license. 27067

The board shall notify the individual subject to the 27068
suspension by certified mail or in person in accordance with 27069
section 119.07 of the Revised Code. If an individual whose 27070
license is suspended under this division fails to make a timely 27071
request for an adjudication under Chapter 119. of the Revised 27072
Code, the board shall enter a final order permanently revoking 27073
the individual's license to practice. 27074

(J) In any instance in which the board is required by 27075
Chapter 119. of the Revised Code to give notice of opportunity 27076
for hearing and the individual subject to the notice does not 27077
timely request a hearing in accordance with section 119.07 of 27078
the Revised Code, the board is not required to hold a hearing, 27079

but may adopt, by an affirmative vote of not fewer than six of 27080
its members, a final order that contains the board's findings. 27081
In that final order, the board may order any of the sanctions 27082
identified under division (A) or (B) of this section. 27083

(K) Any action taken by the board under division (B) of 27084
this section resulting in a suspension shall be accompanied by a 27085
written statement of the conditions under which the physician 27086
assistant's license may be reinstated. The board shall adopt 27087
rules in accordance with Chapter 119. of the Revised Code 27088
governing conditions to be imposed for reinstatement. 27089
Reinstatement of a license suspended pursuant to division (B) of 27090
this section requires an affirmative vote of not fewer than six 27091
members of the board. 27092

(L) When the board refuses to grant or issue to an 27093
applicant a license to practice as a physician assistant, 27094
revokes an individual's license, refuses to renew an 27095
individual's license, or refuses to reinstate an individual's 27096
license, the board may specify that its action is permanent. An 27097
individual subject to a permanent action taken by the board is 27098
forever thereafter ineligible to hold the license and the board 27099
shall not accept an application for reinstatement of the license 27100
or for issuance of a new license. 27101

(M) Notwithstanding any other provision of the Revised 27102
Code, all of the following apply: 27103

(1) The surrender of a license issued under this chapter 27104
is not effective unless or until accepted by the board. 27105
Reinstatement of a license surrendered to the board requires an 27106
affirmative vote of not fewer than six members of the board. 27107

(2) An application made under this chapter for a license 27108

may not be withdrawn without approval of the board. 271109

(3) Failure by an individual to renew a license in 271110
accordance with section 4730.14 of the Revised Code shall not 271111
remove or limit the board's jurisdiction to take disciplinary 271112
action under this section against the individual. 271113

(N) The board shall not refuse to issue a license to an 271114
applicant because of a conviction, plea of guilty, judicial 271115
finding of guilt, judicial finding of eligibility for 271116
intervention in lieu of conviction, or the commission of an act 271117
that constitutes a criminal offense, unless the refusal is in 271118
accordance with section 9.79 of the Revised Code. 271119

Sec. 4731.22. (A) The state medical board, by an 271120
affirmative vote of not fewer than six of its members, may 271121
limit, revoke, or suspend a license or certificate to practice 271122
or certificate to recommend, refuse to grant a license or 271123
certificate, refuse to renew a license or certificate, refuse to 271124
reinstate a license or certificate, or reprimand or place on 271125
probation the holder of a license or certificate if the 271126
individual applying for or holding the license or certificate is 271127
found by the board to have committed fraud during the 271128
administration of the examination for a license or certificate 271129
to practice or to have committed fraud, misrepresentation, or 271130
deception in applying for, renewing, or securing any license or 271131
certificate to practice or certificate to recommend issued by 271132
the board. 271133

(B) Except as provided in division (P) of this section, 271134
the board, by an affirmative vote of not fewer than six members, 271135
shall, to the extent permitted by law, limit, revoke, or suspend 271136
a license or certificate to practice or certificate to 271137
recommend, refuse to issue a license or certificate, refuse to 271138

renew a license or certificate, refuse to reinstate a license or 27139
certificate, or reprimand or place on probation the holder of a 27140
license or certificate for one or more of the following reasons: 27141

(1) Permitting one's name or one's license or certificate 27142
to practice to be used by a person, group, or corporation when 27143
the individual concerned is not actually directing the treatment 27144
given; 27145

(2) Failure to maintain minimal standards applicable to 27146
the selection or administration of drugs, or failure to employ 27147
acceptable scientific methods in the selection of drugs or other 27148
modalities for treatment of disease; 27149

(3) Except as provided in section 4731.97 of the Revised 27150
Code, selling, giving away, personally furnishing, prescribing, 27151
or administering drugs for other than legal and legitimate 27152
therapeutic purposes or a plea of guilty to, a judicial finding 27153
of guilt of, or a judicial finding of eligibility for 27154
intervention in lieu of conviction of, a violation of any 27155
federal or state law regulating the possession, distribution, or 27156
use of any drug; 27157

(4) Willfully betraying a professional confidence. 27158

For purposes of this division, "willfully betraying a 27159
professional confidence" does not include providing any 27160
information, documents, or reports under sections 307.621 to 27161
307.629 of the Revised Code to a child fatality review board; 27162
does not include providing any information, documents, or 27163
reports under sections 307.631 to 307.6410 of the Revised Code 27164
to a drug overdose fatality review committee, a suicide fatality 27165
review committee, or hybrid drug overdose fatality and suicide 27166
fatality review committee; does not include providing any 27167

information, documents, or reports to the director of health 27168
pursuant to guidelines established under section 3701.70 of the 27169
Revised Code; does not include written notice to a mental health 27170
professional under section 4731.62 of the Revised Code; and does 27171
not include the making of a report of an employee's use of a 27172
drug of abuse, or a report of a condition of an employee other 27173
than one involving the use of a drug of abuse, to the employer 27174
of the employee as described in division (B) of section 2305.33 27175
of the Revised Code. Nothing in this division affects the 27176
immunity from civil liability conferred by section 2305.33 or 27177
4731.62 of the Revised Code upon a physician who makes a report 27178
in accordance with section 2305.33 or notifies a mental health 27179
professional in accordance with section 4731.62 of the Revised 27180
Code. As used in this division, "employee," "employer," and 27181
"physician" have the same meanings as in section 2305.33 of the 27182
Revised Code. 27183

(5) Making a false, fraudulent, deceptive, or misleading 27184
statement in the solicitation of or advertising for patients; in 27185
relation to the practice of medicine and surgery, osteopathic 27186
medicine and surgery, podiatric medicine and surgery, or a 27187
limited branch of medicine; or in securing or attempting to 27188
secure any license or certificate to practice issued by the 27189
board. 27190

As used in this division, "false, fraudulent, deceptive, 27191
or misleading statement" means a statement that includes a 27192
misrepresentation of fact, is likely to mislead or deceive 27193
because of a failure to disclose material facts, is intended or 27194
is likely to create false or unjustified expectations of 27195
favorable results, or includes representations or implications 27196
that in reasonable probability will cause an ordinarily prudent 27197
person to misunderstand or be deceived. 27198

- (6) A departure from, or the failure to conform to, 27199
minimal standards of care of similar practitioners under the 27200
same or similar circumstances, whether or not actual injury to a 27201
patient is established; 27202
- (7) Representing, with the purpose of obtaining 27203
compensation or other advantage as personal gain or for any 27204
other person, that an incurable disease or injury, or other 27205
incurable condition, can be permanently cured; 27206
- (8) The obtaining of, or attempting to obtain, money or 27207
anything of value by fraudulent misrepresentations in the course 27208
of practice; 27209
- (9) A plea of guilty to, a judicial finding of guilt of, 27210
or a judicial finding of eligibility for intervention in lieu of 27211
conviction for, a felony; 27212
- (10) Commission of an act that constitutes a felony in 27213
this state, regardless of the jurisdiction in which the act was 27214
committed; 27215
- (11) A plea of guilty to, a judicial finding of guilt of, 27216
or a judicial finding of eligibility for intervention in lieu of 27217
conviction for, a misdemeanor committed in the course of 27218
practice; 27219
- (12) Commission of an act in the course of practice that 27220
constitutes a misdemeanor in this state, regardless of the 27221
jurisdiction in which the act was committed; 27222
- (13) A plea of guilty to, a judicial finding of guilt of, 27223
or a judicial finding of eligibility for intervention in lieu of 27224
conviction for, a misdemeanor involving moral turpitude; 27225
- (14) Commission of an act involving moral turpitude that 27226

constitutes a misdemeanor in this state, regardless of the 27227
jurisdiction in which the act was committed; 27228

(15) Violation of the conditions of limitation placed by 27229
the board upon a license or certificate to practice; 27230

(16) Failure to pay license renewal fees specified in this 27231
chapter; 27232

(17) Except as authorized in section 4731.31 of the 27233
Revised Code, engaging in the division of fees for referral of 27234
patients, or the receiving of a thing of value in return for a 27235
specific referral of a patient to utilize a particular service 27236
or business; 27237

(18) Subject to section 4731.226 of the Revised Code, 27238
violation of any provision of a code of ethics of the American 27239
medical association, the American osteopathic association, the 27240
American podiatric medical association, or any other national 27241
professional organizations that the board specifies by rule. The 27242
state medical board shall obtain and keep on file current copies 27243
of the codes of ethics of the various national professional 27244
organizations. The individual whose license or certificate is 27245
being suspended or revoked shall not be found to have violated 27246
any provision of a code of ethics of an organization not 27247
appropriate to the individual's profession. 27248

For purposes of this division, a "provision of a code of 27249
ethics of a national professional organization" does not include 27250
any provision that would preclude the making of a report by a 27251
physician of an employee's use of a drug of abuse, or of a 27252
condition of an employee other than one involving the use of a 27253
drug of abuse, to the employer of the employee as described in 27254
division (B) of section 2305.33 of the Revised Code. Nothing in 27255

this division affects the immunity from civil liability 27256
conferred by that section upon a physician who makes either type 27257
of report in accordance with division (B) of that section. As 27258
used in this division, "employee," "employer," and "physician" 27259
have the same meanings as in section 2305.33 of the Revised 27260
Code. 27261

(19) Inability to practice according to acceptable and 27262
prevailing standards of care by reason of mental illness or 27263
physical illness, including, but not limited to, physical 27264
deterioration that adversely affects cognitive, motor, or 27265
perceptive skills. 27266

In enforcing this division, the board, upon a showing of a 27267
possible violation, may compel any individual authorized to 27268
practice by this chapter or who has submitted an application 27269
pursuant to this chapter to submit to a mental examination, 27270
physical examination, including an HIV test, or both a mental 27271
and a physical examination. The expense of the examination is 27272
the responsibility of the individual compelled to be examined. 27273
Failure to submit to a mental or physical examination or consent 27274
to an HIV test ordered by the board constitutes an admission of 27275
the allegations against the individual unless the failure is due 27276
to circumstances beyond the individual's control, and a default 27277
and final order may be entered without the taking of testimony 27278
or presentation of evidence. If the board finds an individual 27279
unable to practice because of the reasons set forth in this 27280
division, the board shall require the individual to submit to 27281
care, counseling, or treatment by physicians approved or 27282
designated by the board, as a condition for initial, continued, 27283
reinstated, or renewed authority to practice. An individual 27284
affected under this division shall be afforded an opportunity to 27285
demonstrate to the board the ability to resume practice in 27286

compliance with acceptable and prevailing standards under the 27287
provisions of the individual's license or certificate. For the 27288
purpose of this division, any individual who applies for or 27289
receives a license or certificate to practice under this chapter 27290
accepts the privilege of practicing in this state and, by so 27291
doing, shall be deemed to have given consent to submit to a 27292
mental or physical examination when directed to do so in writing 27293
by the board, and to have waived all objections to the 27294
admissibility of testimony or examination reports that 27295
constitute a privileged communication. 27296

(20) Except as provided in division (F) (1) (b) of section 27297
4731.282 of the Revised Code or when civil penalties are imposed 27298
under section 4731.225 of the Revised Code, and subject to 27299
section 4731.226 of the Revised Code, violating or attempting to 27300
violate, directly or indirectly, or assisting in or abetting the 27301
violation of, or conspiring to violate, any provisions of this 27302
chapter or any rule promulgated by the board. 27303

This division does not apply to a violation or attempted 27304
violation of, assisting in or abetting the violation of, or a 27305
conspiracy to violate, any provision of this chapter or any rule 27306
adopted by the board that would preclude the making of a report 27307
by a physician of an employee's use of a drug of abuse, or of a 27308
condition of an employee other than one involving the use of a 27309
drug of abuse, to the employer of the employee as described in 27310
division (B) of section 2305.33 of the Revised Code. Nothing in 27311
this division affects the immunity from civil liability 27312
conferred by that section upon a physician who makes either type 27313
of report in accordance with division (B) of that section. As 27314
used in this division, "employee," "employer," and "physician" 27315
have the same meanings as in section 2305.33 of the Revised 27316
Code. 27317

(21) The violation of section 3701.79 of the Revised Code 27318
or of any abortion rule adopted by the director of health 27319
pursuant to section 3701.341 of the Revised Code; 27320

(22) Any of the following actions taken by an agency 27321
responsible for authorizing, certifying, or regulating an 27322
individual to practice a health care occupation or provide 27323
health care services in this state or another jurisdiction, for 27324
any reason other than the nonpayment of fees: the limitation, 27325
revocation, or suspension of an individual's license to 27326
practice; acceptance of an individual's license surrender; 27327
denial of a license; refusal to renew or reinstate a license; 27328
imposition of probation; or issuance of an order of censure or 27329
other reprimand; 27330

(23) The violation of section 2919.12 of the Revised Code 27331
or the performance or inducement of an abortion upon a pregnant 27332
woman with actual knowledge that the conditions specified in 27333
division (B) of section 2317.56 of the Revised Code have not 27334
been satisfied or with a heedless indifference as to whether 27335
those conditions have been satisfied, unless an affirmative 27336
defense as specified in division (H)(2) of that section would 27337
apply in a civil action authorized by division (H)(1) of that 27338
section; 27339

(24) The revocation, suspension, restriction, reduction, 27340
or termination of clinical privileges by the United States 27341
department of defense or department of veterans affairs or the 27342
termination or suspension of a certificate of registration to 27343
prescribe drugs by the drug enforcement administration of the 27344
United States department of justice; 27345

(25) Termination or suspension from participation in the 27346
medicare or medicaid programs by the department of health and 27347

human services or other responsible agency; 27348

(26) Impairment of ability to practice according to 27349
acceptable and prevailing standards of care because of habitual 27350
or excessive use or abuse of drugs, alcohol, or other substances 27351
that impair ability to practice. 27352

For the purposes of this division, any individual 27353
authorized to practice by this chapter accepts the privilege of 27354
practicing in this state subject to supervision by the board. By 27355
filing an application for or holding a license or certificate to 27356
practice under this chapter, an individual shall be deemed to 27357
have given consent to submit to a mental or physical examination 27358
when ordered to do so by the board in writing, and to have 27359
waived all objections to the admissibility of testimony or 27360
examination reports that constitute privileged communications. 27361

If it has reason to believe that any individual authorized 27362
to practice by this chapter or any applicant for licensure or 27363
certification to practice suffers such impairment, the board may 27364
compel the individual to submit to a mental or physical 27365
examination, or both. The expense of the examination is the 27366
responsibility of the individual compelled to be examined. Any 27367
mental or physical examination required under this division 27368
shall be undertaken by a treatment provider or physician who is 27369
qualified to conduct the examination and who is chosen by the 27370
board. 27371

Failure to submit to a mental or physical examination 27372
ordered by the board constitutes an admission of the allegations 27373
against the individual unless the failure is due to 27374
circumstances beyond the individual's control, and a default and 27375
final order may be entered without the taking of testimony or 27376
presentation of evidence. If the board determines that the 27377

individual's ability to practice is impaired, the board shall 27378
suspend the individual's license or certificate or deny the 27379
individual's application and shall require the individual, as a 27380
condition for initial, continued, reinstated, or renewed 27381
licensure or certification to practice, to submit to treatment. 27382

Before being eligible to apply for reinstatement of a 27383
license or certificate suspended under this division, the 27384
impaired practitioner shall demonstrate to the board the ability 27385
to resume practice in compliance with acceptable and prevailing 27386
standards of care under the provisions of the practitioner's 27387
license or certificate. The demonstration shall include, but 27388
shall not be limited to, the following: 27389

(a) Certification from a treatment provider approved under 27390
section 4731.25 of the Revised Code that the individual has 27391
successfully completed any required inpatient treatment; 27392

(b) Evidence of continuing full compliance with an 27393
aftercare contract or consent agreement; 27394

(c) Two written reports indicating that the individual's 27395
ability to practice has been assessed and that the individual 27396
has been found capable of practicing according to acceptable and 27397
prevailing standards of care. The reports shall be made by 27398
individuals or providers approved by the board for making the 27399
assessments and shall describe the basis for their 27400
determination. 27401

The board may reinstate a license or certificate suspended 27402
under this division after that demonstration and after the 27403
individual has entered into a written consent agreement. 27404

When the impaired practitioner resumes practice, the board 27405
shall require continued monitoring of the individual. The 27406

monitoring shall include, but not be limited to, compliance with 27407
the written consent agreement entered into before reinstatement 27408
or with conditions imposed by board order after a hearing, and, 27409
upon termination of the consent agreement, submission to the 27410
board for at least two years of annual written progress reports 27411
made under penalty of perjury stating whether the individual has 27412
maintained sobriety. 27413

(27) A second or subsequent violation of section 4731.66 27414
or 4731.69 of the Revised Code; 27415

(28) Except as provided in division (N) of this section: 27416

(a) Waiving the payment of all or any part of a deductible 27417
or copayment that a patient, pursuant to a health insurance or 27418
health care policy, contract, or plan that covers the 27419
individual's services, otherwise would be required to pay if the 27420
waiver is used as an enticement to a patient or group of 27421
patients to receive health care services from that individual; 27422

(b) Advertising that the individual will waive the payment 27423
of all or any part of a deductible or copayment that a patient, 27424
pursuant to a health insurance or health care policy, contract, 27425
or plan that covers the individual's services, otherwise would 27426
be required to pay. 27427

(29) Failure to use universal blood and body fluid 27428
precautions established by rules adopted under section 4731.051 27429
of the Revised Code; 27430

(30) Failure to provide notice to, and receive 27431
acknowledgment of the notice from, a patient when required by 27432
section 4731.143 of the Revised Code prior to providing 27433
nonemergency professional services, or failure to maintain that 27434
notice in the patient's medical record; 27435

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	27436 27437 27438 27439
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	27440 27441 27442 27443 27444 27445 27446
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	27447 27448 27449
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, 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;	27450 27451 27452 27453 27454 27455 27456 27457 27458 27459 27460
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	27461 27462 27463
(36) Failure to supervise an anesthesiologist assistant in	27464

accordance with Chapter 4760. of the Revised Code and the	27465
board's rules for supervision of an anesthesiologist assistant;	27466
(37) Assisting suicide, as defined in section 3795.01 of	27467
the Revised Code;	27468
(38) Failure to comply with the requirements of section	27469
2317.561 of the Revised Code;	27470
(39) Failure to supervise a radiologist assistant in	27471
accordance with Chapter 4774. of the Revised Code and the	27472
board's rules for supervision of radiologist assistants;	27473
(40) Performing or inducing an abortion at an office or	27474
facility with knowledge that the office or facility fails to	27475
post the notice required under section 3701.791 of the Revised	27476
Code;	27477
(41) Failure to comply with the standards and procedures	27478
established in rules under section 4731.054 of the Revised Code	27479
for the operation of or the provision of care at a pain	27480
management clinic;	27481
(42) Failure to comply with the standards and procedures	27482
established in rules under section 4731.054 of the Revised Code	27483
for providing supervision, direction, and control of individuals	27484
at a pain management clinic;	27485
(43) Failure to comply with the requirements of section	27486
4729.79 or 4731.055 of the Revised Code, unless the state board	27487
of pharmacy no longer maintains a drug database pursuant to	27488
section 4729.75 of the Revised Code;	27489
(44) Failure to comply with the requirements of section	27490
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	27491
to submit to the department of health in accordance with a court	27492

order a complete report as described in section 2919.171 or	27493
2919.202 of the Revised Code;	27494
(45) Practicing at a facility that is subject to licensure	27495
as a category III terminal distributor of dangerous drugs with a	27496
pain management clinic classification unless the person	27497
operating the facility has obtained and maintains the license	27498
with the classification;	27499
(46) Owning a facility that is subject to licensure as a	27500
category III terminal distributor of dangerous drugs with a pain	27501
management clinic classification unless the facility is licensed	27502
with the classification;	27503
(47) Failure to comply with any of the requirements	27504
regarding making or maintaining medical records or documents	27505
described in division (A) of section 2919.192, division (C) of	27506
section 2919.193, division (B) of section 2919.195, or division	27507
(A) of section 2919.196 of the Revised Code;	27508
(48) Failure to comply with the requirements in section	27509
3719.061 of the Revised Code before issuing for a minor a	27510
prescription for an opioid analgesic, as defined in section	27511
3719.01 of the Revised Code;	27512
(49) Failure to comply with the requirements of section	27513
4731.30 of the Revised Code or rules adopted under section	27514
4731.301 of the Revised Code when recommending treatment with	27515
medical marijuana;	27516
(50) Practicing at a facility, clinic, or other location	27517
that is subject to licensure as a category III terminal	27518
distributor of dangerous drugs with an office-based opioid	27519
treatment classification unless the person operating that place	27520
has obtained and maintains the license with the classification;	27521

(51) Owning a facility, clinic, or other location that is 27522
subject to licensure as a category III terminal distributor of 27523
dangerous drugs with an office-based opioid treatment 27524
classification unless that place is licensed with the 27525
classification; 27526

(52) A pattern of continuous or repeated violations of 27527
division (E) (2) or (3) of section 3963.02 of the Revised Code; 27528

(53) Failure to fulfill the responsibilities of a 27529
collaboration agreement entered into with an athletic trainer as 27530
described in section 4755.621 of the Revised Code; 27531

(54) Failure to take the steps specified in section 27532
4731.911 of the Revised Code following an abortion or attempted 27533
abortion in an ambulatory surgical facility or other location 27534
that is not a hospital when a child is born alive. 27535

(C) Disciplinary actions taken by the board under 27536
divisions (A) and (B) of this section shall be taken pursuant to 27537
an adjudication under Chapter 119. of the Revised Code, except 27538
that in lieu of an adjudication, the board may enter into a 27539
consent agreement with an individual to resolve an allegation of 27540
a violation of this chapter or any rule adopted under it. A 27541
consent agreement, when ratified by an affirmative vote of not 27542
fewer than six members of the board, shall constitute the 27543
findings and order of the board with respect to the matter 27544
addressed in the agreement. If the board refuses to ratify a 27545
consent agreement, the admissions and findings contained in the 27546
consent agreement shall be of no force or effect. 27547

A telephone conference call may be utilized for 27548
ratification of a consent agreement that revokes or suspends an 27549
individual's license or certificate to practice or certificate 27550

to recommend. The telephone conference call shall be considered 27551
a special meeting under division (F) of section 121.22 of the 27552
Revised Code. 27553

If the board takes disciplinary action against an 27554
individual under division (B) of this section for a second or 27555
subsequent plea of guilty to, or judicial finding of guilt of, a 27556
violation of section 2919.123 or 2919.124 of the Revised Code, 27557
the disciplinary action shall consist of a suspension of the 27558
individual's license or certificate to practice for a period of 27559
at least one year or, if determined appropriate by the board, a 27560
more serious sanction involving the individual's license or 27561
certificate to practice. Any consent agreement entered into 27562
under this division with an individual that pertains to a second 27563
or subsequent plea of guilty to, or judicial finding of guilt 27564
of, a violation of that section shall provide for a suspension 27565
of the individual's license or certificate to practice for a 27566
period of at least one year or, if determined appropriate by the 27567
board, a more serious sanction involving the individual's 27568
license or certificate to practice. 27569

(D) For purposes of divisions (B) (10), (12), and (14) of 27570
this section, the commission of the act may be established by a 27571
finding by the board, pursuant to an adjudication under Chapter 27572
119. of the Revised Code, that the individual committed the act. 27573
The board does not have jurisdiction under those divisions if 27574
the trial court renders a final judgment in the individual's 27575
favor and that judgment is based upon an adjudication on the 27576
merits. The board has jurisdiction under those divisions if the 27577
trial court issues an order of dismissal upon technical or 27578
procedural grounds. 27579

(E) The sealing or expungement of conviction records by 27580

any court shall have no effect upon a prior board order entered 27581
under this section or upon the board's jurisdiction to take 27582
action under this section if, based upon a plea of guilty, a 27583
judicial finding of guilt, or a judicial finding of eligibility 27584
for intervention in lieu of conviction, the board issued a 27585
notice of opportunity for a hearing prior to the court's order 27586
to seal or expunge the records. The board shall not be required 27587
to seal, expunge, destroy, redact, or otherwise modify its 27588
records to reflect the court's sealing of conviction records. 27589

(F) (1) The board shall investigate evidence that appears 27590
to show that a person has violated any provision of this chapter 27591
or any rule adopted under it. Any person may report to the board 27592
in a signed writing any information that the person may have 27593
that appears to show a violation of any provision of this 27594
chapter or any rule adopted under it. In the absence of bad 27595
faith, any person who reports information of that nature or who 27596
testifies before the board in any adjudication conducted under 27597
Chapter 119. of the Revised Code shall not be liable in damages 27598
in a civil action as a result of the report or testimony. Each 27599
complaint or allegation of a violation received by the board 27600
shall be assigned a case number and shall be recorded by the 27601
board. 27602

(2) Investigations of alleged violations of this chapter 27603
or any rule adopted under it shall be supervised by the 27604
supervising member elected by the board in accordance with 27605
section 4731.02 of the Revised Code and by the secretary as 27606
provided in section 4731.39 of the Revised Code. The president 27607
may designate another member of the board to supervise the 27608
investigation in place of the supervising member. No member of 27609
the board who supervises the investigation of a case shall 27610
participate in further adjudication of the case. 27611

(3) In investigating a possible violation of this chapter 27612
or any rule adopted under this chapter, or in conducting an 27613
inspection under division (E) of section 4731.054 of the Revised 27614
Code, the board may question witnesses, conduct interviews, 27615
administer oaths, order the taking of depositions, inspect and 27616
copy any books, accounts, papers, records, or documents, issue 27617
subpoenas, and compel the attendance of witnesses and production 27618
of books, accounts, papers, records, documents, and testimony, 27619
except that a subpoena for patient record information shall not 27620
be issued without consultation with the attorney general's 27621
office and approval of the secretary and supervising member of 27622
the board. 27623

(a) Before issuance of a subpoena for patient record 27624
information, the secretary and supervising member shall 27625
determine whether there is probable cause to believe that the 27626
complaint filed alleges a violation of this chapter or any rule 27627
adopted under it and that the records sought are relevant to the 27628
alleged violation and material to the investigation. The 27629
subpoena may apply only to records that cover a reasonable 27630
period of time surrounding the alleged violation. 27631

(b) On failure to comply with any subpoena issued by the 27632
board and after reasonable notice to the person being 27633
subpoenaed, the board may move for an order compelling the 27634
production of persons or records pursuant to the Rules of Civil 27635
Procedure. 27636

(c) A subpoena issued by the board may be served by a 27637
sheriff, the sheriff's deputy, or a board employee or agent 27638
designated by the board. Service of a subpoena issued by the 27639
board may be made by delivering a copy of the subpoena to the 27640
person named therein, reading it to the person, or leaving it at 27641

the person's usual place of residence, usual place of business, 27642
or address on file with the board. When serving a subpoena to an 27643
applicant for or the holder of a license or certificate issued 27644
under this chapter, service of the subpoena may be made by 27645
certified mail, return receipt requested, and the subpoena shall 27646
be deemed served on the date delivery is made or the date the 27647
person refuses to accept delivery. If the person being served 27648
refuses to accept the subpoena or is not located, service may be 27649
made to an attorney who notifies the board that the attorney is 27650
representing the person. 27651

(d) A sheriff's deputy who serves a subpoena shall receive 27652
the same fees as a sheriff. Each witness who appears before the 27653
board in obedience to a subpoena shall receive the fees and 27654
mileage provided for under section 119.094 of the Revised Code. 27655

(4) All hearings, investigations, and inspections of the 27656
board shall be considered civil actions for the purposes of 27657
section 2305.252 of the Revised Code. 27658

(5) A report required to be submitted to the board under 27659
this chapter, a complaint, or information received by the board 27660
pursuant to an investigation or pursuant to an inspection under 27661
division (E) of section 4731.054 of the Revised Code is 27662
confidential and not subject to discovery in any civil action. 27663

The board shall conduct all investigations or inspections 27664
and proceedings in a manner that protects the confidentiality of 27665
patients and persons who file complaints with the board. The 27666
board shall not make public the names or any other identifying 27667
information about patients or complainants unless proper consent 27668
is given or, in the case of a patient, a waiver of the patient 27669
privilege exists under division (B) of section 2317.02 of the 27670
Revised Code, except that consent or a waiver of that nature is 27671

not required if the board possesses reliable and substantial 27672
evidence that no bona fide physician-patient relationship 27673
exists. 27674

The board may share any information it receives pursuant 27675
to an investigation or inspection, including patient records and 27676
patient record information, with law enforcement agencies, other 27677
licensing boards, and other governmental agencies that are 27678
prosecuting, adjudicating, or investigating alleged violations 27679
of statutes or administrative rules. An agency or board that 27680
receives the information shall comply with the same requirements 27681
regarding confidentiality as those with which the state medical 27682
board must comply, notwithstanding any conflicting provision of 27683
the Revised Code or procedure of the agency or board that 27684
applies when it is dealing with other information in its 27685
possession. In a judicial proceeding, the information may be 27686
admitted into evidence only in accordance with the Rules of 27687
Evidence, but the court shall require that appropriate measures 27688
are taken to ensure that confidentiality is maintained with 27689
respect to any part of the information that contains names or 27690
other identifying information about patients or complainants 27691
whose confidentiality was protected by the state medical board 27692
when the information was in the board's possession. Measures to 27693
ensure confidentiality that may be taken by the court include 27694
sealing its records or deleting specific information from its 27695
records. 27696

(6) On a quarterly basis, the board shall prepare a report 27697
that documents the disposition of all cases during the preceding 27698
three months. The report shall contain the following information 27699
for each case with which the board has completed its activities: 27700

(a) The case number assigned to the complaint or alleged 27701

violation;	27702
(b) The type of license or certificate to practice, if	27703
any, held by the individual against whom the complaint is	27704
directed;	27705
(c) A description of the allegations contained in the	27706
complaint;	27707
(d) The disposition of the case.	27708
The report shall state how many cases are still pending	27709
and shall be prepared in a manner that protects the identity of	27710
each person involved in each case. The report shall be a public	27711
record under section 149.43 of the Revised Code.	27712
(G) If the secretary and supervising member determine both	27713
of the following, they may recommend that the board suspend an	27714
individual's license or certificate to practice or certificate	27715
to recommend without a prior hearing:	27716
(1) That there is clear and convincing evidence that an	27717
individual has violated division (B) of this section;	27718
(2) That the individual's continued practice presents a	27719
danger of immediate and serious harm to the public.	27720
Written allegations shall be prepared for consideration by	27721
the board. The board, upon review of those allegations and by an	27722
affirmative vote of not fewer than six of its members, excluding	27723
the secretary and supervising member, may suspend a license or	27724
certificate without a prior hearing. A telephone conference call	27725
may be utilized for reviewing the allegations and taking the	27726
vote on the summary suspension.	27727
The board shall issue a written order of suspension by	27728
certified mail or in person in accordance with section 119.07 of	27729

the Revised Code. The order shall not be subject to suspension 27730
by the court during pendency of any appeal filed under section 27731
119.12 of the Revised Code. If the individual subject to the 27732
summary suspension requests an adjudicatory hearing by the 27733
board, the date set for the hearing shall be within fifteen 27734
days, but not earlier than seven days, after the individual 27735
requests the hearing, unless otherwise agreed to by both the 27736
board and the individual. 27737

Any summary suspension imposed under this division shall 27738
remain in effect, unless reversed on appeal, until a final 27739
adjudicative order issued by the board pursuant to this section 27740
and Chapter 119. of the Revised Code becomes effective. The 27741
board shall issue its final adjudicative order within seventy- 27742
five days after completion of its hearing. A failure to issue 27743
the order within seventy-five days shall result in dissolution 27744
of the summary suspension order but shall not invalidate any 27745
subsequent, final adjudicative order. 27746

(H) If the board takes action under division (B) (9), (11), 27747
or (13) of this section and the judicial finding of guilt, 27748
guilty plea, or judicial finding of eligibility for intervention 27749
in lieu of conviction is overturned on appeal, upon exhaustion 27750
of the criminal appeal, a petition for reconsideration of the 27751
order may be filed with the board along with appropriate court 27752
documents. Upon receipt of a petition of that nature and 27753
supporting court documents, the board shall reinstate the 27754
individual's license or certificate to practice. The board may 27755
then hold an adjudication under Chapter 119. of the Revised Code 27756
to determine whether the individual committed the act in 27757
question. Notice of an opportunity for a hearing shall be given 27758
in accordance with Chapter 119. of the Revised Code. If the 27759
board finds, pursuant to an adjudication held under this 27760

division, that the individual committed the act or if no hearing 27761
is requested, the board may order any of the sanctions 27762
identified under division (B) of this section. 27763

(I) The license or certificate to practice issued to an 27764
individual under this chapter and the individual's practice in 27765
this state are automatically suspended as of the date of the 27766
individual's second or subsequent plea of guilty to, or judicial 27767
finding of guilt of, a violation of section 2919.123 or 2919.124 27768
of the Revised Code. In addition, the license or certificate to 27769
practice or certificate to recommend issued to an individual 27770
under this chapter and the individual's practice in this state 27771
are automatically suspended as of the date the individual pleads 27772
guilty to, is found by a judge or jury to be guilty of, or is 27773
subject to a judicial finding of eligibility for intervention in 27774
lieu of conviction in this state or treatment or intervention in 27775
lieu of conviction in another jurisdiction for any of the 27776
following criminal offenses in this state or a substantially 27777
equivalent criminal offense in another jurisdiction: aggravated 27778
murder, murder, voluntary manslaughter, felonious assault, 27779
kidnapping, rape, sexual battery, gross sexual imposition, 27780
aggravated arson, aggravated robbery, or aggravated burglary. 27781
Continued practice after suspension shall be considered 27782
practicing without a license or certificate. 27783

The board shall notify the individual subject to the 27784
suspension by certified mail or in person in accordance with 27785
section 119.07 of the Revised Code. If an individual whose 27786
license or certificate is automatically suspended under this 27787
division fails to make a timely request for an adjudication 27788
under Chapter 119. of the Revised Code, the board shall do 27789
whichever of the following is applicable: 27790

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) 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 that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) 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 certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or

certificate to practice to an applicant, revokes an individual's 27821
license or certificate to practice, refuses to renew an 27822
individual's license or certificate to practice, or refuses to 27823
reinstate an individual's license or certificate to practice, 27824
the board may specify that its action is permanent. An 27825
individual subject to a permanent action taken by the board is 27826
forever thereafter ineligible to hold a license or certificate 27827
to practice and the board shall not accept an application for 27828
reinstatement of the license or certificate or for issuance of a 27829
new license or certificate. 27830

(M) Notwithstanding any other provision of the Revised 27831
Code, all of the following apply: 27832

(1) The surrender of a license or certificate issued under 27833
this chapter shall not be effective unless or until accepted by 27834
the board. A telephone conference call may be utilized for 27835
acceptance of the surrender of an individual's license or 27836
certificate to practice. The telephone conference call shall be 27837
considered a special meeting under division (F) of section 27838
121.22 of the Revised Code. Reinstatement of a license or 27839
certificate surrendered to the board requires an affirmative 27840
vote of not fewer than six members of the board. 27841

(2) An application for a license or certificate made under 27842
the provisions of this chapter may not be withdrawn without 27843
approval of the board. 27844

(3) Failure by an individual to renew a license or 27845
certificate to practice in accordance with this chapter or a 27846
certificate to recommend in accordance with rules adopted under 27847
section 4731.301 of the Revised Code shall not remove or limit 27848
the board's jurisdiction to take any disciplinary action under 27849
this section against the individual. 27850

(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; 27880
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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. 27882
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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; 27887
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(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 27891
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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. 27894
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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. 27897
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Sec. 4731.86. As used in sections 4731.861 to 4731.8611 of the Revised Code: 27903
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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. 27905
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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: 27908
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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; 27912
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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; 27916
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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. 27919
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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. 27924
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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: 27929
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(A) The patient on whom the procedure was performed and the patient's spouse or surviving spouse; 27934
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(B) The child born as a result of the procedure. 27936

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. 27937
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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: 27941
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(A) Performed an assisted reproduction procedure using the donor's human reproductive material; 27945
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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. 27947
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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. 27951
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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. 27955
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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. 27959
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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: 27963
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<u>(1) Reasonable attorney's fees; and</u>	27966
<u>(2) Either of the following:</u>	27967
<u>(a) Compensatory and punitive damages;</u>	27968
<u>(b) Liquidated damages of ten thousand dollars.</u>	27969
<u>(B) A plaintiff who prevails in an action under section</u>	27970
<u>4731.861 of the Revised Code is also entitled to reimbursement</u>	27971
<u>for the cost of the assisted reproduction procedure.</u>	27972
<u>Sec. 4731.8610. Nothing in sections 4731.861 to 4731.8611</u>	27973
<u>of the Revised Code may be construed to prohibit a person from</u>	27974
<u>pursuing any other remedies provided in the Revised Code for an</u>	27975
<u>assisted reproduction procedure performed without consent.</u>	27976
<u>Sec. 4731.8611. It is declared to be against the public</u>	27977
<u>policy of this state for a health care professional or</u>	27978
<u>affiliated person to enter into or require a waiver or provision</u>	27979
<u>with any patient or other person that limits or waives any of</u>	27980
<u>the patient's or other person's claims under section 4731.861,</u>	27981
<u>4731.862, 4731.864, or 4731.865 of the Revised Code or remedies</u>	27982
<u>under section 4731.869 or 4731.8610 of the Revised Code. Any</u>	27983
<u>such provision or waiver is void and unenforceable as against</u>	27984
<u>public policy.</u>	27985
<u>Sec. 4734.31. (A) The state chiropractic board may take</u>	27986
<u>any of the actions specified in division (B) of this section</u>	27987
<u>against an individual who has applied for or holds a license to</u>	27988
<u>practice chiropractic in this state if any of the reasons</u>	27989
<u>specified in division (C) of this section for taking action</u>	27990
<u>against an individual are applicable. Except as provided in</u>	27991
<u>division (D) of this section, actions taken against an</u>	27992
<u>individual shall be taken in accordance with Chapter 119. of the</u>	27993
<u>Revised Code. The board may specify that any action it takes is</u>	27994

a permanent action. The board's authority to take action against 27995
an individual is not removed or limited by the individual's 27996
failure to renew a license. 27997

(B) In its imposition of sanctions against an individual, 27998
the board may do any of the following: 27999

(1) Except as provided in division (I) of this section, 28000
refuse to issue, renew, restore, or reinstate a license to 28001
practice chiropractic or a certificate to practice acupuncture; 28002

(2) Reprimand or censure a license holder; 28003

(3) Place limits, restrictions, or probationary conditions 28004
on a license holder's practice; 28005

(4) Impose a civil fine of not more than five thousand 28006
dollars according to a schedule of fines specified in rules that 28007
the board shall adopt in accordance with Chapter 119. of the 28008
Revised Code. 28009

(5) Suspend a license to practice chiropractic or a 28010
certificate to practice acupuncture for a limited or indefinite 28011
period; 28012

(6) Revoke a license to practice chiropractic or a 28013
certificate to practice acupuncture. 28014

(C) The board may take the actions specified in division 28015
(B) of this section for any of the following reasons: 28016

(1) A plea of guilty to, a judicial finding of guilt of, 28017
or a judicial finding of eligibility for intervention in lieu of 28018
conviction for, a felony in any jurisdiction, in which case a 28019
certified copy of the court record shall be conclusive evidence 28020
of the conviction; 28021

- (2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 28022
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- (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; 28025
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- (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; 28030
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- (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; 28033
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- (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; 28038
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- (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; 28041
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- (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 28045
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this section if the board or a court of competent jurisdiction 28051
has issued an order that either quashes a subpoena or permits 28052
the individual to withhold the testimony or evidence in issue; 28053

(9) Engaging in an ongoing professional relationship with 28054
a person or entity that violates any provision of this chapter 28055
or the rules adopted under it, unless the chiropractor makes a 28056
good faith effort to have the person or entity comply with the 28057
provisions; 28058

(10) Retaliating against a chiropractor for the 28059
chiropractor's reporting to the board or any other agency with 28060
jurisdiction any violation of the law or for cooperating with 28061
the board of another agency in the investigation of any 28062
violation of the law; 28063

(11) Aiding, abetting, assisting, counseling, or 28064
conspiring with any person in that person's violation of any 28065
provision of this chapter or the rules adopted under it, 28066
including the practice of chiropractic without a license, the 28067
practice of animal chiropractic in violation of section 4734.151 28068
of the Revised Code, the practice of acupuncture without a 28069
certificate, or aiding, abetting, assisting, counseling, or 28070
conspiring with any person in that person's unlicensed practice 28071
of any other health care profession that has licensing 28072
requirements; 28073

(12) With respect to a report or record that is made, 28074
filed, or signed in connection with the practice of 28075
chiropractic, animal chiropractic, or acupuncture, knowingly 28076
making or filing a report or record that is false, intentionally 28077
or negligently failing to file a report or record required by 28078
federal, state, or local law or willfully impeding or 28079
obstructing the required filing, or inducing another person to 28080

- engage in any such acts; 28081
- (13) Making a false, fraudulent, or deceitful statement to 28082
the board or any agent of the board during any investigation or 28083
other official proceeding conducted by the board under this 28084
chapter or in any filing that must be submitted to the board; 28085
- (14) Attempting to secure a license to practice 28086
chiropractic, authorization to practice animal chiropractic, or 28087
a certificate to practice acupuncture, or to corrupt the outcome 28088
of an official board proceeding, through bribery or any other 28089
improper means; 28090
- (15) Willfully obstructing or hindering the board or any 28091
agent of the board in the discharge of the board's duties; 28092
- (16) Habitually using drugs or intoxicants to the extent 28093
that the person is rendered unfit for the practice of 28094
chiropractic, animal chiropractic, or acupuncture; 28095
- (17) Inability to practice chiropractic, animal 28096
chiropractic, or acupuncture according to acceptable and 28097
prevailing standards of care by reason of chemical dependency, 28098
mental illness, or physical illness, including conditions in 28099
which physical deterioration has adversely affected the person's 28100
cognitive, motor, or perceptive skills and conditions in which a 28101
chiropractor's continued practice may pose a danger to the 28102
chiropractor or the public; 28103
- (18) Any act constituting gross immorality relative to the 28104
person's practice of chiropractic, animal chiropractic, or 28105
acupuncture, including acts involving sexual abuse, sexual 28106
misconduct, or sexual exploitation; 28107
- (19) Exploiting a patient for personal or financial gain; 28108

(20) Failing to maintain proper, accurate, and legible	28109
records in the English language documenting each patient's care,	28110
including, as appropriate, records of the following: dates of	28111
treatment, services rendered, examinations, tests, x-ray	28112
reports, referrals, and the diagnosis or clinical impression and	28113
clinical treatment plan provided to the patient;	28114
(21) Except as otherwise required by the board or by law,	28115
disclosing patient information gained during the chiropractor's	28116
professional relationship with a patient without obtaining the	28117
patient's authorization for the disclosure;	28118
(22) Commission of willful or gross malpractice, or	28119
willful or gross neglect, in the practice of chiropractic,	28120
animal chiropractic, or acupuncture;	28121
(23) Failing to perform or negligently performing an act	28122
recognized by the board as a general duty or the exercise of due	28123
care in the practice of chiropractic, animal chiropractic, or	28124
acupuncture, regardless of whether injury results to a patient	28125
from the failure to perform or negligent performance of the act;	28126
(24) Engaging in any conduct or practice that impairs or	28127
may impair the ability to practice chiropractic, animal	28128
chiropractic, or acupuncture safely and skillfully;	28129
(25) Practicing, or claiming to be capable of practicing,	28130
beyond the scope of the practice of chiropractic, animal	28131
chiropractic, or acupuncture as established under this chapter	28132
and the rules adopted under this chapter;	28133
(26) Accepting and performing professional	28134
responsibilities as a chiropractor, animal chiropractic	28135
practitioner, or chiropractor with a certificate to practice	28136
acupuncture when not qualified to perform those	28137

responsibilities, if the person knew or had reason to know that	28138
the person was not qualified to perform them;	28139
(27) Delegating any of the professional responsibilities	28140
of a chiropractor, animal chiropractic practitioner, or	28141
chiropractor with a certificate to practice acupuncture to an	28142
employee or other individual when the delegating chiropractor	28143
knows or had reason to know that the employee or other	28144
individual is not qualified by training, experience, or	28145
professional licensure to perform the responsibilities;	28146
(28) Delegating any of the professional responsibilities	28147
of a chiropractor, animal chiropractic practitioner, or	28148
chiropractor with a certificate to practice acupuncture to an	28149
employee or other individual in a negligent manner or failing to	28150
provide proper supervision of the employee or other individual	28151
to whom the responsibilities are delegated;	28152
(29) Failing to refer a patient to another health care	28153
practitioner for consultation or treatment when the chiropractor	28154
knows or has reason to know that the referral is in the best	28155
interest of the patient;	28156
(30) Obtaining or attempting to obtain any fee or other	28157
advantage by fraud or misrepresentation;	28158
(31) Making misleading, deceptive, false, or fraudulent	28159
representations in the practice of chiropractic, animal	28160
chiropractic, or acupuncture;	28161
(32) Being guilty of false, fraudulent, deceptive, or	28162
misleading advertising or other solicitations for patients or	28163
knowingly having professional connection with any person that	28164
advertises or solicits for patients in such a manner;	28165
(33) Violation of a provision of any code of ethics	28166

established or adopted by the board under section 4734.16 of the Revised Code;	28167 28168
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	28169 28170 28171
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	28172 28173 28174
(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;	28175 28176 28177 28178
(37) Except as provided in division (G) of this section:	28179
(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;	28180 28181 28182 28183 28184 28185
(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.	28186 28187 28188 28189 28190
(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.	28191 28192 28193
(D) The adjudication requirements of Chapter 119. of the	28194

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 28224
the chiropractor that contradicts the knowledge and opinions of 28225
the members of the board. 28226

(2) If the board conducts a review or investigation or 28227
takes action against a chiropractor concerning an allegation of 28228
harm to an animal from the practice of animal chiropractic, the 28229
board shall retain as an expert witness a licensed veterinarian 28230
who holds a current, valid certification from a credentialing 28231
organization specified in division (A) (3) of section 4734.151 of 28232
the Revised Code. 28233

(F) The sealing or expungement of conviction records by a 28234
court shall have no effect on a prior board order entered under 28235
this section or on the board's jurisdiction to take action under 28236
this section if, based on a plea of guilty, a judicial finding 28237
of guilt, or a judicial finding of eligibility for intervention 28238
in lieu of conviction, the board issued a notice of opportunity 28239
for a hearing prior to the court's order to seal or expunge the 28240
records. The board shall not be required to seal, destroy, 28241
redact, or otherwise modify its records to reflect the court's 28242
sealing or expungement of conviction records. 28243

(G) Actions shall not be taken pursuant to division (C) 28244
(37) of this section against any chiropractor who waives 28245
deductibles and copayments as follows: 28246

(1) In compliance with the health benefit plan that 28247
expressly allows a practice of that nature. Waiver of the 28248
deductibles or copayments shall be made only with the full 28249
knowledge and consent of the plan purchaser, payer, and third- 28250
party administrator. Documentation of the consent shall be made 28251
available to the board upon request. 28252

(2) For professional services rendered to any other person 28253
licensed pursuant to this chapter, to the extent allowed by this 28254
chapter and the rules of the board. 28255

(H) As used in this section, "animal chiropractic" and 28256
"animal chiropractic practitioner" have the same meanings as in 28257
section 4734.151 of the Revised Code. 28258

(I) The board shall not refuse to issue a license to an 28259
applicant because of a conviction, plea of guilty, judicial 28260
finding of guilt, judicial finding of eligibility for 28261
intervention in lieu of conviction, or the commission of an act 28262
that constitutes a criminal offense, unless the refusal is in 28263
accordance with section 9.79 of the Revised Code. 28264

Sec. 4752.09. (A) The state board of pharmacy may, in 28265
accordance with Chapter 119. of the Revised Code, impose any one 28266
or more of the following sanctions on an applicant for a license 28267
or certificate of registration issued under this chapter or a 28268
license or certificate holder for any of the causes set forth in 28269
division (B) of this section: 28270

(1) Suspend, revoke, restrict, limit, or refuse to grant 28271
or renew a license or certificate of registration; 28272

(2) Reprimand or place the license or certificate holder 28273
on probation; 28274

(3) Impose a monetary penalty or forfeiture not to exceed 28275
in severity any fine designated under the Revised Code for a 28276
similar offense or not more than five thousand dollars if the 28277
acts committed are not classified as an offense by the Revised 28278
Code. 28279

(B) The board may impose the sanctions listed in division 28280
(A) of this section for any of the following: 28281

(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;	28282 28283 28284
(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;	28285 28286 28287 28288
(3) Making a material misstatement in furnishing information to the board;	28289 28290
(4) Professional incompetence;	28291
(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;	28292 28293
(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;	28294 28295 28296 28297
(7) Failing to provide information in response to a written request by the board;	28298 28299
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	28300 28301
(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;	28302 28303 28304 28305
(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;	28306 28307 28308

(11) Knowingly making or filing false records, reports, or 28309
billings in the course of providing home medical equipment 28310
services, including false records, reports, or billings prepared 28311
for or submitted to state and federal agencies or departments; 28312

(12) Failing to comply with federal rules issued pursuant 28313
to the medicare program established under Title XVIII of the 28314
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 28315
amended, relating to operations, financial transactions, and 28316
general business practices of home medical services providers; 28317

(13) Any other cause for which the board may impose 28318
sanctions as set forth in rules adopted under section 4752.17 of 28319
the Revised Code. 28320

(C) Notwithstanding any provision of divisions (A) and (B) 28321
of this section to the contrary, the board shall not refuse to 28322
issue a license or certificate of registration to an applicant 28323
because of a plea of guilty to or a judicial finding of guilt of 28324
an offense unless the refusal is in accordance with section 9.79 28325
of the Revised Code. 28326

(D) The state board of pharmacy immediately may suspend a 28327
license without a hearing if it determines that there is 28328
evidence that the license holder is subject to actions under 28329
this section and that there is clear and convincing evidence 28330
that continued operation by the license holder presents an 28331
immediate and serious harm to the public. The board shall follow 28332
the procedure for suspension without a prior hearing in section 28333
119.07 of the Revised Code. The board may vote on the suspension 28334
by way of a telephone conference call. 28335

A suspension under this division shall remain in effect, 28336
unless reversed by the board, until a final adjudication order 28337

issued by the board pursuant to this section and Chapter 119. of 28338
the Revised Code becomes effective. The board shall issue its 28339
final adjudication order not later than ninety days after 28340
completion of the hearing. The board's failure to issue the 28341
order by that day shall cause the summary suspension to end, but 28342
shall not affect the validity of any subsequent final 28343
adjudication order. 28344

(E) If the board is required under Chapter 119. of the 28345
Revised Code to give notice of an opportunity for a hearing and 28346
the applicant or license or certificate holder does not make a 28347
timely request for a hearing in accordance with section 119.07 28348
of the Revised Code, the board is not required to hold a 28349
hearing, but may adopt a final order that contains the board's 28350
findings. In the final order, the board may impose any of the 28351
sanctions listed in division (A) of this section. 28352

(F) Notwithstanding the provision of division ~~(C)(2)~~ (D) 28353
(2) of section 2953.32 or division (F)(1) of section 2953.39 of 28354
the Revised Code specifying that if records pertaining to a 28355
criminal case are sealed or expunged under that section the 28356
proceedings in the case must be deemed not to have occurred, 28357
sealing or expungement of the following records on which the 28358
board has based an action under this section shall have no 28359
effect on the board's action or any sanction imposed by the 28360
board under this section: records of any conviction, guilty 28361
plea, judicial finding of guilt resulting from a plea of no 28362
contest, or a judicial finding of eligibility for a pretrial 28363
diversion program or intervention in lieu of conviction. The 28364
board shall not be required to seal, destroy, redact, or 28365
otherwise modify its records to reflect the court's sealing or 28366
expungement of conviction records. 28367

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;	28398
(4) A plea of guilty to, a judicial finding of guilt of,	28399
or a judicial finding of eligibility for intervention in lieu of	28400
conviction for, a felony;	28401
(5) Commission of an act that constitutes a felony in this	28402
state, regardless of the jurisdiction in which the act was	28403
committed;	28404
(6) A plea of guilty to, a judicial finding of guilt of,	28405
or a judicial finding of eligibility for intervention in lieu of	28406
conviction for, a misdemeanor committed in the course of	28407
practice;	28408
(7) Commission of an act in the course of practice that	28409
constitutes a misdemeanor in this state, regardless of the	28410
jurisdiction in which the act was committed;	28411
(8) A plea of guilty to, a judicial finding of guilt of,	28412
or a judicial finding of eligibility for intervention in lieu of	28413
conviction for, a misdemeanor involving moral turpitude;	28414
(9) Commission of an act involving moral turpitude that	28415
constitutes a misdemeanor in this state, regardless of the	28416
jurisdiction in which the act was committed;	28417
(10) A record of engaging in incompetent or negligent	28418
conduct in the practice of dietetics;	28419
(11) A departure from, or failure to conform to, minimal	28420
standards of care of similar practitioners under the same or	28421
similar circumstances, whether or not actual injury to a patient	28422
is established;	28423
(12) The obtaining of, or attempting to obtain, money or	28424
anything of value by fraudulent misrepresentations in the course	28425

of practice;	28426
(13) Violation of the conditions of limitation placed by the board on a license or permit;	28427 28428
(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;	28429 28430 28431 28432
(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;	28433 28434 28435 28436 28437 28438 28439 28440 28441 28442
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	28443 28444 28445
(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;	28446 28447 28448 28449 28450
(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;	28451 28452 28453 28454

(19) Failure to cooperate in an investigation conducted by 28455
the board under division (B) of section 4759.05 of the Revised 28456
Code, including failure to comply with a subpoena or order 28457
issued by the board or failure to answer truthfully a question 28458
presented by the board in an investigative interview, an 28459
investigative office conference, at a deposition, or in written 28460
interrogatories, except that failure to cooperate with an 28461
investigation shall not constitute grounds for discipline under 28462
this section if a court of competent jurisdiction has issued an 28463
order that either quashes a subpoena or permits the individual 28464
to withhold the testimony or evidence in issue; 28465

(20) Representing with the purpose of obtaining 28466
compensation or other advantage as personal gain or for any 28467
other person, that an incurable disease or injury, or other 28468
incurable condition, can be permanently cured. 28469

(B) The board shall not refuse to issue a license or 28470
limited permit to an applicant because of a plea of guilty to, a 28471
judicial finding of guilt of, or a judicial finding of 28472
eligibility for intervention in lieu of conviction for an 28473
offense unless the refusal is in accordance with section 9.79 of 28474
the Revised Code. 28475

(C) Any action taken by the board under division (A) of 28476
this section resulting in a suspension from practice shall be 28477
accompanied by a written statement of the conditions under which 28478
the individual's license or permit may be reinstated. The board 28479
shall adopt rules governing conditions to be imposed for 28480
reinstatement. Reinstatement of a license or permit suspended 28481
pursuant to division (A) of this section requires an affirmative 28482
vote of not fewer than six members of the board. 28483

(D) When the board refuses to grant or issue a license or 28484

permit to an applicant, revokes an individual's license or 28485
permit, refuses to renew an individual's license or permit, or 28486
refuses to reinstate an individual's license or permit, the 28487
board may specify that its action is permanent. An individual 28488
subject to a permanent action taken by the board is forever 28489
thereafter ineligible to hold a license or permit and the board 28490
shall not accept an application for reinstatement of the license 28491
or permit or for issuance of a new license or permit. 28492

(E) Disciplinary actions taken by the board under division 28493
(A) of this section shall be taken pursuant to an adjudication 28494
under Chapter 119. of the Revised Code, except that in lieu of 28495
an adjudication, the board may enter into a consent agreement 28496
with an individual to resolve an allegation of a violation of 28497
this chapter or any rule adopted under it. A consent agreement, 28498
when ratified by an affirmative vote of not fewer than six 28499
members of the board, shall constitute the findings and order of 28500
the board with respect to the matter addressed in the agreement. 28501
If the board refuses to ratify a consent agreement, the 28502
admissions and findings contained in the consent agreement shall 28503
be of no force or effect. 28504

A telephone conference call may be utilized for 28505
ratification of a consent agreement that revokes or suspends an 28506
individual's license or permit. The telephone conference call 28507
shall be considered a special meeting under division (F) of 28508
section 121.22 of the Revised Code. 28509

(F) In enforcing division (A)(14) of this section, the 28510
board, upon a showing of a possible violation, may compel any 28511
individual authorized to practice by this chapter or who has 28512
submitted an application pursuant to this chapter to submit to a 28513
mental examination, physical examination, including an HIV test, 28514

or both a mental and a physical examination. The expense of the 28515
examination is the responsibility of the individual compelled to 28516
be examined. Failure to submit to a mental or physical 28517
examination or consent to an HIV test ordered by the board 28518
constitutes an admission of the allegations against the 28519
individual unless the failure is due to circumstances beyond the 28520
individual's control, and a default and final order may be 28521
entered without the taking of testimony or presentation of 28522
evidence. If the board finds an individual unable to practice 28523
because of the reasons set forth in division (A) (14) of this 28524
section, the board shall require the individual to submit to 28525
care, counseling, or treatment by physicians approved or 28526
designated by the board, as a condition for initial, continued, 28527
reinstated, or renewed authority to practice. An individual 28528
affected under this division shall be afforded an opportunity to 28529
demonstrate to the board the ability to resume practice in 28530
compliance with acceptable and prevailing standards under the 28531
provisions of the individual's license or permit. For the 28532
purpose of division (A) (14) of this section, any individual who 28533
applies for or receives a license or permit under this chapter 28534
accepts the privilege of practicing in this state and, by so 28535
doing, shall be deemed to have given consent to submit to a 28536
mental or physical examination when directed to do so in writing 28537
by the board, and to have waived all objections to the 28538
admissibility of testimony or examination reports that 28539
constitute a privileged communication. 28540

(G) For the purposes of division (A) (18) of this section, 28541
any individual authorized to practice by this chapter accepts 28542
the privilege of practicing in this state subject to supervision 28543
by the board. By filing an application for or holding a license 28544
or permit under this chapter, an individual shall be deemed to 28545

have given consent to submit to a mental or physical examination 28546
when ordered to do so by the board in writing, and to have 28547
waived all objections to the admissibility of testimony or 28548
examination reports that constitute privileged communications. 28549

If it has reason to believe that any individual authorized 28550
to practice by this chapter or any applicant for a license or 28551
permit suffers such impairment, the board may compel the 28552
individual to submit to a mental or physical examination, or 28553
both. The expense of the examination is the responsibility of 28554
the individual compelled to be examined. Any mental or physical 28555
examination required under this division shall be undertaken by 28556
a treatment provider or physician who is qualified to conduct 28557
the examination and who is chosen by the board. 28558

Failure to submit to a mental or physical examination 28559
ordered by the board constitutes an admission of the allegations 28560
against the individual unless the failure is due to 28561
circumstances beyond the individual's control, and a default and 28562
final order may be entered without the taking of testimony or 28563
presentation of evidence. If the board determines that the 28564
individual's ability to practice is impaired, the board shall 28565
suspend the individual's license or permit or deny the 28566
individual's application and shall require the individual, as a 28567
condition for an initial, continued, reinstated, or renewed 28568
license or permit, to submit to treatment. 28569

Before being eligible to apply for reinstatement of a 28570
license or permit suspended under this division, the impaired 28571
practitioner shall demonstrate to the board the ability to 28572
resume practice in compliance with acceptable and prevailing 28573
standards of care under the provisions of the practitioner's 28574
license or permit. The demonstration shall include, but shall 28575

not be limited to, the following: 28576

(1) Certification from a treatment provider approved under 28577
section 4731.25 of the Revised Code that the individual has 28578
successfully completed any required inpatient treatment; 28579

(2) Evidence of continuing full compliance with an 28580
aftercare contract or consent agreement; 28581

(3) Two written reports indicating that the individual's 28582
ability to practice has been assessed and that the individual 28583
has been found capable of practicing according to acceptable and 28584
prevailing standards of care. The reports shall be made by 28585
individuals or providers approved by the board for making the 28586
assessments and shall describe the basis for their 28587
determination. 28588

The board may reinstate a license or permit suspended 28589
under this division after that demonstration and after the 28590
individual has entered into a written consent agreement. 28591

When the impaired practitioner resumes practice, the board 28592
shall require continued monitoring of the individual. The 28593
monitoring shall include, but not be limited to, compliance with 28594
the written consent agreement entered into before reinstatement 28595
or with conditions imposed by board order after a hearing, and, 28596
upon termination of the consent agreement, submission to the 28597
board for at least two years of annual written progress reports 28598
made under penalty of perjury stating whether the individual has 28599
maintained sobriety. 28600

(H) If the secretary and supervising member determine both 28601
of the following, they may recommend that the board suspend an 28602
individual's license or permit without a prior hearing: 28603

(1) That there is clear and convincing evidence that an 28604

individual has violated division (A) of this section; 28605

(2) That the individual's continued practice presents a 28606
danger of immediate and serious harm to the public. 28607

Written allegations shall be prepared for consideration by 28608
the board. The board, upon review of those allegations and by an 28609
affirmative vote of not fewer than six of its members, excluding 28610
the secretary and supervising member, may suspend a license or 28611
permit without a prior hearing. A telephone conference call may 28612
be utilized for reviewing the allegations and taking the vote on 28613
the summary suspension. 28614

The board shall issue a written order of suspension by 28615
certified mail or in person in accordance with section 119.07 of 28616
the Revised Code. The order shall not be subject to suspension 28617
by the court during pendency of any appeal filed under section 28618
119.12 of the Revised Code. If the individual subject to the 28619
summary suspension requests an adjudicatory hearing by the 28620
board, the date set for the hearing shall be within fifteen 28621
days, but not earlier than seven days, after the individual 28622
requests the hearing, unless otherwise agreed to by both the 28623
board and the individual. 28624

Any summary suspension imposed under this division shall 28625
remain in effect, unless reversed on appeal, until a final 28626
adjudicative order issued by the board pursuant to this section 28627
and Chapter 119. of the Revised Code becomes effective. The 28628
board shall issue its final adjudicative order within seventy- 28629
five days after completion of its hearing. A failure to issue 28630
the order within seventy-five days shall result in dissolution 28631
of the summary suspension order but shall not invalidate any 28632
subsequent, final adjudicative order. 28633

(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), 28664
or (8) of this section, and the judicial finding of guilt, 28665
guilty plea, or judicial finding of eligibility for intervention 28666
in lieu of conviction is overturned on appeal, upon exhaustion 28667
of the criminal appeal, a petition for reconsideration of the 28668
order may be filed with the board along with appropriate court 28669
documents. Upon receipt of a petition for reconsideration and 28670
supporting court documents, the board shall reinstate the 28671
individual's license or permit. The board may then hold an 28672
adjudication under Chapter 119. of the Revised Code to determine 28673
whether the individual committed the act in question. Notice of 28674
an opportunity for a hearing shall be given in accordance with 28675
Chapter 119. of the Revised Code. If the board finds, pursuant 28676
to an adjudication held under this division, that the individual 28677
committed the act or if no hearing is requested, the board may 28678
order any of the sanctions identified under division (A) of this 28679
section. 28680

(M) The license or permit issued to an individual under 28681
this chapter and the individual's practice in this state are 28682
automatically suspended as of the date the individual pleads 28683
guilty to, is found by a judge or jury to be guilty of, or is 28684
subject to a judicial finding of eligibility for intervention in 28685
lieu of conviction in this state or treatment or intervention in 28686
lieu of conviction in another jurisdiction for any of the 28687
following criminal offenses in this state or a substantially 28688
equivalent criminal offense in another jurisdiction: aggravated 28689
murder, murder, voluntary manslaughter, felonious assault, 28690
kidnapping, rape, sexual battery, gross sexual imposition, 28691
aggravated arson, aggravated robbery, or aggravated burglary. 28692
Continued practice after suspension shall be considered 28693
practicing without a license or permit. 28694

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 28753
adversely affects cognitive, motor, or perceptive skills; 28754

(6) Impairment of ability to practice according to 28755
acceptable and prevailing standards of care because of habitual 28756
or excessive use or abuse of drugs, alcohol, or other substances 28757
that impair ability to practice; 28758

(7) Willfully betraying a professional confidence; 28759

(8) Making a false, fraudulent, deceptive, or misleading 28760
statement in securing or attempting to secure a license to 28761
practice as an anesthesiologist assistant. 28762

As used in this division, "false, fraudulent, deceptive, 28763
or misleading statement" means a statement that includes a 28764
misrepresentation of fact, is likely to mislead or deceive 28765
because of a failure to disclose material facts, is intended or 28766
is likely to create false or unjustified expectations of 28767
favorable results, or includes representations or implications 28768
that in reasonable probability will cause an ordinarily prudent 28769
person to misunderstand or be deceived. 28770

(9) The obtaining of, or attempting to obtain, money or a 28771
thing of value by fraudulent misrepresentations in the course of 28772
practice; 28773

(10) A plea of guilty to, a judicial finding of guilt of, 28774
or a judicial finding of eligibility for intervention in lieu of 28775
conviction for, a felony; 28776

(11) Commission of an act that constitutes a felony in 28777
this state, regardless of the jurisdiction in which the act was 28778
committed; 28779

(12) A plea of guilty to, a judicial finding of guilt of, 28780

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 28810
of the Revised Code; 28811

(20) Failure to cooperate in an investigation conducted by 28812
the board under section 4760.14 of the Revised Code, including 28813
failure to comply with a subpoena or order issued by the board 28814
or failure to answer truthfully a question presented by the 28815
board at a deposition or in written interrogatories, except that 28816
failure to cooperate with an investigation shall not constitute 28817
grounds for discipline under this section if a court of 28818
competent jurisdiction has issued an order that either quashes a 28819
subpoena or permits the individual to withhold the testimony or 28820
evidence in issue; 28821

(21) Failure to comply with any code of ethics established 28822
by the national commission for the certification of 28823
anesthesiologist assistants; 28824

(22) Failure to notify the state medical board of the 28825
revocation or failure to maintain certification from the 28826
national commission for certification of anesthesiologist 28827
assistants. 28828

(C) The board shall not refuse to issue a certificate to 28829
an applicant because of a plea of guilty to, a judicial finding 28830
of guilt of, or a judicial finding of eligibility for 28831
intervention in lieu of conviction for an offense unless the 28832
refusal is in accordance with section 9.79 of the Revised Code. 28833

(D) Disciplinary actions taken by the board under 28834
divisions (A) and (B) of this section shall be taken pursuant to 28835
an adjudication under Chapter 119. of the Revised Code, except 28836
that in lieu of an adjudication, the board may enter into a 28837
consent agreement with an anesthesiologist assistant or 28838

applicant to resolve an allegation of a violation of this 28839
chapter or any rule adopted under it. A consent agreement, when 28840
ratified by an affirmative vote of not fewer than six members of 28841
the board, shall constitute the findings and order of the board 28842
with respect to the matter addressed in the agreement. If the 28843
board refuses to ratify a consent agreement, the admissions and 28844
findings contained in the consent agreement shall be of no force 28845
or effect. 28846

(E) For purposes of divisions (B) (11), (14), and (15) of 28847
this section, the commission of the act may be established by a 28848
finding by the board, pursuant to an adjudication under Chapter 28849
119. of the Revised Code, that the applicant or license holder 28850
committed the act in question. The board shall have no 28851
jurisdiction under these divisions in cases where the trial 28852
court renders a final judgment in the license holder's favor and 28853
that judgment is based upon an adjudication on the merits. The 28854
board shall have jurisdiction under these divisions in cases 28855
where the trial court issues an order of dismissal on technical 28856
or procedural grounds. 28857

(F) The sealing or expungement of conviction records by 28858
any court shall have no effect on a prior board order entered 28859
under the provisions of this section or on the board's 28860
jurisdiction to take action under the provisions of this section 28861
if, based upon a plea of guilty, a judicial finding of guilt, or 28862
a judicial finding of eligibility for intervention in lieu of 28863
conviction, the board issued a notice of opportunity for a 28864
hearing prior to the court's order to seal or expunge the 28865
records. The board shall not be required to seal, destroy, 28866
redact, or otherwise modify its records to reflect the court's 28867
sealing or expungement of conviction records. 28868

(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 28900
license to practice issued under this chapter or any applicant 28901
for a license to practice suffers such impairment, the board may 28902
compel the individual to submit to a mental or physical 28903
examination, or both. The expense of the examination is the 28904
responsibility of the individual compelled to be examined. Any 28905
mental or physical examination required under this division 28906
shall be undertaken by a treatment provider or physician 28907
qualified to conduct such examination and chosen by the board. 28908

Failure to submit to a mental or physical examination 28909
ordered by the board constitutes an admission of the allegations 28910
against the individual unless the failure is due to 28911
circumstances beyond the individual's control, and a default and 28912
final order may be entered without the taking of testimony or 28913
presentation of evidence. If the board determines that the 28914
individual's ability to practice is impaired, the board shall 28915
suspend the individual's license or deny the individual's 28916
application and shall require the individual, as a condition for 28917
an initial, continued, reinstated, or renewed license to 28918
practice, to submit to treatment. 28919

Before being eligible to apply for reinstatement of a 28920
license suspended under this division, the anesthesiologist 28921
assistant shall demonstrate to the board the ability to resume 28922
practice in compliance with acceptable and prevailing standards 28923
of care. The demonstration shall include the following: 28924

(a) Certification from a treatment provider approved under 28925
section 4731.25 of the Revised Code that the individual has 28926
successfully completed any required inpatient treatment; 28927

(b) Evidence of continuing full compliance with an 28928
aftercare contract or consent agreement; 28929

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the anesthesiologist assistant has maintained sobriety.

(H) If the secretary and supervising member determine that there is clear and convincing evidence that an anesthesiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding

the secretary and supervising member, may suspend a license 28960
without a prior hearing. A telephone conference call may be 28961
utilized for reviewing the allegations and taking the vote on 28962
the summary suspension. 28963

The board shall issue a written order of suspension by 28964
certified mail or in person in accordance with section 119.07 of 28965
the Revised Code. The order shall not be subject to suspension 28966
by the court during pendency of any appeal filed under section 28967
119.12 of the Revised Code. If the anesthesiologist assistant 28968
requests an adjudicatory hearing by the board, the date set for 28969
the hearing shall be within fifteen days, but not earlier than 28970
seven days, after the anesthesiologist assistant requests the 28971
hearing, unless otherwise agreed to by both the board and the 28972
license holder. 28973

A summary suspension imposed under this division shall 28974
remain in effect, unless reversed on appeal, until a final 28975
adjudicative order issued by the board pursuant to this section 28976
and Chapter 119. of the Revised Code becomes effective. The 28977
board shall issue its final adjudicative order within sixty days 28978
after completion of its hearing. Failure to issue the order 28979
within sixty days shall result in dissolution of the summary 28980
suspension order, but shall not invalidate any subsequent, final 28981
adjudicative order. 28982

(I) If the board takes action under division (B) (11), 28983
(13), or (14) of this section, and the judicial finding of 28984
guilt, guilty plea, or judicial finding of eligibility for 28985
intervention in lieu of conviction is overturned on appeal, on 28986
exhaustion of the criminal appeal, a petition for 28987
reconsideration of the order may be filed with the board along 28988
with appropriate court documents. On receipt of a petition and 28989

supporting court documents, the board shall reinstate the 28990
license to practice. The board may then hold an adjudication 28991
under Chapter 119. of the Revised Code to determine whether the 28992
individual committed the act in question. Notice of opportunity 28993
for hearing shall be given in accordance with Chapter 119. of 28994
the Revised Code. If the board finds, pursuant to an 28995
adjudication held under this division, that the individual 28996
committed the act, or if no hearing is requested, it may order 28997
any of the sanctions specified in division (B) of this section. 28998

(J) The license to practice of an anesthesiologist 28999
assistant and the assistant's practice in this state are 29000
automatically suspended as of the date the anesthesiologist 29001
assistant pleads guilty to, is found by a judge or jury to be 29002
guilty of, or is subject to a judicial finding of eligibility 29003
for intervention in lieu of conviction in this state or 29004
treatment of intervention in lieu of conviction in another 29005
jurisdiction for any of the following criminal offenses in this 29006
state or a substantially equivalent criminal offense in another 29007
jurisdiction: aggravated murder, murder, voluntary manslaughter, 29008
felonious assault, kidnapping, rape, sexual battery, gross 29009
sexual imposition, aggravated arson, aggravated robbery, or 29010
aggravated burglary. Continued practice after the suspension 29011
shall be considered practicing without a license. 29012

The board shall notify the individual subject to the 29013
suspension by certified mail or in person in accordance with 29014
section 119.07 of the Revised Code. If an individual whose 29015
license is suspended under this division fails to make a timely 29016
request for an adjudication under Chapter 119. of the Revised 29017
Code, the board shall enter a final order permanently revoking 29018
the individual's license to practice. 29019

(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;	29079
(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	29080 29081 29082
(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	29083 29084 29085
(6) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	29086 29087 29088
(7) Except when civil penalties are imposed under section 4761.091 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;	29089 29090 29091 29092 29093
(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.	29094 29095 29096 29097 29098
As used in division (A) (8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	29099 29100 29101 29102 29103 29104 29105 29106
(9) Committing fraud during the administration of the	29107

examination for a license to practice or committing fraud,	29108
misrepresentation, or deception in applying for, renewing, or	29109
securing any license or permit issued by the board;	29110
(10) A departure from, or failure to conform to, minimal	29111
standards of care of similar practitioners under the same or	29112
similar circumstances, whether or not actual injury to a patient	29113
is established;	29114
(11) Violating the standards of ethical conduct adopted by	29115
the board, in the practice of respiratory care;	29116
(12) The obtaining of, or attempting to obtain, money or	29117
anything of value by fraudulent misrepresentations in the course	29118
of practice;	29119
(13) Violation of the conditions of limitation placed by	29120
the board upon a license or permit;	29121
(14) Inability to practice according to acceptable and	29122
prevailing standards of care by reason of mental illness or	29123
physical illness, including physical deterioration that	29124
adversely affects cognitive, motor, or perceptive skills;	29125
(15) Any of the following actions taken by an agency	29126
responsible for authorizing, certifying, or regulating an	29127
individual to practice a health care occupation or provide	29128
health care services in this state or another jurisdiction, for	29129
any reason other than the nonpayment of fees: the limitation,	29130
revocation, or suspension of an individual's license; acceptance	29131
of an individual's license surrender; denial of a license;	29132
refusal to renew or reinstate a license; imposition of	29133
probation; or issuance of an order of censure or other	29134
reprimand;	29135
(16) The revocation, suspension, restriction, reduction,	29136

or termination of practice privileges by the United States	29137
department of defense or department of veterans affairs;	29138
(17) Termination or suspension from participation in the	29139
medicare or medicaid programs by the department of health and	29140
human services or other responsible agency for any act or acts	29141
that also would constitute a violation of division (A) (10),	29142
(12), or (14) of this section;	29143
(18) Impairment of ability to practice according to	29144
acceptable and prevailing standards of care because of habitual	29145
or excessive use or abuse of drugs, alcohol, or other substances	29146
that impair ability to practice;	29147
(19) Failure to cooperate in an investigation conducted by	29148
the board under division (E) of section 4761.03 of the Revised	29149
Code, including failure to comply with a subpoena or order	29150
issued by the board or failure to answer truthfully a question	29151
presented by the board in an investigative interview, an	29152
investigative office conference, at a deposition, or in written	29153
interrogatories, except that failure to cooperate with an	29154
investigation shall not constitute grounds for discipline under	29155
this section if a court of competent jurisdiction has issued an	29156
order that either quashes a subpoena or permits the individual	29157
to withhold the testimony or evidence in issue;	29158
(20) Practicing in an area of respiratory care for which	29159
the person is clearly untrained or incompetent or practicing in	29160
a manner that conflicts with section 4761.17 of the Revised	29161
Code;	29162
(21) Employing, directing, or supervising a person who is	29163
not authorized to practice respiratory care under this chapter	29164
in the performance of respiratory care procedures;	29165

(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 29195
offense unless the refusal is in accordance with section 9.79 of 29196
the Revised Code. 29197

(C) Any action taken by the board under division (A) of 29198
this section resulting in a suspension from practice shall be 29199
accompanied by a written statement of the conditions under which 29200
the individual's license or permit may be reinstated. The board 29201
shall adopt rules governing conditions to be imposed for 29202
reinstatement. Reinstatement of a license or permit suspended 29203
pursuant to division (A) of this section requires an affirmative 29204
vote of not fewer than six members of the board. 29205

(D) When the board refuses to grant or issue a license or 29206
permit to an applicant, revokes an individual's license or 29207
permit, refuses to renew an individual's license or permit, or 29208
refuses to reinstate an individual's license or permit, the 29209
board may specify that its action is permanent. An individual 29210
subject to a permanent action taken by the board is forever 29211
thereafter ineligible to hold a license or permit and the board 29212
shall not accept an application for reinstatement of the license 29213
or permit or for issuance of a new license or permit. 29214

(E) If the board is required by Chapter 119. of the 29215
Revised Code to give notice of an opportunity for a hearing and 29216
if the individual subject to the notice does not timely request 29217
a hearing in accordance with section 119.07 of the Revised Code, 29218
the board is not required to hold a hearing, but may adopt, by 29219
an affirmative vote of not fewer than six of its members, a 29220
final order that contains the board's findings. In the final 29221
order, the board may order any of the sanctions identified under 29222
division (A) of this section. 29223

(F) In enforcing division (A) (14) of this section, the 29224

board, upon a showing of a possible violation, may compel any 29225
individual authorized to practice by this chapter or who has 29226
submitted an application pursuant to this chapter to submit to a 29227
mental examination, physical examination, including an HIV test, 29228
or both a mental and a physical examination. The expense of the 29229
examination is the responsibility of the individual compelled to 29230
be examined. Failure to submit to a mental or physical 29231
examination or consent to an HIV test ordered by the board 29232
constitutes an admission of the allegations against the 29233
individual unless the failure is due to circumstances beyond the 29234
individual's control, and a default and final order may be 29235
entered without the taking of testimony or presentation of 29236
evidence. If the board finds an individual unable to practice 29237
because of the reasons set forth in division (A)(14) of this 29238
section, the board shall require the individual to submit to 29239
care, counseling, or treatment by physicians approved or 29240
designated by the board, as a condition for initial, continued, 29241
reinstated, or renewed authority to practice. An individual 29242
affected under this division shall be afforded an opportunity to 29243
demonstrate to the board the ability to resume practice in 29244
compliance with acceptable and prevailing standards under the 29245
provisions of the individual's license or permit. For the 29246
purpose of division (A)(14) of this section, any individual who 29247
applies for or receives a license or permit to practice under 29248
this chapter accepts the privilege of practicing in this state 29249
and, by so doing, shall be deemed to have given consent to 29250
submit to a mental or physical examination when directed to do 29251
so in writing by the board, and to have waived all objections to 29252
the admissibility of testimony or examination reports that 29253
constitute a privileged communication. 29254

(G) For the purposes of division (A)(18) of this section, 29255

any individual authorized to practice by this chapter accepts 29256
the privilege of practicing in this state subject to supervision 29257
by the board. By filing an application for or holding a license 29258
or permit under this chapter, an individual shall be deemed to 29259
have given consent to submit to a mental or physical examination 29260
when ordered to do so by the board in writing, and to have 29261
waived all objections to the admissibility of testimony or 29262
examination reports that constitute privileged communications. 29263

If it has reason to believe that any individual authorized 29264
to practice by this chapter or any applicant for a license or 29265
permit suffers such impairment, the board may compel the 29266
individual to submit to a mental or physical examination, or 29267
both. The expense of the examination is the responsibility of 29268
the individual compelled to be examined. Any mental or physical 29269
examination required under this division shall be undertaken by 29270
a treatment provider or physician who is qualified to conduct 29271
the examination and who is chosen by the board. 29272

Failure to submit to a mental or physical examination 29273
ordered by the board constitutes an admission of the allegations 29274
against the individual unless the failure is due to 29275
circumstances beyond the individual's control, and a default and 29276
final order may be entered without the taking of testimony or 29277
presentation of evidence. If the board determines that the 29278
individual's ability to practice is impaired, the board shall 29279
suspend the individual's license or permit or deny the 29280
individual's application and shall require the individual, as a 29281
condition for an initial, continued, reinstated, or renewed 29282
license or permit, to submit to treatment. 29283

Before being eligible to apply for reinstatement of a 29284
license or permit suspended under this division, the impaired 29285

practitioner shall demonstrate to the board the ability to 29286
resume practice in compliance with acceptable and prevailing 29287
standards of care under the provisions of the practitioner's 29288
license or permit. The demonstration shall include, but shall 29289
not be limited to, the following: 29290

(1) Certification from a treatment provider approved under 29291
section 4731.25 of the Revised Code that the individual has 29292
successfully completed any required inpatient treatment; 29293

(2) Evidence of continuing full compliance with an 29294
aftercare contract or consent agreement; 29295

(3) Two written reports indicating that the individual's 29296
ability to practice has been assessed and that the individual 29297
has been found capable of practicing according to acceptable and 29298
prevailing standards of care. The reports shall be made by 29299
individuals or providers approved by the board for making the 29300
assessments and shall describe the basis for their 29301
determination. 29302

The board may reinstate a license or permit suspended 29303
under this division after that demonstration and after the 29304
individual has entered into a written consent agreement. 29305

When the impaired practitioner resumes practice, the board 29306
shall require continued monitoring of the individual. The 29307
monitoring shall include, but not be limited to, compliance with 29308
the written consent agreement entered into before reinstatement 29309
or with conditions imposed by board order after a hearing, and, 29310
upon termination of the consent agreement, submission to the 29311
board for at least two years of annual written progress reports 29312
made under penalty of perjury stating whether the individual has 29313
maintained sobriety. 29314

(H) If the secretary and supervising member determine both 29315
of the following, they may recommend that the board suspend an 29316
individual's license or permit without a prior hearing: 29317

(1) That there is clear and convincing evidence that an 29318
individual has violated division (A) of this section; 29319

(2) That the individual's continued practice presents a 29320
danger of immediate and serious harm to the public. 29321

Written allegations shall be prepared for consideration by 29322
the board. The board, upon review of those allegations and by an 29323
affirmative vote of not fewer than six of its members, excluding 29324
the secretary and supervising member, may suspend a license or 29325
permit without a prior hearing. A telephone conference call may 29326
be utilized for reviewing the allegations and taking the vote on 29327
the summary suspension. 29328

The board shall issue a written order of suspension by 29329
certified mail or in person in accordance with section 119.07 of 29330
the Revised Code. The order shall not be subject to suspension 29331
by the court during pendency of any appeal filed under section 29332
119.12 of the Revised Code. If the individual subject to the 29333
summary suspension requests an adjudicatory hearing by the 29334
board, the date set for the hearing shall be within fifteen 29335
days, but not earlier than seven days, after the individual 29336
requests the hearing, unless otherwise agreed to by both the 29337
board and the individual. 29338

Any summary suspension imposed under this division shall 29339
remain in effect, unless reversed on appeal, until a final 29340
adjudicative order issued by the board pursuant to this section 29341
and Chapter 119. of the Revised Code becomes effective. The 29342
board shall issue its final adjudicative order within seventy- 29343

five days after completion of its hearing. A failure to issue 29344
the order within seventy-five days shall result in dissolution 29345
of the summary suspension order but shall not invalidate any 29346
subsequent, final adjudicative order. 29347

(I) For purposes of divisions (A) (2), (4), and (6) of this 29348
section, the commission of the act may be established by a 29349
finding by the board, pursuant to an adjudication under Chapter 29350
119. of the Revised Code, that the individual committed the act. 29351
The board does not have jurisdiction under those divisions if 29352
the trial court renders a final judgment in the individual's 29353
favor and that judgment is based upon an adjudication on the 29354
merits. The board has jurisdiction under those divisions if the 29355
trial court issues an order of dismissal upon technical or 29356
procedural grounds. 29357

(J) The sealing or expungement of conviction records by 29358
any court shall have no effect upon a prior board order entered 29359
under this section or upon the board's jurisdiction to take 29360
action under this section if, based upon a plea of guilty, a 29361
judicial finding of guilt, or a judicial finding of eligibility 29362
for intervention in lieu of conviction, the board issued a 29363
notice of opportunity for a hearing prior to the court's order 29364
to seal or expunge the records. The board shall not be required 29365
to seal, destroy, redact, or otherwise modify its records to 29366
reflect the court's sealing or expungement of conviction 29367
records. 29368

(K) If the board takes action under division (A) (1), (3), 29369
or (5) of this section, and the judicial finding of guilt, 29370
guilty plea, or judicial finding of eligibility for intervention 29371
in lieu of conviction is overturned on appeal, upon exhaustion 29372
of the criminal appeal, a petition for reconsideration of the 29373

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 29405
permanently revoking the individual's license or permit. 29406

(M) Notwithstanding any other provision of the Revised 29407
Code, all of the following apply: 29408

(1) The surrender of a license or permit issued under this 29409
chapter shall not be effective unless or until accepted by the 29410
board. A telephone conference call may be utilized for 29411
acceptance of the surrender of an individual's license or 29412
permit. The telephone conference call shall be considered a 29413
special meeting under division (F) of section 121.22 of the 29414
Revised Code. Reinstatement of a license or permit surrendered 29415
to the board requires an affirmative vote of not fewer than six 29416
members of the board. 29417

(2) An application for a license or permit made under the 29418
provisions of this chapter may not be withdrawn without approval 29419
of the board. 29420

(3) Failure by an individual to renew a license or permit 29421
in accordance with this chapter shall not remove or limit the 29422
board's jurisdiction to take any disciplinary action under this 29423
section against the individual. 29424

(4) At the request of the board, a license or permit 29425
holder shall immediately surrender to the board a license or 29426
permit that the board has suspended, revoked, or permanently 29427
revoked. 29428

Sec. 4762.13. (A) The state medical board, by an 29429
affirmative vote of not fewer than six members, may revoke or 29430
may refuse to grant a license to practice as an oriental 29431
medicine practitioner or license to practice as an acupuncturist 29432
to a person found by the board to have committed fraud, 29433

misrepresentation, or deception in applying for or securing the license.	29434 29435
(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:	29436 29437 29438 29439 29440 29441 29442
(1) Permitting the holder's name or license to be used by another person;	29443 29444
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	29445 29446 29447
(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;	29448 29449 29450 29451
(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;	29452 29453 29454 29455
(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;	29456 29457 29458 29459
(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	29460 29461 29462

that impair ability to practice;	29463
(7) Willfully betraying a professional confidence;	29464
(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.	29465 29466 29467 29468 29469
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.	29470 29471 29472 29473 29474 29475 29476 29477
(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;	29478 29479 29480 29481
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	29482 29483 29484
(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;	29485 29486 29487
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	29488 29489 29490

(13) A plea of guilty to, a judicial finding of guilt of, 29491
or a judicial finding of eligibility for intervention in lieu of 29492
conviction for, a misdemeanor committed in the course of 29493
practice; 29494

(14) A plea of guilty to, a judicial finding of guilt of, 29495
or a judicial finding of eligibility for intervention in lieu of 29496
conviction for, a misdemeanor involving moral turpitude; 29497

(15) Commission of an act in the course of practice that 29498
constitutes a misdemeanor in this state, regardless of the 29499
jurisdiction in which the act was committed; 29500

(16) Commission of an act involving moral turpitude that 29501
constitutes a misdemeanor in this state, regardless of the 29502
jurisdiction in which the act was committed; 29503

(17) A plea of guilty to, a judicial finding of guilt of, 29504
or a judicial finding of eligibility for intervention in lieu of 29505
conviction for violating any state or federal law regulating the 29506
possession, distribution, or use of any drug, including 29507
trafficking in drugs; 29508

(18) Any of the following actions taken by the state 29509
agency responsible for regulating the practice of oriental 29510
medicine or acupuncture in another jurisdiction, for any reason 29511
other than the nonpayment of fees: the limitation, revocation, 29512
or suspension of an individual's license to practice; acceptance 29513
of an individual's license surrender; denial of a license; 29514
refusal to renew or reinstate a license; imposition of 29515
probation; or issuance of an order of censure or other 29516
reprimand; 29517

(19) Violation of the conditions placed by the board on a 29518
license to practice as an oriental medicine practitioner or 29519

license to practice as an acupuncturist;	29520
(20) Failure to use universal blood and body fluid	29521
precautions established by rules adopted under section 4731.051	29522
of the Revised Code;	29523
(21) Failure to cooperate in an investigation conducted by	29524
the board under section 4762.14 of the Revised Code, including	29525
failure to comply with a subpoena or order issued by the board	29526
or failure to answer truthfully a question presented by the	29527
board at a deposition or in written interrogatories, except that	29528
failure to cooperate with an investigation shall not constitute	29529
grounds for discipline under this section if a court of	29530
competent jurisdiction has issued an order that either quashes a	29531
subpoena or permits the individual to withhold the testimony or	29532
evidence in issue;	29533
(22) Failure to comply with the standards of the national	29534
certification commission for acupuncture and oriental medicine	29535
regarding professional ethics, commitment to patients,	29536
commitment to the profession, and commitment to the public;	29537
(23) Failure to have adequate professional liability	29538
insurance coverage in accordance with section 4762.22 of the	29539
Revised Code;	29540
(24) Failure to maintain a current and active designation	29541
as a diplomate in oriental medicine, diplomate of acupuncture	29542
and Chinese herbology, or diplomate in acupuncture, as	29543
applicable, from the national certification commission for	29544
acupuncture and oriental medicine, including revocation by the	29545
commission of the individual's designation, failure by the	29546
individual to meet the commission's requirements for	29547
redesignation, or failure to notify the board that the	29548

appropriate designation has not been maintained. 29549

(C) The board shall not refuse to issue a certificate to 29550
an applicant because of a plea of guilty to, a judicial finding 29551
of guilt of, or a judicial finding of eligibility for 29552
intervention in lieu of conviction for an offense unless the 29553
refusal is in accordance with section 9.79 of the Revised Code. 29554

(D) Disciplinary actions taken by the board under 29555
divisions (A) and (B) of this section shall be taken pursuant to 29556
an adjudication under Chapter 119. of the Revised Code, except 29557
that in lieu of an adjudication, the board may enter into a 29558
consent agreement with an oriental medicine practitioner or 29559
acupuncturist or applicant to resolve an allegation of a 29560
violation of this chapter or any rule adopted under it. A 29561
consent agreement, when ratified by an affirmative vote of not 29562
fewer than six members of the board, shall constitute the 29563
findings and order of the board with respect to the matter 29564
addressed in the agreement. If the board refuses to ratify a 29565
consent agreement, the admissions and findings contained in the 29566
consent agreement shall be of no force or effect. 29567

(E) For purposes of divisions (B) (12), (15), and (16) of 29568
this section, the commission of the act may be established by a 29569
finding by the board, pursuant to an adjudication under Chapter 29570
119. of the Revised Code, that the applicant or license holder 29571
committed the act in question. The board shall have no 29572
jurisdiction under these divisions in cases where the trial 29573
court renders a final judgment in the license holder's favor and 29574
that judgment is based upon an adjudication on the merits. The 29575
board shall have jurisdiction under these divisions in cases 29576
where the trial court issues an order of dismissal upon 29577
technical or procedural grounds. 29578

(F) The sealing or expungement of conviction records by 29579
any court shall have no effect upon a prior board order entered 29580
under the provisions of this section or upon the board's 29581
jurisdiction to take action under the provisions of this section 29582
if, based upon a plea of guilty, a judicial finding of guilt, or 29583
a judicial finding of eligibility for intervention in lieu of 29584
conviction, the board issued a notice of opportunity for a 29585
hearing or entered into a consent agreement prior to the court's 29586
order to seal or expunge the records. The board shall not be 29587
required to seal, destroy, redact, or otherwise modify its 29588
records to reflect the court's sealing or expungement of 29589
conviction records. 29590

(G) For purposes of this division, any individual who 29591
holds a license to practice issued under this chapter, or 29592
applies for a license to practice, shall be deemed to have given 29593
consent to submit to a mental or physical examination when 29594
directed to do so in writing by the board and to have waived all 29595
objections to the admissibility of testimony or examination 29596
reports that constitute a privileged communication. 29597

(1) In enforcing division (B)(5) of this section, the 29598
board, upon a showing of a possible violation, may compel any 29599
individual who holds a license to practice issued under this 29600
chapter or who has applied for a license pursuant to this 29601
chapter to submit to a mental examination, physical examination, 29602
including an HIV test, or both a mental and physical 29603
examination. The expense of the examination is the 29604
responsibility of the individual compelled to be examined. 29605
Failure to submit to a mental or physical examination or consent 29606
to an HIV test ordered by the board constitutes an admission of 29607
the allegations against the individual unless the failure is due 29608
to circumstances beyond the individual's control, and a default 29609

and final order may be entered without the taking of testimony 29610
or presentation of evidence. If the board finds an oriental 29611
medicine practitioner or acupuncturist unable to practice 29612
because of the reasons set forth in division (B)(5) of this 29613
section, the board shall require the individual to submit to 29614
care, counseling, or treatment by physicians approved or 29615
designated by the board, as a condition for an initial, 29616
continued, reinstated, or renewed license to practice. An 29617
individual affected by this division shall be afforded an 29618
opportunity to demonstrate to the board the ability to resume 29619
practicing in compliance with acceptable and prevailing 29620
standards of care. 29621

(2) For purposes of division (B)(6) of this section, if 29622
the board has reason to believe that any individual who holds a 29623
license to practice issued under this chapter or any applicant 29624
for a license suffers such impairment, the board may compel the 29625
individual to submit to a mental or physical examination, or 29626
both. The expense of the examination is the responsibility of 29627
the individual compelled to be examined. Any mental or physical 29628
examination required under this division shall be undertaken by 29629
a treatment provider or physician qualified to conduct such 29630
examination and chosen by the board. 29631

Failure to submit to a mental or physical examination 29632
ordered by the board constitutes an admission of the allegations 29633
against the individual unless the failure is due to 29634
circumstances beyond the individual's control, and a default and 29635
final order may be entered without the taking of testimony or 29636
presentation of evidence. If the board determines that the 29637
individual's ability to practice is impaired, the board shall 29638
suspend the individual's license or deny the individual's 29639
application and shall require the individual, as a condition for 29640

an initial, continued, reinstated, or renewed license, to submit 29641
to treatment. 29642

Before being eligible to apply for reinstatement of a 29643
license suspended under this division, the oriental medicine 29644
practitioner or acupuncturist shall demonstrate to the board the 29645
ability to resume practice in compliance with acceptable and 29646
prevailing standards of care. The demonstration shall include 29647
the following: 29648

(a) Certification from a treatment provider approved under 29649
section 4731.25 of the Revised Code that the individual has 29650
successfully completed any required inpatient treatment; 29651

(b) Evidence of continuing full compliance with an 29652
aftercare contract or consent agreement; 29653

(c) Two written reports indicating that the individual's 29654
ability to practice has been assessed and that the individual 29655
has been found capable of practicing according to acceptable and 29656
prevailing standards of care. The reports shall be made by 29657
individuals or providers approved by the board for making such 29658
assessments and shall describe the basis for their 29659
determination. 29660

The board may reinstate a license suspended under this 29661
division after such demonstration and after the individual has 29662
entered into a written consent agreement. 29663

When the impaired individual resumes practice, the board 29664
shall require continued monitoring of the individual. The 29665
monitoring shall include monitoring of compliance with the 29666
written consent agreement entered into before reinstatement or 29667
with conditions imposed by board order after a hearing, and, 29668
upon termination of the consent agreement, submission to the 29669

board for at least two years of annual written progress reports 29670
made under penalty of falsification stating whether the 29671
individual has maintained sobriety. 29672

(H) If the secretary and supervising member determine both 29673
of the following, they may recommend that the board suspend an 29674
individual's license to practice without a prior hearing: 29675

(1) That there is clear and convincing evidence that an 29676
oriental medicine practitioner or acupuncturist has violated 29677
division (B) of this section; 29678

(2) That the individual's continued practice presents a 29679
danger of immediate and serious harm to the public. 29680

Written allegations shall be prepared for consideration by 29681
the board. The board, upon review of the allegations and by an 29682
affirmative vote of not fewer than six of its members, excluding 29683
the secretary and supervising member, may suspend a license 29684
without a prior hearing. A telephone conference call may be 29685
utilized for reviewing the allegations and taking the vote on 29686
the summary suspension. 29687

The board shall issue a written order of suspension by 29688
certified mail or in person in accordance with section 119.07 of 29689
the Revised Code. The order shall not be subject to suspension 29690
by the court during pendency of any appeal filed under section 29691
119.12 of the Revised Code. If the oriental medicine 29692
practitioner or acupuncturist requests an adjudicatory hearing 29693
by the board, the date set for the hearing shall be within 29694
fifteen days, but not earlier than seven days, after the hearing 29695
is requested, unless otherwise agreed to by both the board and 29696
the license holder. 29697

A summary suspension imposed under this division shall 29698

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 29730
any of the following criminal offenses in this state or a 29731
substantially equivalent criminal offense in another 29732
jurisdiction: aggravated murder, murder, voluntary manslaughter, 29733
felonious assault, kidnapping, rape, sexual battery, gross 29734
sexual imposition, aggravated arson, aggravated robbery, or 29735
aggravated burglary. Continued practice after the suspension 29736
shall be considered practicing without a license. 29737

The board shall notify the individual subject to the 29738
suspension by certified mail or in person in accordance with 29739
section 119.07 of the Revised Code. If an individual whose 29740
license is suspended under this division fails to make a timely 29741
request for an adjudication under Chapter 119. of the Revised 29742
Code, the board shall enter a final order permanently revoking 29743
the individual's license. 29744

(K) In any instance in which the board is required by 29745
Chapter 119. of the Revised Code to give notice of opportunity 29746
for hearing and the individual subject to the notice does not 29747
timely request a hearing in accordance with section 119.07 of 29748
the Revised Code, the board is not required to hold a hearing, 29749
but may adopt, by an affirmative vote of not fewer than six of 29750
its members, a final order that contains the board's findings. 29751
In the final order, the board may order any of the sanctions 29752
identified under division (A) or (B) of this section. 29753

(L) Any action taken by the board under division (B) of 29754
this section resulting in a suspension shall be accompanied by a 29755
written statement of the conditions under which the license may 29756
be reinstated. The board shall adopt rules in accordance with 29757
Chapter 119. of the Revised Code governing conditions to be 29758
imposed for reinstatement. Reinstatement of a license suspended 29759

pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 29760
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(M) When the board refuses to grant or issue a license to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist and the board shall not accept an application for reinstatement of the license or for issuance of a new license. 29762
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(N) Notwithstanding any other provision of the Revised Code, all of the following apply: 29771
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(1) The surrender of a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board. 29773
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(2) An application made under this chapter for a license may not be withdrawn without approval of the board. 29779
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(3) Failure by an individual to renew a license in accordance with section 4762.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 29781
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Sec. 4774.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a radiologist assistant to an individual found by the board to have committed 29785
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fraud, misrepresentation, or deception in applying for or 29789
securing the license. 29790

(B) The board, by an affirmative vote of not fewer than 29791
six members, shall, except as provided in division (C) of this 29792
section, and to the extent permitted by law, limit, revoke, or 29793
suspend an individual's license to practice as a radiologist 29794
assistant, refuse to issue a license to an applicant, refuse to 29795
renew a license, refuse to reinstate a license, or reprimand or 29796
place on probation the holder of a license for any of the 29797
following reasons: 29798

(1) Permitting the holder's name or license to be used by 29799
another person; 29800

(2) Failure to comply with the requirements of this 29801
chapter, Chapter 4731. of the Revised Code, or any rules adopted 29802
by the board; 29803

(3) Violating or attempting to violate, directly or 29804
indirectly, or assisting in or abetting the violation of, or 29805
conspiring to violate, any provision of this chapter, Chapter 29806
4731. of the Revised Code, or the rules adopted by the board; 29807

(4) A departure from, or failure to conform to, minimal 29808
standards of care of similar practitioners under the same or 29809
similar circumstances whether or not actual injury to the 29810
patient is established; 29811

(5) Inability to practice according to acceptable and 29812
prevailing standards of care by reason of mental illness or 29813
physical illness, including physical deterioration that 29814
adversely affects cognitive, motor, or perceptive skills; 29815

(6) Impairment of ability to practice according to 29816
acceptable and prevailing standards of care because of habitual 29817

or excessive use or abuse of drugs, alcohol, or other substances 29818
that impair ability to practice; 29819

(7) Willfully betraying a professional confidence; 29820

(8) Making a false, fraudulent, deceptive, or misleading 29821
statement in securing or attempting to secure a license to 29822
practice as a radiologist assistant. 29823

As used in this division, "false, fraudulent, deceptive, 29824
or misleading statement" means a statement that includes a 29825
misrepresentation of fact, is likely to mislead or deceive 29826
because of a failure to disclose material facts, is intended or 29827
is likely to create false or unjustified expectations of 29828
favorable results, or includes representations or implications 29829
that in reasonable probability will cause an ordinarily prudent 29830
person to misunderstand or be deceived. 29831

(9) The obtaining of, or attempting to obtain, money or a 29832
thing of value by fraudulent misrepresentations in the course of 29833
practice; 29834

(10) A plea of guilty to, a judicial finding of guilt of, 29835
or a judicial finding of eligibility for intervention in lieu of 29836
conviction for, a felony; 29837

(11) Commission of an act that constitutes a felony in 29838
this state, regardless of the jurisdiction in which the act was 29839
committed; 29840

(12) A plea of guilty to, a judicial finding of guilt of, 29841
or a judicial finding of eligibility for intervention in lieu of 29842
conviction for, a misdemeanor committed in the course of 29843
practice; 29844

(13) A plea of guilty to, a judicial finding of guilt of, 29845

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 29846
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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; 29848
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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; 29851
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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; 29854
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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; 29859
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 29867
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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; 29869
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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 29872
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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. 29935

(G) For purposes of this division, any individual who 29936
holds a license to practice as a radiologist assistant issued 29937
under this chapter, or applies for a license, shall be deemed to 29938
have given consent to submit to a mental or physical examination 29939
when directed to do so in writing by the board and to have 29940
waived all objections to the admissibility of testimony or 29941
examination reports that constitute a privileged communication. 29942

(1) In enforcing division (B)(5) of this section, the 29943
board, on a showing of a possible violation, may compel any 29944
individual who holds a license to practice as a radiologist 29945
assistant issued under this chapter or who has applied for a 29946
license to submit to a mental or physical examination, or both. 29947
A physical examination may include an HIV test. The expense of 29948
the examination is the responsibility of the individual 29949
compelled to be examined. Failure to submit to a mental or 29950
physical examination or consent to an HIV test ordered by the 29951
board constitutes an admission of the allegations against the 29952
individual unless the failure is due to circumstances beyond the 29953
individual's control, and a default and final order may be 29954
entered without the taking of testimony or presentation of 29955
evidence. If the board finds a radiologist assistant unable to 29956
practice because of the reasons set forth in division (B)(5) of 29957
this section, the board shall require the radiologist assistant 29958
to submit to care, counseling, or treatment by physicians 29959
approved or designated by the board, as a condition for an 29960
initial, continued, reinstated, or renewed license. An 29961
individual affected by this division shall be afforded an 29962
opportunity to demonstrate to the board the ability to resume 29963
practicing in compliance with acceptable and prevailing 29964
standards of care. 29965

(2) For purposes of division (B)(6) of this section, if 29966
the board has reason to believe that any individual who holds a 29967
license to practice as a radiologist assistant issued under this 29968
chapter or any applicant for a license suffers such impairment, 29969
the board may compel the individual to submit to a mental or 29970
physical examination, or both. The expense of the examination is 29971
the responsibility of the individual compelled to be examined. 29972
Any mental or physical examination required under this division 29973
shall be undertaken by a treatment provider or physician 29974
qualified to conduct such examination and chosen by the board. 29975

Failure to submit to a mental or physical examination 29976
ordered by the board constitutes an admission of the allegations 29977
against the individual unless the failure is due to 29978
circumstances beyond the individual's control, and a default and 29979
final order may be entered without the taking of testimony or 29980
presentation of evidence. If the board determines that the 29981
individual's ability to practice is impaired, the board shall 29982
suspend the individual's license or deny the individual's 29983
application and shall require the individual, as a condition for 29984
an initial, continued, reinstated, or renewed license to 29985
practice, to submit to treatment. 29986

Before being eligible to apply for reinstatement of a 29987
license suspended under this division, the radiologist assistant 29988
shall demonstrate to the board the ability to resume practice in 29989
compliance with acceptable and prevailing standards of care. The 29990
demonstration shall include the following: 29991

(a) Certification from a treatment provider approved under 29992
section 4731.25 of the Revised Code that the individual has 29993
successfully completed any required inpatient treatment; 29994

(b) Evidence of continuing full compliance with an 29995

aftercare contract or consent agreement; 29996

(c) Two written reports indicating that the individual's 29997
ability to practice has been assessed and that the individual 29998
has been found capable of practicing according to acceptable and 29999
prevailing standards of care. The reports shall be made by 30000
individuals or providers approved by the board for making such 30001
assessments and shall describe the basis for their 30002
determination. 30003

The board may reinstate a license suspended under this 30004
division after such demonstration and after the individual has 30005
entered into a written consent agreement. 30006

When the impaired radiologist assistant resumes practice, 30007
the board shall require continued monitoring of the radiologist 30008
assistant. The monitoring shall include monitoring of compliance 30009
with the written consent agreement entered into before 30010
reinstatement or with conditions imposed by board order after a 30011
hearing, and, on termination of the consent agreement, 30012
submission to the board for at least two years of annual written 30013
progress reports made under penalty of falsification stating 30014
whether the radiologist assistant has maintained sobriety. 30015

(H) If the secretary and supervising member determine that 30016
there is clear and convincing evidence that a radiologist 30017
assistant has violated division (B) of this section and that the 30018
individual's continued practice presents a danger of immediate 30019
and serious harm to the public, they may recommend that the 30020
board suspend the individual's license to practice without a 30021
prior hearing. Written allegations shall be prepared for 30022
consideration by the board. 30023

The board, on review of the allegations and by an 30024

affirmative vote of not fewer than six of its members, excluding 30025
the secretary and supervising member, may suspend a license 30026
without a prior hearing. A telephone conference call may be 30027
utilized for reviewing the allegations and taking the vote on 30028
the summary suspension. 30029

The board shall issue a written order of suspension by 30030
certified mail or in person in accordance with section 119.07 of 30031
the Revised Code. The order shall not be subject to suspension 30032
by the court during pendency of any appeal filed under section 30033
119.12 of the Revised Code. If the radiologist assistant 30034
requests an adjudicatory hearing by the board, the date set for 30035
the hearing shall be within fifteen days, but not earlier than 30036
seven days, after the radiologist assistant requests the 30037
hearing, unless otherwise agreed to by both the board and the 30038
license holder. 30039

A summary suspension imposed under this division shall 30040
remain in effect, unless reversed on appeal, until a final 30041
adjudicative order issued by the board pursuant to this section 30042
and Chapter 119. of the Revised Code becomes effective. The 30043
board shall issue its final adjudicative order within sixty days 30044
after completion of its hearing. Failure to issue the order 30045
within sixty days shall result in dissolution of the summary 30046
suspension order, but shall not invalidate any subsequent, final 30047
adjudicative order. 30048

(I) If the board takes action under division (B) (10), 30049
(12), or (13) of this section, and the judicial finding of 30050
guilt, guilty plea, or judicial finding of eligibility for 30051
intervention in lieu of conviction is overturned on appeal, on 30052
exhaustion of the criminal appeal, a petition for 30053
reconsideration of the order may be filed with the board along 30054

with appropriate court documents. On receipt of a petition and 30055
supporting court documents, the board shall reinstate the 30056
license to practice as a radiologist assistant. The board may 30057
then hold an adjudication under Chapter 119. of the Revised Code 30058
to determine whether the individual committed the act in 30059
question. Notice of opportunity for hearing shall be given in 30060
accordance with Chapter 119. of the Revised Code. If the board 30061
finds, pursuant to an adjudication held under this division, 30062
that the individual committed the act, or if no hearing is 30063
requested, it may order any of the sanctions specified in 30064
division (B) of this section. 30065

(J) The license to practice of a radiologist assistant and 30066
the assistant's practice in this state are automatically 30067
suspended as of the date the radiologist assistant pleads guilty 30068
to, is found by a judge or jury to be guilty of, or is subject 30069
to a judicial finding of eligibility for intervention in lieu of 30070
conviction in this state or treatment of intervention in lieu of 30071
conviction in another jurisdiction for any of the following 30072
criminal offenses in this state or a substantially equivalent 30073
criminal offense in another jurisdiction: aggravated murder, 30074
murder, voluntary manslaughter, felonious assault, kidnapping, 30075
rape, sexual battery, gross sexual imposition, aggravated arson, 30076
aggravated robbery, or aggravated burglary. Continued practice 30077
after the suspension shall be considered practicing without a 30078
license. 30079

The board shall notify the individual subject to the 30080
suspension by certified mail or in person in accordance with 30081
section 119.07 of the Revised Code. If an individual whose 30082
license is suspended under this division fails to make a timely 30083
request for an adjudication under Chapter 119. of the Revised 30084
Code, the board shall enter a final order permanently revoking 30085

the individual's license. 30086

(K) In any instance in which the board is required by 30087
Chapter 119. of the Revised Code to give notice of opportunity 30088
for hearing and the individual subject to the notice does not 30089
timely request a hearing in accordance with section 119.07 of 30090
the Revised Code, the board is not required to hold a hearing, 30091
but may adopt, by an affirmative vote of not fewer than six of 30092
its members, a final order that contains the board's findings. 30093
In the final order, the board may order any of the sanctions 30094
identified under division (A) or (B) of this section. 30095

(L) Any action taken by the board under division (B) of 30096
this section resulting in a suspension shall be accompanied by a 30097
written statement of the conditions under which the radiologist 30098
assistant's license may be reinstated. The board shall adopt 30099
rules in accordance with Chapter 119. of the Revised Code 30100
governing conditions to be imposed for reinstatement. 30101
Reinstatement of a license suspended pursuant to division (B) of 30102
this section requires an affirmative vote of not fewer than six 30103
members of the board. 30104

(M) When the board refuses to grant or issue a license to 30105
practice as a radiologist assistant to an applicant, revokes an 30106
individual's license, refuses to renew an individual's license, 30107
or refuses to reinstate an individual's license, the board may 30108
specify that its action is permanent. An individual subject to a 30109
permanent action taken by the board is forever thereafter 30110
ineligible to hold a license to practice as a radiologist 30111
assistant and the board shall not accept an application for 30112
reinstatement of the license or for issuance of a new license. 30113

(N) Notwithstanding any other provision of the Revised 30114
Code, all of the following apply: 30115

(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;	30145
(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;	30146 30147 30148 30149
(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;	30150 30151 30152 30153
(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;	30154 30155 30156 30157
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	30158 30159 30160 30161
(7) Willfully betraying a professional confidence;	30162
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	30163 30164 30165
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.	30166 30167 30168 30169 30170 30171 30172 30173

- (9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 30174
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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; 30177
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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; 30180
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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; 30183
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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; 30187
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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; 30190
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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; 30193
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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; 30196
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- (17) Any of the following actions taken by an agency 30201

responsible for authorizing, certifying, or regulating an 30202
individual to practice a health care occupation or provide 30203
health care services in this state or in another jurisdiction, 30204
for any reason other than the nonpayment of fees: the 30205
limitation, revocation, or suspension of an individual's license 30206
to practice; acceptance of an individual's license surrender; 30207
denial of a license; refusal to renew or reinstate a license; 30208
imposition of probation; or issuance of an order of censure or 30209
other reprimand; 30210

(18) Violation of the conditions placed by the board on a 30211
license to practice as a genetic counselor; 30212

(19) Failure to cooperate in an investigation conducted by 30213
the board under section 4778.18 of the Revised Code, including 30214
failure to comply with a subpoena or order issued by the board 30215
or failure to answer truthfully a question presented by the 30216
board at a deposition or in written interrogatories, except that 30217
failure to cooperate with an investigation shall not constitute 30218
grounds for discipline under this section if a court of 30219
competent jurisdiction has issued an order that either quashes a 30220
subpoena or permits the individual to withhold the testimony or 30221
evidence in issue; 30222

(20) Failure to maintain the individual's status as a 30223
certified genetic counselor; 30224

(21) Failure to comply with the code of ethics established 30225
by the national society of genetic counselors. 30226

(C) The board shall not refuse to issue a license to an 30227
applicant because of a plea of guilty to, a judicial finding of 30228
guilt of, or a judicial finding of eligibility for intervention 30229
in lieu of conviction for an offense unless the refusal is in 30230

accordance with section 9.79 of the Revised Code. 30231

(D) Disciplinary actions taken by the board under 30232
divisions (A) and (B) of this section shall be taken pursuant to 30233
an adjudication under Chapter 119. of the Revised Code, except 30234
that in lieu of an adjudication, the board may enter into a 30235
consent agreement with a genetic counselor or applicant to 30236
resolve an allegation of a violation of this chapter or any rule 30237
adopted under it. A consent agreement, when ratified by an 30238
affirmative vote of not fewer than six members of the board, 30239
shall constitute the findings and order of the board with 30240
respect to the matter addressed in the agreement. If the board 30241
refuses to ratify a consent agreement, the admissions and 30242
findings contained in the consent agreement shall be of no force 30243
or effect. 30244

A telephone conference call may be utilized for 30245
ratification of a consent agreement that revokes or suspends an 30246
individual's license. The telephone conference call shall be 30247
considered a special meeting under division (F) of section 30248
121.22 of the Revised Code. 30249

(E) For purposes of divisions (B) (11), (14), and (15) of 30250
this section, the commission of the act may be established by a 30251
finding by the board, pursuant to an adjudication under Chapter 30252
119. of the Revised Code, that the applicant or license holder 30253
committed the act in question. The board shall have no 30254
jurisdiction under these divisions in cases where the trial 30255
court renders a final judgment in the license holder's favor and 30256
that judgment is based upon an adjudication on the merits. The 30257
board shall have jurisdiction under these divisions in cases 30258
where the trial court issues an order of dismissal on technical 30259
or procedural grounds. 30260

(F) The sealing or expungement of conviction records by 30261
any court shall have no effect on a prior board order entered 30262
under the provisions of this section or on the board's 30263
jurisdiction to take action under the provisions of this section 30264
if, based upon a plea of guilty, a judicial finding of guilt, or 30265
a judicial finding of eligibility for intervention in lieu of 30266
conviction, the board issued a notice of opportunity for a 30267
hearing or took other formal action under Chapter 119. of the 30268
Revised Code prior to the court's order to seal or expunge the 30269
records. The board shall not be required to seal, destroy, 30270
redact, or otherwise modify its records to reflect the court's 30271
sealing or expungement of conviction records. 30272

(G) For purposes of this division, any individual who 30273
holds a license to practice as a genetic counselor, or applies 30274
for a license, shall be deemed to have given consent to submit 30275
to a mental or physical examination when directed to do so in 30276
writing by the board and to have waived all objections to the 30277
admissibility of testimony or examination reports that 30278
constitute a privileged communication. 30279

(1) In enforcing division (B)(5) of this section, the 30280
board, on a showing of a possible violation, may compel any 30281
individual who holds a license to practice as a genetic 30282
counselor or who has applied for a license to practice as a 30283
genetic counselor to submit to a mental or physical examination, 30284
or both. A physical examination may include an HIV test. The 30285
expense of the examination is the responsibility of the 30286
individual compelled to be examined. Failure to submit to a 30287
mental or physical examination or consent to an HIV test ordered 30288
by the board constitutes an admission of the allegations against 30289
the individual unless the failure is due to circumstances beyond 30290
the individual's control, and a default and final order may be 30291

entered without the taking of testimony or presentation of 30292
evidence. If the board finds a genetic counselor unable to 30293
practice because of the reasons set forth in division (B) (5) of 30294
this section, the board shall require the genetic counselor to 30295
submit to care, counseling, or treatment by physicians approved 30296
or designated by the board, as a condition for an initial, 30297
continued, reinstated, or renewed license to practice. An 30298
individual affected by this division shall be afforded an 30299
opportunity to demonstrate to the board the ability to resume 30300
practicing in compliance with acceptable and prevailing 30301
standards of care. 30302

(2) For purposes of division (B) (6) of this section, if 30303
the board has reason to believe that any individual who holds a 30304
license to practice as a genetic counselor or any applicant for 30305
a license suffers such impairment, the board may compel the 30306
individual to submit to a mental or physical examination, or 30307
both. The expense of the examination is the responsibility of 30308
the individual compelled to be examined. Any mental or physical 30309
examination required under this division shall be undertaken by 30310
a treatment provider or physician qualified to conduct such 30311
examination and chosen by the board. 30312

Failure to submit to a mental or physical examination 30313
ordered by the board constitutes an admission of the allegations 30314
against the individual unless the failure is due to 30315
circumstances beyond the individual's control, and a default and 30316
final order may be entered without the taking of testimony or 30317
presentation of evidence. If the board determines that the 30318
individual's ability to practice is impaired, the board shall 30319
suspend the individual's license or deny the individual's 30320
application and shall require the individual, as a condition for 30321
an initial, continued, reinstated, or renewed license, to submit 30322

to treatment. 30323

Before being eligible to apply for reinstatement of a 30324
license suspended under this division, the genetic counselor 30325
shall demonstrate to the board the ability to resume practice in 30326
compliance with acceptable and prevailing standards of care. The 30327
demonstration shall include the following: 30328

(a) Certification from a treatment provider approved under 30329
section 4731.25 of the Revised Code that the individual has 30330
successfully completed any required inpatient treatment; 30331

(b) Evidence of continuing full compliance with an 30332
aftercare contract or consent agreement; 30333

(c) Two written reports indicating that the individual's 30334
ability to practice has been assessed and that the individual 30335
has been found capable of practicing according to acceptable and 30336
prevailing standards of care. The reports shall be made by 30337
individuals or providers approved by the board for making such 30338
assessments and shall describe the basis for their 30339
determination. 30340

The board may reinstate a license suspended under this 30341
division after such demonstration and after the individual has 30342
entered into a written consent agreement. 30343

When the impaired genetic counselor resumes practice, the 30344
board shall require continued monitoring of the genetic 30345
counselor. The monitoring shall include monitoring of compliance 30346
with the written consent agreement entered into before 30347
reinstatement or with conditions imposed by board order after a 30348
hearing, and, on termination of the consent agreement, 30349
submission to the board for at least two years of annual written 30350
progress reports made under penalty of falsification stating 30351

whether the genetic counselor has maintained sobriety. 30352

(H) If the secretary and supervising member determine both 30353
of the following, they may recommend that the board suspend an 30354
individual's license to practice without a prior hearing: 30355

(1) That there is clear and convincing evidence that a 30356
genetic counselor has violated division (B) of this section; 30357

(2) That the individual's continued practice presents a 30358
danger of immediate and serious harm to the public. 30359

Written allegations shall be prepared for consideration by 30360
the board. The board, on review of the allegations and by an 30361
affirmative vote of not fewer than six of its members, excluding 30362
the secretary and supervising member, may suspend a license 30363
without a prior hearing. A telephone conference call may be 30364
utilized for reviewing the allegations and taking the vote on 30365
the summary suspension. 30366

The board shall issue a written order of suspension by 30367
certified mail or in person in accordance with section 119.07 of 30368
the Revised Code. The order shall not be subject to suspension 30369
by the court during pendency of any appeal filed under section 30370
119.12 of the Revised Code. If the genetic counselor requests an 30371
adjudicatory hearing by the board, the date set for the hearing 30372
shall be within fifteen days, but not earlier than seven days, 30373
after the genetic counselor requests the hearing, unless 30374
otherwise agreed to by both the board and the genetic counselor. 30375

A summary suspension imposed under this division shall 30376
remain in effect, unless reversed on appeal, until a final 30377
adjudicative order issued by the board pursuant to this section 30378
and Chapter 119. of the Revised Code becomes effective. The 30379
board shall issue its final adjudicative order within sixty days 30380

after completion of its hearing. Failure to issue the order 30381
within sixty days shall result in dissolution of the summary 30382
suspension order, but shall not invalidate any subsequent, final 30383
adjudicative order. 30384

(I) If the board takes action under division (B) (10), 30385
(12), or (13) of this section, and the judicial finding of 30386
guilt, guilty plea, or judicial finding of eligibility for 30387
intervention in lieu of conviction is overturned on appeal, on 30388
exhaustion of the criminal appeal, a petition for 30389
reconsideration of the order may be filed with the board along 30390
with appropriate court documents. On receipt of a petition and 30391
supporting court documents, the board shall reinstate the 30392
license to practice as a genetic counselor. The board may then 30393
hold an adjudication under Chapter 119. of the Revised Code to 30394
determine whether the individual committed the act in question. 30395
Notice of opportunity for hearing shall be given in accordance 30396
with Chapter 119. of the Revised Code. If the board finds, 30397
pursuant to an adjudication held under this division, that the 30398
individual committed the act, or if no hearing is requested, it 30399
may order any of the sanctions specified in division (B) of this 30400
section. 30401

(J) The license to practice as a genetic counselor and the 30402
counselor's practice in this state are automatically suspended 30403
as of the date the genetic counselor pleads guilty to, is found 30404
by a judge or jury to be guilty of, or is subject to a judicial 30405
finding of eligibility for intervention in lieu of conviction in 30406
this state or treatment of intervention in lieu of conviction in 30407
another jurisdiction for any of the following criminal offenses 30408
in this state or a substantially equivalent criminal offense in 30409
another jurisdiction: aggravated murder, murder, voluntary 30410
manslaughter, felonious assault, kidnapping, rape, sexual 30411

battery, gross sexual imposition, aggravated arson, aggravated 30412
robbery, or aggravated burglary. Continued practice after the 30413
suspension shall be considered practicing without a license. 30414

The board shall notify the individual subject to the 30415
suspension by certified mail or in person in accordance with 30416
section 119.07 of the Revised Code. If an individual whose 30417
license is suspended under this division fails to make a timely 30418
request for an adjudication under Chapter 119. of the Revised 30419
Code, the board shall enter a final order permanently revoking 30420
the individual's license to practice. 30421

(K) In any instance in which the board is required by 30422
Chapter 119. of the Revised Code to give notice of opportunity 30423
for hearing and the individual subject to the notice does not 30424
timely request a hearing in accordance with section 119.07 of 30425
the Revised Code, the board is not required to hold a hearing, 30426
but may adopt, by an affirmative vote of not fewer than six of 30427
its members, a final order that contains the board's findings. 30428
In the final order, the board may order any of the sanctions 30429
identified under division (A) or (B) of this section. 30430

(L) Any action taken by the board under division (B) of 30431
this section resulting in a suspension shall be accompanied by a 30432
written statement of the conditions under which the license of 30433
the genetic counselor may be reinstated. The board shall adopt 30434
rules in accordance with Chapter 119. of the Revised Code 30435
governing conditions to be imposed for reinstatement. 30436
Reinstatement of a license suspended pursuant to division (B) of 30437
this section requires an affirmative vote of not fewer than six 30438
members of the board. 30439

(M) When the board refuses to grant or issue a license to 30440
practice as a genetic counselor to an applicant, revokes an 30441

individual's license, refuses to renew an individual's license, 30442
or refuses to reinstate an individual's license, the board may 30443
specify that its action is permanent. An individual subject to a 30444
permanent action taken by the board is forever thereafter 30445
ineligible to hold a license to practice as a genetic counselor 30446
and the board shall not accept an application for reinstatement 30447
of the license or for issuance of a new license. 30448

(N) Notwithstanding any other provision of the Revised 30449
Code, all of the following apply: 30450

(1) The surrender of a license to practice as a genetic 30451
counselor is not effective unless or until accepted by the 30452
board. A telephone conference call may be utilized for 30453
acceptance of the surrender of an individual's license. The 30454
telephone conference call shall be considered a special meeting 30455
under division (F) of section 121.22 of the Revised Code. 30456
Reinstatement of a license surrendered to the board requires an 30457
affirmative vote of not fewer than six members of the board. 30458

(2) An application made under this chapter for a license 30459
to practice may not be withdrawn without approval of the board. 30460

(3) Failure by an individual to renew a license in 30461
accordance with section 4778.06 of the Revised Code shall not 30462
remove or limit the board's jurisdiction to take disciplinary 30463
action under this section against the individual. 30464

Sec. 5101.63. (A) (1) ~~Any individual~~ No person listed in 30465
division (A) (2) of this section having reasonable cause to 30466
believe that an adult is being abused, neglected, or exploited, 30467
or is in a condition which is the result of abuse, neglect, or 30468
exploitation shall knowingly fail to immediately report such 30469
belief to the county department of job and family services. 30470

(2) All of the following are subject to division (A) (1) of this section:	30471 30472
(a) An attorney admitted to the practice of law in this state;	30473 30474
(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	30475 30476 30477
(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;	30478 30479
(d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;	30480 30481
(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;	30482 30483
(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;	30484 30485
(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;	30486 30487 30488 30489 30490
(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	30491 30492
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	30493 30494 30495
(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;	30496 30497

(k) An employee of an outpatient health facility;	30498
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	30499 30500
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	30501 30502
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	30503 30504
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	30505 30506 30507 30508
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	30509 30510 30511 30512
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	30513 30514
(r) A humane society agent appointed under section 1717.06 of the Revised Code;	30515 30516
(s) An individual who is a firefighter for a lawfully constituted fire department;	30517 30518
(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	30519 30520 30521
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	30522 30523 30524

(v) An official employed by a local building department to	30525
conduct inspections of houses and other residential buildings;	30526
(w) A peace officer;	30527
(x) A coroner;	30528
(y) A member of the clergy;	30529
(z) An individual who holds a certificate issued under	30530
Chapter 4701. of the Revised Code as a certified public	30531
accountant or is registered under that chapter as a public	30532
accountant;	30533
(aa) An individual licensed under Chapter 4735. of the	30534
Revised Code as a real estate broker or real estate salesperson;	30535
(bb) An individual appointed and commissioned under	30536
section 147.01 of the Revised Code as a notary public;	30537
(cc) An employee of a bank, savings bank, savings and loan	30538
association, or credit union organized under the laws of this	30539
state, another state, or the United States;	30540
(dd) A dealer, investment adviser, sales person, or	30541
investment advisor representative licensed under Chapter 1707.	30542
of the Revised Code;	30543
(ee) A financial planner accredited by a national	30544
accreditation agency;	30545
(ff) Any other individual who is a senior service	30546
provider, other than a representative of the office of the state	30547
long-term care ombudsman program as defined in section 173.14 of	30548
the Revised Code.	30549
(B) Any person having reasonable cause to believe that an	30550
adult has suffered abuse, neglect, or exploitation may report,	30551

or cause a report to be made of such belief to the county 30552
department of job and family services. 30553

This division applies to a representative of the office of 30554
the state long-term care ombudsman program only to the extent 30555
permitted by federal law. 30556

(C) The reports made under this section shall be made 30557
orally or in writing except that oral reports shall be followed 30558
by a written report if a written report is requested by the 30559
department. Written reports shall include: 30560

(1) The name, address, and approximate age of the adult 30561
who is the subject of the report; 30562

(2) The name and address of the individual responsible for 30563
the adult's care, if any individual is, and if the individual is 30564
known; 30565

(3) The nature and extent of the alleged abuse, neglect, 30566
or exploitation of the adult; 30567

(4) The basis of the reporter's belief that the adult has 30568
been abused, neglected, or exploited. 30569

(D) Any person with reasonable cause to believe that an 30570
adult is suffering abuse, neglect, or exploitation who makes a 30571
report pursuant to this section or who testifies in any 30572
administrative or judicial proceeding arising from such a 30573
report, or any employee of the state or any of its subdivisions 30574
who is discharging responsibilities under section 5101.65 of the 30575
Revised Code shall be immune from civil or criminal liability on 30576
account of such investigation, report, or testimony, except 30577
liability for perjury, unless the person has acted in bad faith 30578
or with malicious purpose. 30579

(E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section:

(1) Discharge, demote, transfer, or prepare a negative work performance evaluation;

(2) Reduce benefits, pay, or work privileges;

(3) Take any other action detrimental to an employee or in any way retaliate against the employee.

(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services may redact the name and identifying information related to the person who made the report.

(G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week.

Sec. 5101.74. (A) There is hereby created the elder abuse commission. The commission shall consist of the following members:

(1) The following members, appointed by the attorney general:

(a) One representative of the AARP;	30609
(b) One representative of the buckeye state sheriffs' association;	30610 30611
(c) One representative of the county commissioners' association of Ohio;	30612 30613
(d) One representative of the Ohio association of area agencies on aging;	30614 30615
(e) One representative of the board of nursing;	30616
(f) One representative of the Ohio coalition for adult protective services;	30617 30618
(g) One person who represents the interests of elder abuse victims;	30619 30620
(h) One person who represents the interests of elderly persons;	30621 30622
(i) One representative of the Ohio domestic violence network;	30623 30624
(j) One representative of the Ohio prosecuting attorneys association;	30625 30626
(k) One representative of the Ohio victim witness association;	30627 30628
(l) One representative of the Ohio association of chiefs of police;	30629 30630
(m) One representative of the Ohio association of probate judges;	30631 30632
(n) One representative of the Ohio job and family services directors' association;	30633 30634

(o) One representative of the Ohio bankers league;	30635
(p) One representative of the Ohio credit union league;	30636
(q) Two representatives of national organizations that focus on elder abuse or sexual violence;	30637 30638
(r) <u>Two representatives of organizations that focus on elder abuse or sexual violence;</u>	30639 30640
(s) <u>One representative representing the interests of geriatric medicine;</u>	30641 30642
(t) <u>One representative of the state medical board;</u>	30643
(s) -(u) One representative of the community bankers association of Ohio;	30644 30645
(t) -(v) One representative of an organization representing the interests of senior centers;	30646 30647
(u) -(w) One representative of an organization representing the policy interests of seniors;	30648 30649
(v) -(x) One representative of a research-based academia representing elder abuse research-;	30650 30651
(y) <u>One representative of a research-based organization that focuses on elder abuse research;</u>	30652 30653
(z) <u>One representative of the Ohio judicial conference.</u>	30654
(2) The following ex officio members:	30655
(a) The attorney general or the attorney general's designee;	30656 30657
(b) The chief justice of the supreme court of Ohio or the chief justice's designee;	30658 30659

(c) The governor or the governor's designee;	30660
(d) The director of aging or the director's designee;	30661
(e) The director of job and family services or the director's designee;	30662 30663
(f) The director of health or the director's designee;	30664
(g) The director of mental health and addiction services or the director's designee;	30665 30666
(h) The director of developmental disabilities or the director's designee;	30667 30668
(i) The superintendent of insurance or the superintendent's designee;	30669 30670
(j) The director of public safety or the director's designee;	30671 30672
(k) The state long-term care ombudsman or the ombudsman's designee;	30673 30674
(l) One member of the house of representatives, appointed by the speaker of the house of representatives;	30675 30676
(m) One member of the senate, appointed by the president of the senate;	30677 30678
(n) One member of the house of representatives, appointed by the minority leader of the house of representatives;	30679 30680
(o) One member of the senate, appointed by the minority leader of the senate;	30681 30682
(p) The director of commerce, or the director's designee;	30683
<u>(q) The medicaid director, or the director's designee.</u>	30684

(B) Members who are appointed shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.

(C) All members of the commission shall serve as voting members. The attorney general shall select from among the appointed members a chairperson. The commission shall meet at the call of the chairperson, but not less than four times per year. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the attorney general. The commission may establish its own quorum requirements and procedures regarding the conduct of meetings and other affairs.

(D) Members shall serve without compensation, but may be reimbursed for mileage and other actual and necessary expenses incurred in the performance of their official duties.

(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the elder abuse commission.

Sec. 5101.99. (A) ~~Whoever violates division (A) of section 5101.63 of the Revised Code shall be fined not more than five hundred dollars.~~

~~(B)~~ Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.

~~(C)~~ (B) Whoever violates section 5101.133, division (A) of section 5101.63, or division (C) (2) of section 5101.631 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Sec. 5120.035. (A) As used in this section:

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for

persons and that satisfies all of the following: 30713

(a) It is located outside of a state correctional 30714
institution. 30715

(b) It shall provide the assessment and treatment for 30716
qualified prisoners referred and transferred to it under this 30717
section in a suitable facility that is licensed pursuant to 30718
division (C) of section 2967.14 of the Revised Code. 30719

(c) All qualified prisoners referred and transferred to it 30720
under this section shall reside initially in the suitable 30721
facility specified in division (A) (1) (b) of this section while 30722
undergoing the assessment and treatment. 30723

(2) "Electronic monitoring device" has the same meaning as 30724
in section 2929.01 of the Revised Code. 30725

(3) "State correctional institution" has the same meaning 30726
as in section 2967.01 of the Revised Code. 30727

(4) "Qualified prisoner" means a person who satisfies all 30728
of the following: 30729

(a) The person is confined in a state correctional 30730
institution under a prison term imposed for a felony of the 30731
third, fourth, or fifth degree that is not an offense of 30732
violence. 30733

(b) The department of rehabilitation and correction 30734
determines, using a standardized assessment tool, that the 30735
person has a substance use disorder. 30736

(c) The person has not more than twelve months remaining 30737
to be served under the prison term described in division (A) (4) 30738
(a) of this section. 30739

(d) The person is not serving any prison term other than 30740
the term described in division (A) (4) (a) of this section. 30741

(e) The person is eighteen years of age or older. 30742

(f) The person does not show signs of drug or alcohol 30743
withdrawal and does not require medical detoxification. 30744

(g) As determined by the department of rehabilitation and 30745
correction, the person is physically and mentally capable of 30746
uninterrupted participation in the substance use disorder 30747
treatment program established under division (B) of this 30748
section. 30749

(B) The department of rehabilitation and correction shall 30750
establish and operate a program for community-based substance 30751
use disorder treatment for qualified prisoners. The purpose of 30752
the program shall be to provide substance use disorder 30753
assessment and treatment through community treatment providers 30754
to help reduce substance use relapses and recidivism for 30755
qualified prisoners while preparing them for reentry into the 30756
community and improving public safety. 30757

(C) (1) The department shall determine which qualified 30758
prisoners in its custody should be placed in the substance use 30759
disorder treatment program established under division (B) of 30760
this section. The department has full discretion in making that 30761
determination. If the department determines that a qualified 30762
prisoner should be placed in the program, the department may 30763
refer the prisoner to a community treatment provider the 30764
department has approved under division (E) of this section for 30765
participation in the program and transfer the prisoner from the 30766
state correctional institution to the provider's approved and 30767
licensed facility. Except as otherwise provided in division (C) 30768

(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 credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 2967.193 or 2967.194 of the Revised Code, but otherwise neither the placement nor the prisoner's participation in or completion of the program shall result in any reduction of the prisoner's prison term.

(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state correctional institution.

(3) If the department places a prisoner in the substance use disorder treatment program and the prisoner is satisfactorily participating in the program, the department may permit the prisoner to reside at a residence approved by the department if the department determines, with input from the community treatment provider, that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. If a prisoner is permitted under this division to reside at a residence approved by the department, the prisoner shall be monitored during the period of that residence by an electronic monitoring device.

(D) (1) When a prisoner has been placed in the substance use disorder treatment program established under division (B) of

this section, before the prisoner is released from custody of 30799
the department upon completion of the prisoner's prison term, 30800
the department shall conduct and prepare an evaluation of the 30801
prisoner, the prisoner's participation in the program, and the 30802
prisoner's needs regarding substance use disorder treatment upon 30803
release. Before the prisoner is released from custody of the 30804
department upon completion of the prisoner's prison term, the 30805
parole board or the court acting pursuant to an agreement under 30806
section 2967.29 of the Revised Code shall consider the 30807
evaluation, in addition to all other information and materials 30808
considered, as follows: 30809

(a) If the prisoner is a prisoner for whom post-release 30810
control is mandatory under section 2967.28 of the Revised Code, 30811
the board or court shall consider it in determining which post- 30812
release control sanction or sanctions to impose upon the 30813
prisoner under that section. 30814

(b) If the prisoner is a prisoner for whom post-release 30815
control is not mandatory under section 2967.28 of the Revised 30816
Code, the board or court shall consider it in determining 30817
whether a post-release control sanction is necessary and, if so, 30818
which post-release control sanction or sanctions to impose upon 30819
the prisoner under that section. 30820

(2) If the department determines that a prisoner it placed 30821
in the substance use disorder treatment program successfully 30822
completed the program and successfully completed a term of post- 30823
release control, if applicable, and if the prisoner submits an 30824
application under section 2953.32 or the prosecutor in the case 30825
submits an application under section 2953.39 of the Revised Code 30826
for sealing or expungement of the record of the conviction, the 30827
director may issue a letter to the court in support of the 30828

application. 30829

(E) (1) The department shall accept applications from 30830
community treatment providers that satisfy the requirement 30831
specified in division (E) (2) of this section and that wish to 30832
participate in the substance use disorder treatment program 30833
established under division (B) of this section, and shall 30834
approve for participation in the program at least four and not 30835
more than eight of the providers that apply. To the extent 30836
feasible, the department shall approve one or more providers 30837
from each geographical quadrant of the state. 30838

(2) Each community treatment provider that applies under 30839
division (E) (1) of this section to participate in the program 30840
shall have the provider's alcohol and drug addiction services 30841
that provide substance use disorder treatment certified by the 30842
department of mental health and addiction services under section 30843
5119.36 of the Revised Code. A community treatment provider is 30844
not required to have the provider's halfway house or residential 30845
treatment certified by the department of mental health and 30846
addiction services. 30847

(F) The department of rehabilitation and correction shall 30848
adopt rules for the operation of the substance use disorder 30849
treatment program it establishes under division (B) of this 30850
section and shall operate the program in accordance with this 30851
section and those rules. The rules shall establish, at a 30852
minimum, all of the following: 30853

(1) Criteria that establish which qualified prisoners are 30854
eligible for the program; 30855

(2) Criteria that must be satisfied to transfer a 30856
qualified prisoner to a residence pursuant to division (C) (3) of 30857

this section; 30858

(3) Criteria for the removal of a prisoner from the 30859
program pursuant to division (C) (2) of this section; 30860

(4) Criteria for determining when an offender has 30861
successfully completed the program for purposes of division (D) 30862
(2) of this section; 30863

(5) Criteria for community treatment providers to provide 30864
assessment and treatment, including minimum standards for 30865
treatment. 30866

Sec. 5120.66. (A) Within ninety days after November 23, 30867
2005, but not before January 1, 2006, the department of 30868
rehabilitation and correction shall establish and operate on the 30869
internet a database that contains all of the following: 30870

(1) For each inmate in the custody of the department under 30871
a sentence imposed for a conviction of or plea of guilty to any 30872
offense, all of the following information: 30873

(a) The inmate's name; 30874

(b) For each offense for which the inmate was sentenced to 30875
a prison term or term of imprisonment and is in the department's 30876
custody, the name of the offense, the Revised Code section of 30877
which the offense is a violation, the gender of each victim of 30878
the offense if those facts are known, whether each victim of the 30879
offense was an adult or child if those facts are known, whether 30880
any victim of the offense was a law enforcement officer if that 30881
fact is known, the range of the possible prison terms or term of 30882
imprisonment that could have been imposed for the offense, the 30883
actual prison term or term of imprisonment imposed for the 30884
offense, the county in which the offense was committed, the date 30885
on which the inmate began serving the prison term or term of 30886

imprisonment imposed for the offense, and whichever of the 30887
following is applicable: 30888

(i) The date on which the inmate will be eligible for 30889
parole relative to the offense if the prison term or term of 30890
imprisonment is an indefinite term or life term with parole 30891
eligibility; 30892

(ii) The date on which the term ends if the prison term is 30893
a definite term; 30894

(iii) The date on which the inmate will be eligible for 30895
presumptive release under section 2967.271 of the Revised Code, 30896
if the inmate is serving a non-life felony indefinite prison 30897
term. 30898

(c) All of the following information that is applicable 30899
regarding the inmate: 30900

(i) If known to the department prior to the conduct of any 30901
hearing for judicial release of the defendant pursuant to 30902
section 2929.20 of the Revised Code in relation to any prison 30903
term or term of imprisonment the inmate is serving for any 30904
~~offense or any hearing for release of the defendant pursuant to~~ 30905
~~section 2967.19 of the Revised Code in relation to any such~~ 30906
~~term,~~ notice of the fact that the inmate will be having a 30907
hearing regarding a possible grant of judicial release ~~or~~ 30908
~~release,~~ the date of the hearing, and the right of any person 30909
pursuant to division ~~(J)~~ (I) of section 2929.20 ~~or division (H)~~ 30910
~~of section 2967.19 of the Revised Code, whichever is applicable,~~ 30911
to submit to the court a written statement regarding the 30912
possible judicial release ~~or release.~~ The department also shall 30913
post notice of the submission to a sentencing court of any 30914
recommendation for early-judicial release of the inmate 30915

submitted by the director of the department of rehabilitation 30916
and correction pursuant to division (O) of section 2967.19- 30917
2929.20 of the Revised Code, as required by that division ~~(E) of~~ 30918
~~that section.~~ 30919

(ii) If the inmate is serving a prison term pursuant to 30920
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 30921
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 30922
Code, prior to the conduct of any hearing pursuant to section 30923
2971.05 of the Revised Code to determine whether to modify the 30924
requirement that the inmate serve the entire prison term in a 30925
state correctional facility in accordance with division (C) of 30926
that section, whether to continue, revise, or revoke any 30927
existing modification of that requirement, or whether to 30928
terminate the prison term in accordance with division (D) of 30929
that section, notice of the fact that the inmate will be having 30930
a hearing regarding those determinations and the date of the 30931
hearing; 30932

(iii) At least sixty days before the adult parole 30933
authority recommends a pardon or commutation of sentence for the 30934
inmate, at least sixty days prior to a hearing before the adult 30935
parole authority regarding a grant of parole to the inmate in 30936
relation to any prison term or term of imprisonment the inmate 30937
is serving for any offense, or at least sixty days prior to a 30938
hearing before the department regarding a determination of 30939
whether the inmate must be released under division (C) or (D) (2) 30940
of section 2967.271 of the Revised Code if the inmate is serving 30941
a non-life felony indefinite prison term, notice of the fact 30942
that the inmate might be under consideration for a pardon or 30943
commutation of sentence or will be having a hearing regarding a 30944
possible grant of parole or release, the date of any hearing 30945
regarding a possible grant of parole or release, and the right 30946

of any person to submit a written statement regarding the 30947
pending action; 30948

(iv) At least sixty days before the inmate is transferred 30949
to transitional control under section 2967.26 of the Revised 30950
Code in relation to any prison term or term of imprisonment the 30951
inmate is serving for any offense, notice of the pendency of the 30952
transfer, the date of the possible transfer, and the right of 30953
any person to submit a statement regarding the possible 30954
transfer; 30955

(v) Prompt notice of the inmate's escape from any facility 30956
in which the inmate was incarcerated and of the capture of the 30957
inmate after an escape; 30958

(vi) Notice of the inmate's death while in confinement; 30959

(vii) Prior to the release of the inmate from confinement, 30960
notice of the fact that the inmate will be released, of the date 30961
of the release, and, if applicable, of the standard terms and 30962
conditions of the release; 30963

(viii) Notice of the inmate's judicial release pursuant to 30964
~~section 2929.20 of the Revised Code or release pursuant to~~ 30965
~~section 2967.19 of the Revised Code.~~ 30966

(2) Information as to where a person can send written 30967
statements of the types referred to in divisions (A) (1) (c) (i), 30968
(iii), and (iv) of this section. 30969

(B) (1) The department shall update the database required 30970
under division (A) of this section every twenty-four hours to 30971
ensure that the information it contains is accurate and current. 30972

(2) The database required under division (A) of this 30973
section is a public record open for inspection under section 30974

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.

(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 31004
upon by both the department and the youth and terminable by 31005
either. Services shall cease not later than when the youth 31006
reaches twenty-two years of age and shall not be construed as 31007
extending control of a child beyond discharge as described in 31008
section 5139.10 of the Revised Code. 31009

(B) The services provided by the program shall be offered 31010
to the youth prior to the youth's discharge date, but a youth 31011
may request and the department shall consider any such request 31012
for the services described up to ninety days after the youth's 31013
effective date of discharge, even if the youth has previously 31014
declined services. 31015

Sec. 5139.45. (A) As used in this section: 31016

(1) "Quality assurance committee" means a committee that 31017
is appointed in the central office of the department of youth 31018
services by the director of youth services, a committee 31019
appointed at an institution by the managing officer of the 31020
institution, or a duly authorized subcommittee of that nature 31021
and that is designated to carry out quality assurance program 31022
activities. 31023

(2) "Institution" means a state facility that is created 31024
by the general assembly and that is under the management and 31025
control of the department of youth services or a private entity 31026
with which the department has contracted for the institutional 31027
care and custody of felony delinquents. 31028

~~(2)~~ (3) "Quality assurance program" means a comprehensive 31029
program within the department of youth services to 31030
systematically review and improve the quality of ~~programming,~~ 31031
~~operations, education, comprehensive services, including but not~~ 31032

limited to, medical and mental health services within the 31033
department and the department's institutions, the safety and 31034
security of persons receiving care and services within the 31035
department and the department's institutions, and the efficiency 31036
and effectiveness of the utilization of staff and resources in 31037
the delivery of services within the department and the 31038
department's institutions. 31039

~~(3)~~(4) "Quality assurance program activities" means the 31040
activities of ~~the institution and the office of quality~~ 31041
~~assurance and improvement~~ a quality assurance committee, of 31042
persons who provide, collect, or compile information and reports 31043
required by ~~the office of quality assurance and improvement~~ a 31044
quality assurance committee, and of persons who receive, review, 31045
or implement the recommendations made by ~~the office of quality~~ 31046
~~assurance and improvement~~ a quality assurance committee. "Quality 31047
assurance program activities" include, but are not limited to, 31048
credentialing, infection control, utilization review including 31049
access to patient care, patient care assessments, medical and 31050
mental health records, medical and mental health resource 31051
management, mortality and morbidity review, ~~and~~ identification 31052
and prevention of medical or mental health incidents and risks, 31053
and other comprehensive service activities whether performed by 31054
~~the office of quality assurance and improvement~~ a quality 31055
assurance committee or by persons who are directed by ~~the office~~ 31056
~~of quality assurance and improvement~~ a quality assurance 31057
committee. 31058

~~(4)~~(5) "Quality assurance record" means the proceedings, 31059
records, minutes, and reports that result from quality assurance 31060
program activities. "Quality assurance record" does not include 31061
aggregate statistical information that does not disclose the 31062
identity of persons receiving or providing services in 31063

institutions. 31064

~~(B) The office of quality assurance and improvement is hereby created as an office in the department of youth services. The director of youth services shall appoint a managing officer to carry out quality assurance program activities.~~ 31065
The director of the department of youth services shall appoint a central office quality assurance committee consisting of staff members from relevant divisions within the department. The managing officer of an institution may appoint an institutional quality assurance committee. 31066
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(C) (1) Except as otherwise provided in division (F) of this section, quality assurance records are confidential and are not public records under section 149.43 of the Revised Code and shall be used only in the course of the proper functions of a quality assurance program. 31074
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(2) Except as provided in division (F) of this section, no person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall willfully disclose the contents of the records to any person or entity. 31079
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(D) (1) Except as otherwise provided in division (F) of this section, a quality assurance record is not subject to discovery and is not admissible as evidence in any judicial or administrative proceeding. 31084
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(2) Except as provided in division (F) of this section, no ~~employee of the office of quality assurance and improvement~~ member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial 31088
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or administrative proceeding with respect to a quality assurance 31093
record or with respect to any finding, recommendation, 31094
evaluation, opinion, or other action taken by the ~~office or~~ 31095
~~program or by the person within the scope of the quality-~~ 31096
~~assurance program~~committee, member, or person. 31097

(3) Information, documents, or records otherwise available 31098
from original sources shall not be unavailable for discovery or 31099
inadmissible as evidence in a judicial or administrative 31100
proceeding under division (D)(1) of this section merely because 31101
they were presented to ~~the office of quality assurance and~~ 31102
~~improvement~~a quality assurance committee. No person ~~who is an~~ 31103
~~employee of the office of quality assurance and improvement~~ 31104
testifying before a quality assurance committee or person who is 31105
a member of a quality assurance committee shall be prohibited 31106
from testifying as to matters within the person's knowledge, but 31107
the person shall not be asked about an opinion formed by the 31108
person as a result of the ~~person's quality assurance program~~ 31109
~~activities~~quality assurance committee proceedings. 31110

(E) (1) A person who, without malice and in the reasonable 31111
belief that the information is warranted by the facts known to 31112
the person, provides information to a person engaged in quality 31113
assurance program activities is not liable for damages in a 31114
civil action for injury, death, or loss to person or property as 31115
a result of providing the information. 31116

(2) ~~An employee of the office of quality assurance and~~ 31117
~~improvement~~A member of a quality assurance committee, a person 31118
engaged in quality assurance program activities, or an employee 31119
of the department of youth services shall not be liable in 31120
damages in a civil action for injury, death, or loss to person 31121
or property for any acts, omissions, decisions, or other conduct 31122

within the scope of the functions of the quality assurance program. 31123
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(3) Nothing in this section shall relieve any institution from liability arising from the treatment of a patient. 31125
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(F) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities or under the following circumstances: 31127
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(1) Persons who are employed or retained by the department of youth services and who have the authority to evaluate or implement the recommendations of ~~an institution or the office of quality assurance and improvement~~ a quality assurance committee; 31131
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(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to institutions or to perform monitoring of institutions as required by law; 31135
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(3) A governmental board or agency, a professional health care society or organization, or a professional standards review organization, if the records or testimony are needed to perform licensing, credentialing, or monitoring of professional standards with respect to medical or mental health professionals employed or retained by the department; 31139
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(4) A criminal or civil law enforcement agency or public health agency charged by law with the protection of public health or safety, if a qualified representative of the agency makes a written request stating that the records or testimony are necessary for a purpose authorized by law; 31145
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(5) In a judicial or administrative proceeding commenced by an entity described in division (F) (3) or (4) of this section 31150
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for a purpose described in that division but only with respect 31152
to the subject of the proceedings. 31153

(G) A disclosure of quality assurance records pursuant to 31154
division (F) of this section does not otherwise waive the 31155
confidential and privileged status of the disclosed quality 31156
assurance records. The names and other identifying information 31157
regarding individual patients or employees of ~~the office of~~ 31158
~~quality assurance and improvement~~ a quality assurance committee 31159
contained in a quality assurance record shall be redacted from 31160
the record prior to the disclosure of the record unless the 31161
identity of an individual is necessary for the purpose for which 31162
the disclosure is being made and does not constitute a clearly 31163
unwarranted invasion of personal privacy. 31164

Sec. 5147.30. (A) As used in this section, "prisoner" 31165
means any person confined in the county jail in lieu of bail 31166
while awaiting trial, any person committed to jail for 31167
nonpayment of a fine, or any person sentenced by a court to the 31168
jail. 31169

(B) A board of county commissioners, by resolution adopted 31170
by a majority vote of its members, may approve the establishment 31171
of a county jail industry program for its county in accordance 31172
with this section. 31173

(C) Upon the adoption by the board of the resolution 31174
described in division (B) of this section, a jail industry board 31175
shall be established, consisting of three voting members 31176
appointed by the board of county commissioners, three voting 31177
members appointed by the county sheriff, and one voting member 31178
appointed jointly by the board of county commissioners and the 31179
county sheriff. One of these voting members shall have knowledge 31180
of and experience in the social services, one in the field of 31181

labor, one in law enforcement, and one in business. The initial 31182
appointments to the jail industry board shall be made on the 31183
same date. Of the initial appointments, one by the board of 31184
county commissioners and one by the county sheriff shall be for 31185
terms ending one year after the date of appointment, two by the 31186
board of county commissioners and two by the county sheriff 31187
shall be for terms ending two years after that date, and the 31188
joint appointment shall be for a term ending three years after 31189
that date. Thereafter, terms of office for all appointed members 31190
shall be for three years, with each term ending on the same day 31191
of the same month as did the term that it succeeds. Any vacancy 31192
on the board shall be filled in the same manner as the original 31193
appointment. Any member appointed to fill a vacancy occurring 31194
prior to the expiration date of the term for which the member's 31195
predecessor was appointed shall hold office as a member for the 31196
remainder of that term. Any member shall continue in office 31197
subsequent to the expiration date of the member's term until the 31198
member's successor takes office, or until a period of sixty days 31199
has elapsed, whichever occurs first. 31200

The jail industry board, by majority vote, may appoint 31201
additional persons to serve as nonvoting members of the board. 31202

Each member of the jail industry board shall be reimbursed 31203
for expenses actually and necessarily incurred in the 31204
performance of the member's duties as a board member. The board 31205
of county commissioners, by resolution, shall approve the 31206
expenses to be reimbursed. 31207

(D) A jail industry board established under division (C) 31208
of this section shall establish a program for the employment of 31209
as many prisoners as possible, except those unable to perform 31210
labor because of illness or other health problems, security 31211

requirements, routine processing, disciplinary action, or other 31212
reasonable circumstances or because they are engaged in 31213
education or vocational or other training. The employment may be 31214
in jail manufacturing and service industries and agriculture, in 31215
private industry or agriculture that is located within or 31216
outside the jail, in public works, in institutional jobs 31217
necessary for the proper maintenance and operation of the jail, 31218
or in any other appropriate form of labor. The county shall 31219
attempt to employ, provide employment for, and seek employment 31220
for as many prisoners as possible through the program. The 31221
county is not required to provide employment for every 31222
employable prisoner when the available funds, facilities, or 31223
jobs are insufficient to provide the employment; however, a 31224
county that has a county jail industry program shall 31225
continuously seek sources of employment for as many employable 31226
prisoners as possible. 31227

(E) The jail industry program established under division 31228
(D) of this section shall do all of the following: 31229

(1) Establish a system for assigning prisoners to perform 31230
jobs, for periodically evaluating the job performance of each 31231
prisoner, and for periodically evaluating the qualifications of 31232
each prisoner for other jobs; 31233

(2) Attempt to provide jobs and job training for prisoners 31234
that will be useful to them in obtaining employment when 31235
released, except that institutional jobs at the jail need not be 31236
related to any previous employment of the prisoner or relevant 31237
to any job the prisoner intends to pursue after release from 31238
jail; 31239

(3) Establish an accounting system to administer and 31240
allocate the earnings of each prisoner. The accounting system 31241

may permit earnings to be used for payment of the employee taxes 31242
and workers' compensation of the prisoner, for reimbursing the 31243
county for room and board and for the expense of providing 31244
employment to the prisoner, for restitution to the victims of 31245
the prisoner's offenses if the prisoner voluntarily requests or 31246
is under court order to make restitution payments, for fines and 31247
court costs, for support of the dependents of the prisoner, and 31248
for an account for the prisoner. 31249

(4) Require all persons who employ prisoners to meet all 31250
applicable work safety standards. 31251

(F) The jail industry board, with the approval of the 31252
county sheriff, shall adopt rules for the establishment and 31253
administration of the jail industry program. The rules shall 31254
provide for all of the following: 31255

(1) A procedure for seeking the employment of prisoners in 31256
penal industries and agriculture, in private industry and 31257
agriculture located within or outside the county jail, in public 31258
works, in institutional jobs necessary for the proper 31259
maintenance or operation of the county's institutions, and in 31260
other appropriate forms of labor; 31261

(2) A system of compensation, allowances, hours, 31262
conditions of employment, and advancement for prisoners employed 31263
in any form of labor; 31264

(3) The regulation of the working conditions of prisoners 31265
employed in any form of labor; 31266

(4) An accounting system for the allocation of the 31267
earnings of each prisoner; 31268

(5) Any other rules on any subject that are necessary to 31269
administer the program or to provide employment for as many 31270

prisoners as possible. 31271

(G) In establishing and administering a county jail 31272
industry program, the board of county commissioners, upon the 31273
recommendation of the jail industry board and the county sheriff 31274
may do any of the following: 31275

(1) Enter into contracts with private industry, 31276
agriculture, and other organizations or persons, and receive 31277
grants to establish test work programs within or outside 31278
institutions under the control of the county; 31279

(2) Enter into contracts with private industry for the 31280
establishment of manufacturing and service industries within or 31281
near institutions under the control of the county for the 31282
employment of prisoners; 31283

(3) Enter into contracts with private industry, 31284
agriculture, and other organizations or persons to provide 31285
employment for prisoners; 31286

(4) Enter into any other contracts or perform any other 31287
functions that are necessary for the county jail industry 31288
program. 31289

(H) The jail industry program established under division 31290
(D) of this section shall be administered in accordance with any 31291
rules adopted by the jail industry board pursuant to division 31292
(F) of this section and with the following requirements: 31293

(1) The county sheriff at all times shall be responsible 31294
for the security and discipline of the prisoners in the program. 31295
~~the~~ The sheriff shall adopt a procedure for the discipline of a 31296
prisoner who violates the requirements of a job in the program, 31297
and the sheriff may remove a prisoner from the program if the 31298
sheriff determines that considerations of security or discipline 31299

require it. 31300

~~(2) When the sentence imposed on a prisoner includes a specification pursuant to division (E) of section 2929.24 of the Revised Code, authorizing the county sheriff to consider the prisoner for participation in the county jail industry program, the sheriff shall review the qualifications of the prisoner and determine whether the prisoner's participation in the program is appropriate.~~ 31301
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~~(3)~~ When making the initial job assignment for a prisoner whom the county sheriff has approved for participation in the program, the board shall consider the nature of the offense committed by the prisoner, the availability of employment, the security requirements of the prisoner, the prisoner's present state of mind, the prisoner's jail record, and all other relevant factors. When making the initial job assignment of a prisoner, the board shall attempt to develop the work skills of the prisoner, provide the prisoner rehabilitation, consider the proximity of the job to the prisoner's family, and permit the prisoner to provide support for the prisoner's dependents if the prisoner's earnings are sufficient to make that feasible. 31308
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~~(4)~~ (3) Each prisoner shall be required to perform satisfactorily the job to which the prisoner is assigned, be permitted to be absent from that job only for legitimate reasons, be required to comply with all security requirements, and be required to comply with any other reasonable job performance standards. 31320
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~~(5)~~ (4) A prisoner who violates the work requirements of any job shall be disciplined pursuant to the disciplinary procedure adopted by the county sheriff pursuant to division (H) (1) of this section. 31326
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Sec. 5149.101. (A) (1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including any prisoner described in section 2967.132 of the Revised Code. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.

(2) A victim of 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 victim's representative, or any person described in division (B) (5) of this section may request the board to hold a full board hearing that relates to the proposed parole or re-parole of the person that committed the violation. If a victim, victim's representative, or other person requests a full board hearing pursuant to this division, the board shall hold a full board hearing.

At least thirty days before the full hearing, except as otherwise provided in this division, the board shall give notice of the date, time, and place of the hearing to the victim regardless of whether the victim has requested the notification. The notice of the date, time, and place of the hearing shall not be given under this division to a victim if the victim has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the notice not be provided to the victim. At least thirty days before the full board hearing and regardless of whether the victim has requested that the notice be provided or not be provided under this division to the victim, the board shall give similar notice to the prosecuting attorney in the case, the law enforcement agency that arrested the prisoner if

any officer of that agency was a victim of the offense, and, if 31361
different than the victim, the person who requested the full 31362
hearing. If the prosecuting attorney has not previously been 31363
sent an institutional summary report with respect to the 31364
prisoner, upon the request of the prosecuting attorney, the 31365
board shall include with the notice sent to the prosecuting 31366
attorney an institutional summary report that covers the 31367
offender's participation while confined in a state correctional 31368
institution in training, work, and other rehabilitative 31369
activities and any disciplinary action taken against the 31370
offender while so confined. Upon the request of a law 31371
enforcement agency that has not previously been sent an 31372
institutional summary report with respect to the prisoner, the 31373
board also shall send a copy of the institutional summary report 31374
to the law enforcement agency. If notice is to be provided as 31375
described in this division, the board may give the notice by any 31376
reasonable means, including regular mail, telephone, and 31377
electronic mail, in accordance with division (D) (1) of section 31378
2930.16 of the Revised Code. If the notice is based on an 31379
offense committed prior to March 22, 2013, the notice also shall 31380
include the opt-out information described in division (D) (1) of 31381
section 2930.16 of the Revised Code. The board, in accordance 31382
with division (D) (2) of section 2930.16 of the Revised Code, 31383
shall keep a record of all attempts to provide the notice, and 31384
of all notices provided, under this division. 31385

The preceding paragraph, and the notice-related provisions 31386
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 31387
of section 2930.16, division (H) of section 2967.12, division 31388
(E) (1) (b) of section 2967.19 as it existed prior to the 31389
effective date of this amendment, division (A) (3) (b) of section 31390
2967.26, and division (D) (1) of section 2967.28 of the Revised 31391

Code enacted in the act in which this paragraph was enacted,	31392
shall be known as "Roberta's Law."	31393
(B) At a full board hearing that relates to the proposed	31394
parole or re-parole of a prisoner and that has been petitioned	31395
for or requested in accordance with division (A) of this	31396
section, the parole board shall permit the following persons to	31397
appear and to give testimony or to submit written statements:	31398
(1) The prosecuting attorney of the county in which the	31399
original indictment against the prisoner was found and members	31400
of any law enforcement agency that assisted in the prosecution	31401
of the original offense;	31402
(2) The judge of the court of common pleas who imposed the	31403
original sentence of incarceration upon the prisoner, or the	31404
judge's successor;	31405
(3) The victim of the original offense for which the	31406
prisoner is serving the sentence or the victim's representative	31407
designated pursuant to section 2930.02 of the Revised Code;	31408
(4) The victim of any behavior that resulted in parole	31409
being revoked;	31410
(5) With respect to a full board hearing held pursuant to	31411
division (A) (2) of this section, all of the following:	31412
(a) The spouse of the victim of the original offense;	31413
(b) The parent or parents of the victim of the original	31414
offense;	31415
(c) The sibling of the victim of the original offense;	31416
(d) The child or children of the victim of the original	31417
offense.	31418

(6) Counsel or some other person designated by the 31419
prisoner as a representative, as described in division (C) of 31420
this section. 31421

(C) Except as otherwise provided in this division, a full 31422
board hearing of the parole board is not subject to section 31423
121.22 of the Revised Code. The persons who may attend a full 31424
board hearing are the persons described in divisions (B)(1) to 31425
(6) of this section, and representatives of the press, radio and 31426
television stations, and broadcasting networks who are members 31427
of a generally recognized professional media organization. 31428

At the request of a person described in division (B)(3) of 31429
this section, representatives of the news media described in 31430
this division shall be excluded from the hearing while that 31431
person is giving testimony at the hearing. The prisoner being 31432
considered for parole has no right to be present at the hearing, 31433
but may be represented by counsel or some other person 31434
designated by the prisoner. 31435

If there is an objection at a full board hearing to a 31436
recommendation for the parole of a prisoner, the board may 31437
approve or disapprove the recommendation or defer its decision 31438
until a subsequent full board hearing. The board may permit 31439
interested persons other than those listed in this division and 31440
division (B) of this section to attend full board hearings 31441
pursuant to rules adopted by the adult parole authority. 31442

(D) If the victim of the original offense died as a result 31443
of the offense and the offense was aggravated murder, murder, an 31444
offense of violence that is a felony of the first, second, or 31445
third degree, or an offense punished by a sentence of life 31446
imprisonment, the family of the victim may show at a full board 31447
hearing a video recording not exceeding five minutes in length 31448

memorializing the victim. 31449

(E) The adult parole authority shall adopt rules for the 31450
implementation of this section. The rules shall specify 31451
reasonable restrictions on the number of media representatives 31452
that may attend a hearing, based on considerations of space, and 31453
other procedures designed to accomplish an effective, orderly 31454
process for full board hearings. 31455

Section 2. That existing sections 9.242, 9.79, 102.03, 31456
102.99, 109.11, 109.42, 109.57, 109.572, 109.71, 109.73, 109.75, 31457
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2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 2953.37, 2953.38, 31469
2953.52, 2953.521, 2953.56, 2953.57, 2953.58, 2953.59, 2953.61, 31470
2967.04, 2967.12, 2967.13, 2967.131, 2967.132, 2967.193, 31471
2967.26, 2967.28, 3321.141, 3770.021, 4301.69, 4301.99, 4506.01, 31472
4507.11, 4508.02, 4510.036, 4510.04, 4510.17, 4511.043, 31473
4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 4511.195, 31474
4511.204, 4511.21, 4511.991, 4723.28, 4729.16, 4729.56, 4729.57, 31475
4729.96, 4730.25, 4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 31476
4761.09, 4762.13, 4774.13, 4778.14, 5101.63, 5101.74, 5101.99, 31477
5120.035, 5120.66, 5139.45, 5147.30, and 5149.101 of the Revised 31478
Code are hereby repealed. 31479

Section 3. That sections 2941.1416, 2953.321, 2953.33, 31480
2953.35, 2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 31481
2967.19 of the Revised Code are hereby repealed. 31482

Section 4. (A) As used in this section, "interim period" 31483
means the period of time beginning on the effective date of this 31484
section and ending six months after the effective date of this 31485
section. 31486

(B) Notwithstanding any provision of law to the contrary, 31487
during the the interim period, a law enforcement officer may 31488
stop a motor vehicle operator for an action that is a violation 31489
of section 4511.204 of the Revised Code, as amended by this act. 31490
In lieu of issuing the person a ticket, citation, or summons, 31491
the law enforcement officer shall issue the person a written 31492
warning explaining the provisions of section 4511.204 of the 31493
Revised Code, as amended by this act. The written warning may 31494
notify the person of the specific date after the interim period 31495
when law enforcement officers are authorized to begin issuing 31496
tickets, citations, and summons for violations of section 31497
4511.204 of the Revised Code, as amended by this act. 31498

(C) After the interim period, a law enforcement officer 31499
may issue a ticket, citation, or summons for a violation of 31500
section 4511.204 of the Revised Code, as amended by this act. 31501

Section 5. The General Assembly, applying the principle 31502
stated in division (B) of section 1.52 of the Revised Code that 31503
amendments are to be harmonized if reasonably capable of 31504
simultaneous operation, finds that the following sections, 31505
presented in this act as composites of the sections as amended 31506
by the acts indicated, are the resulting versions of the 31507
sections in effect prior to the effective date of the sections 31508
as presented in this act: 31509

Section 109.42 of the Revised Code as amended by both H.B. 1 and S.B. 201 of the 132nd General Assembly.	31510 31511
Section 109.71 of the Revised Code as amended by H.B. 49, H.B. 79, and S.B. 229, all of the 132nd General Assembly.	31512 31513
Section 109.73 of the Revised Code as amended by both H.B. 24 and S.B. 68 of the 133rd General Assembly.	31514 31515
Section 2907.05 of the Revised Code as amended by both S.B. 201 and S.B. 229 of the 132nd General Assembly.	31516 31517
Section 2923.1213 of the Revised Code as amended by both H.B. 234 and S.B. 43 of the 130th General Assembly.	31518 31519
Section 2925.11 of the Revised Code as amended by S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General Assembly.	31520 31521
Section 2929.01 of the Revised Code as amended by H.B. 66 and H.B. 431, both of the 133rd General Assembly.	31522 31523
Section 2929.14 of the Revised Code as amended by both H.B. 136 and S.B. 256 of the 133rd General Assembly.	31524 31525
Section 2953.32 of the Revised Code as amended by H.B. 1, H.B. 431, and S.B. 10, all of the 133rd General Assembly.	31526 31527
Section 2967.193 of the Revised Code as amended by both S.B. 145 and S.B. 201 of the 132nd General Assembly.	31528 31529
Section 4301.69 of the Revised Code as amended by both H.B. 137 and S.B. 131 of the 126th General Assembly.	31530 31531
Section 4723.28 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.	31532 31533
Section 4730.25 of the Revised Code as amended by both H.B. 203 and H.B. 263 both of the 133rd General Assembly.	31534 31535

Section 4734.31 of the Revised Code as amended by H.B.	31536
151, H.B. 263, and H.B. 442, all of the 133rd General Assembly.	31537